

NATIONAL ARBITRATION PANEL

In the Matter of the Arbitration )

between )

UNITED STATES POSTAL SERVICE )

and )

AMERICAN POSTAL WORKERS UNION )

GRIEVANT:

Mail Processors  
Fargo, ND

CASE NO. H7C-4S-C 3749

BEFORE: Richard Mittenthal, Arbitrator

APPEARANCES:

For the Postal Service: Anthony W. DuComb  
Senior Attorney

For the APWU: Darryl J. Anderson  
Attorney

Place of Hearing:

Washington, D.C.

Dates of Hearing:

Oct. 21 and 22;  
Dec. 1 and 2, 1997

Date of Post-Hearing Briefs:

April 7, 1998

AWARD:

The grievance is granted.  
Mail Processors in Fargo should be "identified" as  
OCR Operators, pay level 5, and should be made  
whole for any loss of earnings they experienced  
since the filing of this grievance.

Date of Award: August 4, 1998.

  
Richard Mittenthal  
Arbitrator

## BACKGROUND

This grievance claims that Mail Processors in Fargo, North Dakota, a pay level 4 position, are doing the work of the OCR Operator, a level 5 position, and are therefore "entitled to have the identity of their position changed" to OCR Operator. APWU relies on Section 235 of the Employee & Labor Relations Manual (ELM) which permits employees to challenge the "salary level, title, or identification of their positions" through the grievance-arbitration procedure. The Postal Service insists that the grievants have been properly slotted in the Mail Processor position, that nothing in their work warrants re-identifying them as OCR Operators, and that APWU is in effect attacking the Mail Processor level 4 ranking established by Arbitrator Aaron in a 1985 national arbitration case. It asks that the grievance be denied.

Some history of mail processing and the positions in question is necessary to a full understanding of this dispute. Processing was originally a manual function. It later was largely mechanized and today is largely automated. The following account of automated processing is derived both from Arbitrator Aaron's award in Case No. H1C-NA-C 26 and from the lengthy record in the present case.

Optical character readers (OCRs) were first installed in 1968. Each OCR was apparently connected to a multi-position letter sorting machine. At the front of each OCR, there were two mail transport units (MTUs), each of which handled many thousands of pieces of mail per hour. The OCR was staffed by seven to nine employees: one loader, two feeders (one for each MTU), a "reject box" operator, and three to five sweepers. All of them were placed in a newly created position, OCR Operator, pay level 5.

The loader brought the mail into the area and placed it on the MTUs. The feeders kept the machines loaded after first "culling" the mail, that is, removing pieces that were too long, too thin, too large, and so on. The "reject operator" monitored the "reject box". The sweepers extracted mail from more than 300 labeled bins in back of the machine, the so-called sweep side, and placed the mail in trays with corresponding labels. They later, when a dispatch was called for, placed the appropriate trays on a conveyor or cart which moved them to the loading dock. They also made a quick spot check of handfuls of letters by "riffing", a process designed to catch major errors in the OCR separation of mail.

The OCR Operator position description reads as follows:

Functional Purpose:

Performs a variety of duties involved in the operation of the Optical Character Reader, including loading, sweeping-tying, feeding the transport units, and operating the reject stacker.

Duties and Responsibilities:

1. Maintains a constant flow of mail through the transport unit so empty spaces do not develop on the feed conveyors, requiring proper use of controls and indicators at the feed station.
2. Recognizes readable OCR mail and maintains adequate supply to both mail transports, properly orients mail when necessary.
3. Takes immediate corrective action when drum jams occur, clears minor jams, and is aware of which type jams should be cleared only by electronic technician mechanic, or supervisor.
4. Removes full trays from reject stackers and supplies empty trays as required. Removes empty trays from OCR area as necessary.
5. Picks up mail from doubles and output hoppers, trays all mail arriving at reject stackers, and alerts supervisor immediately of any high reject rate observed.
6. On basis of knowledge of sweeping and dispatch schedules, withdraws mail from bins, verifies as required. Empties full bins immediately.
7. Trays, loose packs, or ties out mail as required.
8. Notifies supervisor of excessive errors detected.
9. May be assigned to other mail processing duties as required.

Because of the relatively small quantity of letters it could handle, mainly large business mailers with machine-printed addresses, the OCR was never a major factor in the processing of mail. It was installed in only 21 facilities that had a sufficiently large volume of business mail to sustain a continuous OCR operation.

A number of significant changes occurred. In September 1978, Management announced its intention to expand ZIP codes from five to nine digits. And it began planning for a new generation of advanced automated OCRs to improve mail processing and delivery. By mid-1981, the Postal Service had received its first models of a new machine known as an optical character reader/channel sorter (OCR/CS). This machine reads the city, state, and ZIP code on the last line of an address and then automatically sprays onto the envelope, by means of an ink-jet printer, a combination of bar codes corresponding to the ZIP code. Another machine, a bar code sorter (BCS), then verifies that the bar code corresponds with the ZIP code read by the OCR/CS and apparently makes a preliminary sorting into 32 to 60 separations (channel stackers). Management anticipated that the OCR/OS would be able to process some 28,000 letters per hour and to read 60 to 90 percent of the mail fed into it. The subsequent step involves another machine, a bar code sorter (BCS), capable of sorting some 30,000 letters per hour into 100 different separations.

Together the new equipment promised far more efficient mail processing including the elimination of most of the multi-position letter sorting machines. While the old OCR had merely replaced one step in mail processing, the OCR/CS and BCS, along with the delivery bar code sorter (DBCS), comprise an entire network from origin to point of destination.

The OCR/CS began operations in 1982. Each machine was staffed by two employees, one at the load side and the other at the sweep side. Management placed these employees in a newly created position, Mail Processor, pay level 3.

The feeder and sweeper perform many of the same functions as the loader, feeder, and sweeper did on the old OCR. The feeder occasionally secures the mail to be processed. He culls the mail, places it on the machine (the MTUs), and tries to insure a continuous flow of mail through the machine. The sweeper extracts the mail from the many labeled separations (stackers) and places the mail from each stacker in trays with corresponding labels. He later puts

the trays on a conveyor or cart which moves them to the loading dock. Either employee clears jams on the machine and requests supervisory or maintenance help when needed. Because the new OCR/CS and BCS are so much faster and more reliable, these employees process a far larger volume of mail than was possible on the old OCR.

The Mail Processor position description reads as follows:

Functional Purpose:

Performs a combination of tasks to process mail using a variety of automated mail processing equipment.

Duties and Responsibilities:

1. Starts and stops the equipment.
2. Culls out non-processable items.
3. Loads mail on the transport unit for induction into the distribution system.
4. Clears jams not requiring the use of hand tools.
5. Sweeps mail from bins, separations, or runouts; rubber bands or ties as necessary; places mail into the trays, carts, racks, pouches, etc.
6. Notifies supervisor or maintenance when malfunctions occur.
7. Performs other job related tasks in support of primary duties.

APWU protested the pay level 3 ranking of this new Mail Processor position. It urged that the Mail Processor was "sufficiently similar to...the old OCR...Operator to warrant its being placed in...level 5." The Postal Service disagreed. This dispute was heard by Arbitrator Aaron at the national level. Some extended comments are necessary regarding the parties' arguments in that case and Aaron's decision in April 1985.

To begin with, the Postal Service compared the Mail Processor position to various key positions which were, for the most part, in pay level 3. APWU considered these comparisons inappropriate. It urged that the OCR Operator was a far better basis for comparison. Its view was accepted by Aaron who stated that the position description of the OCR Operator was "much closer" to that of the Mail Processor than any of the cited key positions. The Postal Service, however, insisted that notwithstanding the similarities of the position descriptions, OCR Operator was also an inappropriate comparison. It distinguished these positions on the ground that OCR Operators performed three tasks that Mail Processors do not perform: (1) pre-selecting machine readable mail and transporting it to the machine; (2) verifying or riffling the mail to check for accuracy; and (3) knowledge of dispatch schedules and being responsible for meeting such schedules. APWU seemed to accept as fact that these differences existed and argued instead that these duties "added little to the complexity of the OCR [Operator] position" and "were [not] the basis for [this position's] level 5 ranking."

Aaron thus did not appear to consider these duties to be part of the Mail Processor position. He observed that the two positions had similar duties and responsibilities but that because the Mail Processor operated far more sophisticated equipment, "he does not have as many purely mental functions to perform." However, he observed that the "ultimate responsibility" of the Mail Processor is "much greater" because the OCR/CS and BCS machines "comprise an entire distribution network and process a greatly increased volume of mail." He observed further that both positions appear to require the "same level" of physical effort. He supported these observations with detailed references to testimony from several witnesses and to the parties' post-hearing briefs.

Given the record before him, Aaron determined that the Postal Service's ranking of the Mail Processor position in pay level 3 was "patently unfair", that the Postal Service's judgment that level 5 was too high could not be said to be "equally unfair", that the choice between levels 4 and 5 was a "close one", that he was unwilling to "substitute [his] subjective judgment as to which of the two levels [was] appropriate for that of the Postal Service", and that therefore level 4 was the appropriate pay level for the Mail Processor.

Mail Processors filed the instant grievance as a "class action" in January 1988 in Fargo, North Dakota. They claim that they have been routinely called upon to perform certain duties, mainly, dispatching and verifying mail, which are outside the scope of the Mail Processor position and which are nowhere found in the Mail Processor position description. They insist that these additional duties have in effect transformed them into OCR Operators, that they are entitled under the ELM to have their position properly identified, and that they should now be placed in the OCR Operator position with back pay for any loss of earnings due to the mis-identification of their job.

The Postal Service contends this argument is without merit. It urges that Mail Processors spend 7 hours of their 7-1/2 hour day feeding and sweeping mail and the other incidental tasks set forth in their position description. It asserts that even if some Fargo Mail Processors are performing the additional duties stressed by the APWU, their "overall duties" fall well within the scope of their position description. It maintains too that none of these additional duties, even if performed, can be considered level 5 work. In its view, the grievance is "designed to circumvent the Aaron award and secure level 5 pay for level 4 work."

Finally, the delay in getting to the merits of this dispute is attributable in large part to the parties' earlier disagreement about the proper forum in which the grievance should be heard. APWU wanted the dispute heard in regional arbitration; the Postal Service wanted the dispute heard in national level arbitration. I decided that matter in November 1995, my award holding that the grievance belonged in national level arbitration.

#### DISCUSSION AND FINDINGS

Arbitrator Aaron was confronted in 1985 by a dispute over the "salary level" of the new Mail Processor position. Much of his opinion was devoted to a comparison of the Mail Processor and OCR Operator positions. Although he considered them to be quite similar, he obviously thought there were some differences. He noted, for instance, that the OCR Operator position demanded more mental effort while the Mail Processor position involved more responsibility. He held that the Mail Processor belonged in pay level 4 because level 3 was "patently unfair", because level 5 could not be said to be "equally unfair", and

because he did wish to substitute his judgment for that of Management where the choice between levels 4 and 5 was such a "close one."

APWU does not attack the Aaron award. It does not ask that the Mail Processor position be raised to level 5. Rather, its request is that the Mail Processors in Fargo be considered OCR Operators, level 5, on account of their performance of certain duties which Mail Processors were not expected to perform and which, when added to their regular duties, transform them into OCR Operators. It believes they have in effect become OCR Operators and should be so "identified." Its argument rests on Section 235 of the ELM which permits employees to "grieve the salary level, title, or identification of their positions through the Agreement's grievance-arbitration procedures." It alleges that there has been a mis-"identification" of these Mail Processors.

More specifically, APWU's essential claim in behalf of the grievants rests on the following propositions. First, it says that the Postal Service sought in the Aaron arbitration to differentiate the two positions on the ground that certain items of work were performed by the OCR Operator but not by the Mail Processor. Second, it says that Mail Processors in Fargo, contrary to expectations at the time of the Aaron award, are performing these very items of work and should therefore be considered OCR Operators since there are no longer any significant differences according to Management's own earlier standards. The items of work in question are: pre-selecting machine readable mail and transporting it to the machine; verifying or riffling the mail to check for accuracy; and knowledge of dispatch schedules and being responsible for meeting such schedules.

The Postal Service disagrees. It states that the grievants' work in Fargo is Mail Processor work rather than OCR Operator work and that their position is correctly "identified" as Mail Processor. It asserts that their overall duties do not warrant placement in the OCR Operator position. It urges that none of the tasks mentioned in the preceding paragraph can be regarded as level 5 work.

#### Selecting & Transporting Mail

OCR Operators brought mail to the machine, first checking to make sure it was machine-readable. That mail, however, was typically bulk business mail which had already been prepared, faced and trayed by the mailer. It was a



simple matter to determine its readability. Prior to feeding the mail into the machine, OCR Operators culled the letters to remove those which were too long, too large, and so on.

The Postal Service, in establishing the Mail Processor position, apparently did not contemplate that he would secure his own mail or check to make sure it was machine-readable. In Fargo, most of the mail is brought to the OCR/CS by a Mail Handler. There are occasions, however, when the Mail Processor must do this himself. That entails going to the staging area and securing the mail he needs for a given program on the machine. To do so, he has to check the tag or labels on the containers to make certain he has the correct mail. And a further check of the mail in the tray may be appropriate to insure he has the correct mail. On other machines, the BCS for instance, the Mail Handler parks the mail next to the machine and there is little, if any, checking required. The Mail Processor culls the mail before feeding it into the machine. And he weighs as much as 10 percent of the mail he handles.

Thus, pre-selection and transportation of mail play a far smaller role for Fargo Mail Processors than for OCR Operators. But the fact remains that these Mail Processors do spend some of their time selecting mail at staging points by checking tags or labels. This is confirmed by the Postal Service "Probationary Period Evaluation Reports" which are used to rate the progress of a probationary Mail Processor. These Reports state, under "Job Knowledge", that the Mail Processor is expected to "learn to properly weigh, record and identify various types of mail" and to "become familiar with staging points of various programs to be run on the machines."

It seems clear that Fargo Mail Processors, like OCR Operators, do "select and transport mail." They do not do as much of this as the OCR Operators but the similarities here seem larger than the differences. What is important is that this particular factor does not offer a compelling distinction between the two positions. In any event, these duties by themselves could not possibly have been a basis for a level 5 ranking.

#### Verifying and Riffling

An OCR Operator removes mail from the many stackers (separations) on the sweep side of his machine. He may then, as required or as appropriate, examine such mail for

errors in either of two ways. By riffling the mail, he checks to see that the mail is in the correct ZIP code by thumbing quickly along the side of a bundle of mail (or perhaps at a later stage going through a tray). By verifying, a task expressly set forth in his position description, he checks the proper destination of mail - the ZIP code or the addressee's name or perhaps some other feature.

The uncontradicted testimony in this hearing shows that Fargo Mail Processors riffle and verify. Consider mail destined for a particular customer's box section in a post office. That is referred to as a box holdout and some of these are treated as firm holdouts. In Fargo, mail directed to firm holdouts, primarily First Bank but evidently Blue Cross and Norwest as well, is checked by Mail Processors letter by letter to make sure they have the correct box numbers. At the same time, they check such mail for certified letter and postage due. This verification occurs during a two-hour period on one OCR/CS and during a two to two and one-half hour period on one BCS, both on tour 1. And, equally important, Mail Processors receive level 5 pay for the time they spend on such work pursuant to the higher level pay provisions of the Agreement.

Some verification for firm holdouts occurs on tours 2 and 3 as well although to a much lesser extent than on tour 1. Mail Processors, however, do not receive level 5 pay for the time they spend on such work. That suggests the verification on tours 2 and 3 is something different from what is described in the previous paragraph. They also pull from certain stackers letters destined for delivery within the post office building. To do that, they must know which route must be checked inasmuch as the stacker number changes each night and must know the route number of the building. All Mail Processors, regardless of route, riffle the mail when appropriate.

Thus, verification seems to be a regular, on-going part of the Fargo Mail Processor's job. The evidence plainly suggests that this verification is much the same as the verification done by the OCR Operator. Indeed, the payment of level 5 for the verification work on tour 1 reveals that some significant portion of this Mail Processor's time involves level 5 work. The Postal Service has treated such work as simply a higher level assignment, as work not really part of the Mail Processor position. That view, however, is not persuasive because the Mail Processor performs such verification every day on tour 1, perhaps to some extent on

the other tours. When a duty is routinely repeated in this fashion, there is good reason to regard it as part of the Mail Processor position.

#### Knowing & Meeting Dispatch Schedules

The OCR Operator position, according to the Postal Service's principal witness before Aaron, is required "to dispatch the mail according to prescribed dispatch schedules ..." and at some point in the past was required "to be capable of memorizing schemes." This scheme factor was not pursued in the instant arbitration. For, as APWU had occasion to point out in the Aaron case, position descriptions always include a reference to scheme knowledge when it is required, but the OCR Operator position description makes no mention whatever of scheme knowledge. The Postal Service here relied instead on the claim that the Mail Processor, unlike the OCR Operator, is not required "to dispatch the mail according to prescribed dispatch schedules ..."

The testimony indicates otherwise. Fargo Mail Processors, particularly on tour 1 but also on tour 3, know from supervisory instructions and from postings the dispatch times for the mail they are running. They know when the truck is to depart; they know how much more mail they have to process to meet the deadline. Sometimes they meet the deadline; sometimes they do not. But they are plainly made conscious of dispatch schedules and the need to honor them. All of this is plainly set forth in the "Probationary Period Evaluation Reports." The "Job Knowledge" criterion in the "Reports" states that the probationary Mail Processor must "become familiar with dispatch schedule to assist in ensuring programs are completed in a timely manner" and must "begin to rely on the knowledge...acquired and develop a sense of urgency to speed up operations." The "Task Performance" criterion states that the probationer must "begin taking initiative to progress from program to program without direction to assist in timely dispatch of programs."

Neither the Mail Processor nor the OCR Operator is engaged in actual "dispatching", that is, readying the mail for loading at the truck dock or loading into the truck for transportation. What is significant, however, is that the Fargo Mail Processor is expected "to dispatch the mail according to prescribed dispatch schedules..." In this respect, his job seems no different from the OCR Operator.

### Conclusion

The record shows that the reasons given by the Postal Service in the Aaron arbitration for distinguishing the Mail Processor from the OCR Operator simply do not exist in Fargo. There, Mail Processors appear to be doing the same work as the OCR Operator although on different equipment. It is true that Aaron held that the OCR Operator exercised greater mental effort because his OCR machine was far less sophisticated than the later OCR/CS. His conclusion was no doubt based in large part upon the then uncontested view that Mail Processors, unlike the OCR Operator, were not responsible for selecting and transporting mail, for verifying and riffling, and for knowing and meeting dispatch schedules. In Fargo, however, Mail Processors perform all of these duties. They are, as a practical matter, doing essentially the same work as the OCR Operator except that their equipment is the OCR/CS. To this extent, there has been a material change in Mail Processor positions in Fargo. True, a large majority of this particular Mail Processor's time is spent in feeding and sweeping mail. But that also appears to have been the case with the OCR Operator.

Under these circumstances, my conclusion is that the Mail Processor position in Fargo has been "misidentified." It should be placed in the OCR Operator position. This decision applies only to Fargo and applies only so long as Mail Processors in that city continue to perform these duties, namely, verifying mail and meeting dispatch schedules.

### AWARD

The grievance is granted. Mail Processors in Fargo should be "identified" as OCR Operators, pay level 5, and should be made whole for any loss of earnings they experienced since the filing of this grievance.

  
Richard Mittenenthal, Arbitrator