

## **WORKING OFF THE CLOCK**

Working off the clock was one of the issues thoroughly discussed during a recent National Board meeting. No one can say with certainty how many hours the practice of working off the clock contributes to the "bump" and to what degree Arbitrator Wells was influenced by the seemingly large gap between actual hours and standard hours. However, we can say with certainty that whatever the numbers are, this practice harms all rural carriers! Any time contributed to the bump by working off the clock, regardless of the amount, hinders the craft's ability to bargain for additional time and/or compensation. Although in the past we have been hesitant at all levels of this union to aggressively police our own, this craft no longer has the luxury of looking the other way when some of our fellow craft members work off the clock.

Therefore, the National Board will kickoff a campaign to rid the rural craft of this serious problem with an article in an upcoming issue of The National Rural Letter Carrier. We will be putting both craft members and management on notice that working off the clock will not be tolerated by the leadership of this union at any level.

Although electronic time keeping will soon be extended to rural delivery and eventually all rural carriers may no longer record time on the PS Form 4240, every hour that is worked off the clock has a negative impact on this craft. Negotiations for a new contract are just two years away. Every effort needs to be expended to ensure the accuracy of the relationship between work performed and actual hours recorded.

All craft members, not just State Stewards, Assistant State Stewards, Area, and Local Stewards, will be essential in the effort to eliminate the practice of working off the clock. As always there will be resistance by some, but we cannot be deterred from doing what serves the greater good. If the grievance procedure seems wanting in some circumstances, charges of unfair labor practices may have to be considered as a supplemental tool. This National Board is committed to using whatever means necessary to accomplish the mission. We all have a role to play. Let's begin.

The first step has been taken. During negotiations between the Postal Service and the National Rural Letter Carriers' Association an agreement was reached that a policy statement would be issued by the Postal Service regarding working off the clock. That policy statement was recently sent to the field by the Postal Service. Although the policy statement does not contain the strong language we would have preferred, it does offer a beginning. A copy of that policy statement appears in this issue of the "Steward Link."

The next step now rests with the members of our craft. It is going to be up to all of us to ensure that management follows through with the provisions of their policy statement.

In all likelihood, the first question that comes to everyone's mind is, "What should I do when I learn about or I see that someone is working off the clock?" If you have a Local Steward in your office, you should let that Local Steward know

immediately. If you are the Local Steward and a carrier makes you aware that

another carrier is working off the clock, what should you do? The first thing the Local Steward should do is approach the carrier who is working off the clock and make them aware that what they are doing is improper. Explain to the carrier they should be recording all time worked on the 4240. Then explain the ramifications of their actions and the possible consequences if they continue to work without properly documenting their time on the 4240. If there is no local steward in an office, any craft member can approach the carrier who is working off the clock and explain to them why they should not be working off the clock. If individual craft members are not comfortable doing this, they should contact an Area, Assistant, or State Steward and let him or her know what is taking place. The Certified Steward should make contact with the earner and explain the possible repercussions of their actions.

Once a steward becomes aware of carriers working off the clock, the steward has counseled the carrier, and the carrier continues to work without properly recording the hours, the steward should approach management. The steward should ask management to ensure that all hours worked are being recorded. According to the Fair Labor Standards Act (FLSA) of 1938 as revised, "Every employer subject to any provision of the Act or of any order issued under this Act shall, make, keep, and preserve such records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom (sic) to the Secretary as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder (sic)." To put this in everyday terms, it is the responsibility of the employer to ensure that all hours worked are accurately recorded.

If management fails to correct the problem or chooses to ignore the fact that hours are being worked and not recorded, it may become necessary to file a grievance to ensure compliance with the contract and FLSA. Before a grievance is filed, the steward might want to consider asking an Assistant State Steward or a State Steward to go to the Manager of Post Office Operations, or if necessary to the District Manager, to make them aware of the failure of their subordinates to comply with the contract and FLSA. By attempting to resolve the issue prior to initiating a grievance, the steward has put the manager on notice. If all the efforts of the steward to resolve the problem fail, the steward should file a grievance.

When filing a grievance regarding the issue of working off the clock, the steward needs to remember that the grievance is being filed against management for allowing employees to work without compensation. The grievance is not against the employee. Managers will often deny that they were aware of anyone working off the clock. This is not an acceptable excuse. Postal managers are the "employer" as defined by the Fair Labor Standards Act. As such, they are responsible for keeping accurate records of hours worked. When managers complete and certify the information on the time sheet (4240), they should be verifying that all the hours that have been worked are recorded accurately on the document before they certify it to be correct. Although carriers should be

accurately recording all hours worked, the ultimate responsibility to ensure that all hours worked are properly recorded rests with the employer.

To assist Local Stewards attempting to stop the practice of working off the clock,

the following scenarios will be used as the basis for sample grievances:

1. A carrier was allowed to report early without recording the correct time on the 4240.
2. A carrier was allowed to deliver parcels on his or her way home after having signed out for the day.
3. A carrier came into the office on a holiday to case mail and no time was recorded for the work performed.
4. A carrier came into the office on Sunday to case mail and no time was recorded for the work performed.