



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Greg Bell, Director
Industrial Relations
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Washington, DC 20005
202-842-4273 (Office)
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Initiate National Dispute

April 21, 2010

Sent Via Facsimile and First Class Mail

Mr. Doug Tulino
Vice President, Labor Relations
U.S. Postal Service, Room 9014
475 L'Enfant Plaza
Washington, D.C. 20260

Re: APWU No. HQTG20100162

National Executive Board

William Burrus
President

Cliff Guffey
Executive Vice President

Elizabeth "Liz" Powell
Secretary-Treasurer

Greg Bell
Director, Industrial Relations

James "Jim" McCarthy
Director, Clerk Division

Steven G. Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Bill Manley
Director, Support Services Division

Sharyn M. Stone
Coordinator, Central Region

Mike Gallagher
Coordinator, Eastern Region

John H. Dirzius
Coordinator, Northeast Region

William E. "Bill" Sullivan
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

Dear Mr. Tulino:

In accordance with the provisions of Article 15, Section 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute over the failure of the parties to develop the means to provide for the electronic inspection and review of documents, files and other records necessary for processing of grievances and/or determining whether a grievance exists, and/or for collective bargaining or the enforcement, administration or interpretation of the collective bargaining agreement. The issues and facts involved in this dispute are as follows:

Pursuant to Article 17 and Article 31 of the of the National Agreement, APWU representatives are entitled to access to review the documents, files and other records necessary for processing a grievance or determining if a grievance exists, and/or for collective bargaining or the enforcement, administration or interpretation of the collective bargaining agreement. Upon review and inspection by the union, a determination is made on whether its necessity to obtain copies of such information or to file or to continue the processing of a grievance.

During the 2006 contract negotiations, the parties discussed the Postal Service's increasing movement to electronic recording keeping. Specifically, the parties reached agreement to work out the means to provide APWU representatives with access for the electronic inspection and review of documents, files and other records necessary for processing of grievances and/or determining whether a grievance exists, and/or for collective bargaining or the enforcement, administration or interpretation of the collective bargaining agreement.

In the Memorandum of Understanding (MOU) Re: Electronic Access to Information, the parties entered into the following agreement:

[I]n recognition of the Postal Service's increasing movement to electronic record-keeping, within 30 days of the signing of this memorandum, the parties will convene a working group to include representatives from management and the union to work out a means to provide for the electronic inspection and review of documents, files and other records necessary for processing of grievances and/or determining whether a grievance exists, and/or for collective bargaining or the enforcement, administration or interpretation of the collective bargaining agreement. The working group will include the necessary technical experts and will meet as needed in order to implement this understanding.

Despite numerous and on-going meetings between the parties over the past several years, the parties have not reached agreement on the method or process that will be utilized to provide APWU representatives with access for the electronic inspection and review of documents, files and other records necessary for processing of grievances and/or determining whether a grievance exists, and/or for collective bargaining or the enforcement, administration or interpretation of the collective bargaining agreement.

It is the APWU's position that the failure of the parties to reach agreement on the means to provide access to APWU representatives for electronic inspection and review of documents, files and other records necessary for processing of grievances and/or determining whether a grievance exists, and/or for collective bargaining or the enforcement, administration or interpretation of the collective bargaining agreement constitutes a violation of the MOU and contract. The failure of the parties to reach agreement also deprives APWU's representatives their right to have access to inspect and review such information. In addition, such failure leads to the union being improperly charged by the Postal Service for information furnished.

Furthermore, we believe the Postal Service has not been bargaining in good faith. For example, since this MOU was negotiated in 2006, the Postal Service has accelerated its movement to electronic record-keeping, with the addition of the eOPF (Electronic Official Personnel Folder) initiative, and a new automated accident reporting system, among others.

In addition to these new systems and any that may be currently under development, there are other electronic record keeping systems that pre-date the MOU, but which have substantially and materially diminished the Union's access to, and right to inspect and review documents that existed when such information was maintained in hardcopy form. For example, the eRMS (Electronic Resource Management System); TACS (Time and Attendance System); the elimination of the P-1, Position Description handbook, and its replacement with an electronic database; the elimination of Safety Handbooks and their replacement with the Safety Toolkit, are all electronic systems for maintaining data that used to be readily available to the union for inspection and review to determine whether to file or to continue the processing of a grievance.

The Postal Service, since signing the MOU, has not proposed anything to implement the parties mandate to work out a means to provide for the electronic inspection and review of documents, files and other records necessary for processing of grievances and/or determining

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whether a grievance exists, and/or for collective bargaining or the enforcement, administration or interpretation of the collective bargaining agreement.

Article 15 of the collective bargaining agreement provides that within thirty (30) days after the initiation of a dispute the parties shall meet in an effort to define the precise issues involved, develop all necessary facts, and reach agreement. It is requested that you or your designee contact my office at 202-842-4273 to discuss this dispute at a mutually agreed upon date and time.

Sincerely,


Greg Bell, Director
Industrial Relations

GB/LB

APWU #: HQTG20100162

Dispute Date: 4/21/2010

Case Officer: Greg Bell

Contract Article(s): 31, MOU re: Electronic
Access

cc: Resident Officers
File