

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS:

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer U.S. Postal Service		b. Number of workers employed Approx. 700,000
c. Address street, city, state, Zip code) 475 L'Enfant Plaza, S.W. Washington, D.C. 20260-4100	d. Employer Representative John W. Dockins, Manager, Contract Administration	e. Telephone No. (202) 268-7488
f. Type of Establishment factory, mine, wholesaler, etc.) U.S. Mail	g. Identify principal product or service U.S. Mail	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		

Since on or about November 14, 2008, and continuing to date, the Postal Service has failed and refused to bargain in good faith with the American Postal Workers Union, AFL-CIO, about a nationwide initiative to reduce or eliminate operations or assignments on Tour 2 and to provide information concerning this initiative; and by providing false information concerning the existence of requested documentation.

By letter dated October 17, 2008, from William Burrus, President of the American Postal Workers Union, AFL-CIO, to Doug Tulino, Vice President, Labor Relations, the Charging Party requested information about the specifics, intent and rationale of any nationwide or region or district-wide program, plans or initiatives to eliminate or reduce Tour 2 operations and/or Tour 2 staffing." The Postal Service responded by letter dated November 14, 2008, from John W. Dockins, Postal Service Manager of Contract Administration, to President Burrus. The Postal Service's letter of November 14, 2008, did not satisfy its obligation to bargain in good faith and to provide the Union with the requested information necessary to bargain and/or determine whether such initiatives constitute a violation or mid-term modification of the collective bargaining agreement.

Injunctive relief under Section 10(j) is requested. The Board should seek contempt sanctions based on orders in like or related cases enforced by courts of appeals. The Region should set aside all settlement agreements in which the Postal Service agreed to avoid future violations of the Act in like or related cases.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act and the Postal Reorganization Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number) American Postal Workers Union, AFL-CIO (attn: Greg Bell, Director of Industrial Relations)	
4a. Address (street and number, city, state, and ZIP code) 1300 L Street, N.W. Washington, D.C. 20005	4b. Telephone No. (202) 842-4273
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) AFL-CIO	

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Anton Hajjar, Attorney
(signature of representative or person making charge) O'Donnell, Schwartz & Anderson, PC (title if any)
Address 1300 L Street, N.W. (202) 898-1707 November 25, 2008
Washington, D.C. 20005 (Telephone No.) (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U. S. CODE, TITLE 18, SECTION 1001)



November 14, 2008

Mr. William Burrus
President
American Postal Workers Union,
AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4304

Sent by Certified Mail
Tracking #: 7002 0860 0006 9347 8330

Dear Bill:

Re: IR08-58, Elimination or Reduction of Tour 2 Operations and/or Staffing

This letter is in response to your letter dated October 17 to Vice President, Labor Relations, Doug Tulino. In your letter, you assert that the Postal Service is "considering or is in the process of implementing a nationwide program establishing a two tour operation, which is intended to eliminate or greatly reduce existing Tour 2 assignments, operations and staffing." You indicate that the Union has received no notification of such a program, and as such, such an initiative would constitute a violation of the collective bargaining agreement and/or the Postal Service's obligation to bargain with the Union. In your letter, you have requested that the Union be supplied with documentation detailing the specifics of such a program, as well as, a briefing by Postal Service managers with knowledge of the initiative upon the Union's receipt of the documentation.

While the Postal Service is reviewing various options designed to improve operational efficiencies in light of decreased mail volume, the Postal Service has not implemented the nationwide program you suggest. Rather, operations will be reviewed on a site-by-site basis and any action taken to improve operational efficiencies will be based on local circumstances. Because of the decrease in mail volumes, many facilities are under utilized resulting in operational gaps and inefficiencies. As those gaps and inefficiencies are identified and eliminated, the work may be compressed to better match operational windows. Consequently, the work flow may change and employees will follow the work. Any movement or reassignment of employees would be made pursuant to the relevant provisions of the collective bargaining agreement.

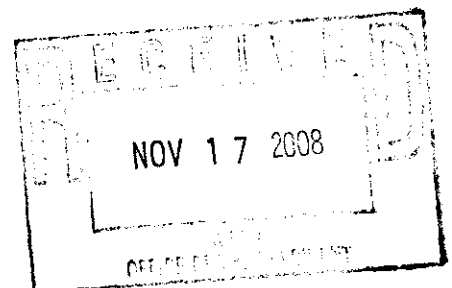
Regarding your request to produce documentation regarding any "nationwide or region or district-wide program, plans or initiatives to eliminate or reduce Tour 2 operations and/or Tour 2 staffing," no such documentation exists. As previously described, any changes made will be done on a site-by-site basis based on local circumstances and in compliance with the collective bargaining agreement.

If you have any questions or concerns, please contact Patrick Devine at (202) 268-5421.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Dockins".

John W. Dockins
Manager
Contract Administration (APWU)





American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

October 17, 2008

William Burrus
President
(202) 842-4246

Doug Tulino, Vice President
Labor Relations
US Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260

National Executive Board

William Burrus
President

Chf "C.L." Guffey
Executive Vice President

Terry E. Stapleton
Secretary-Treasurer

Greg Bell
Industrial Relations Director

James "Jerr" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Sharon M. Stone
Coordinator, Central Region

Mike Gallagher
Coordinator, Eastern Region

Elizabeth "Liz" Powell
Coordinator, Northeast Region

William E. "Bill" Sullivan
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

Dear Mr. Tulino:

It has come to our attention that the Postal Service is considering or is in the process of implementing a nationwide program establishing a two (2) tour operation, which is intended to eliminate or greatly reduce existing Tour 2, assignments, operations and staffing. We have no records of receiving any type of notification from the Postal Service concerning this matter, which directly relates to wages, hours or working conditions of APWU bargaining unit employees. Depending on the specifics, extent and rationale of these plans, such an initiative may constitute a violation or a mid-term modification of the National Agreement or a violation of the Postal Service's obligation to bargain with the Union.

The Union requests production of documentation on an expedited basis disclosing the specifics, extent and rationale of any nationwide or region or district-wide program, plans or initiatives to eliminate or reduce Tour 2 operations and/or Tour 2 staffing. As soon as the Union has received this information, the Union requests a briefing by the Postal Service, and requests that the briefing include managers with knowledge of the plans or initiatives.

Please contact me at (202) 842-4250 with any questions you may have about this matter.

Sincerely,

William Burrus
President

WB:RB/rf
opeiu#2, afl-cio