

Q00C-4Q-C07006778

HQ TG 2006 13

American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
202-842-4273 (Office)
202-371-0992 (Fax)

October 20, 2006

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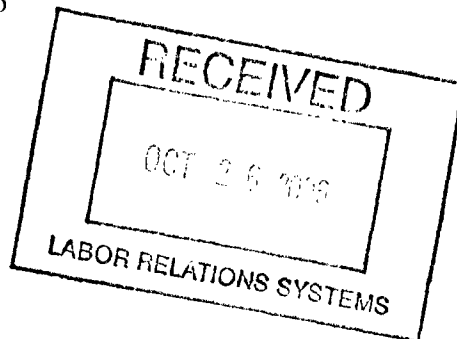
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Northwest Region

Frankie L. Sanders
Southern Region

Omar M. Gonzalez
Western Region

Via Facsimile and First Class Mail

Mr. Doug Tulino, Vice President
Labor Relations
United States Postal Service
475 L'Enfant Plaza, SW, Room 9014
Washington, DC 20260-4100



Dear Mr. Tulino:

In accordance with the provisions of Article 15, Sections 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts involved are as follows:

On May 5, 2006, Ms. Susan Carney, APWU Human Relations Director, wrote to the Postal Service expressing our belief that an employee's seniority should be an integral part of the Postal Service's "Reassessment Process". Specifically, the decision making process regarding the availability of medically suitable employment for groups of injured employees should be conducted by order of seniority (from most senior to least senior).

Your letter of July 26, 2006, informed Ms. Carney that OPM restoration regulations do not allow certain employees to be considered as having more of a priority for restoration over a less senior employee. We disagree with the Postal Service's position that OPM regulations specifically prohibit any application of employee seniority when making modified assignments.

Actually, OPM regulations state that every effort should be made to restore partially recovered individuals "according to the circumstances in each case". It is the position of the APWU, without prejudice to our position regarding the Postal Service "Reassessment Process", that if two or more partially recovered employees are undergoing reassessment in the same time period, then an employee's seniority is a legitimate circumstance for consideration when making a job offer.

Step 4 - Direct Appeal

K. Rachel
A. Johnson
J. Dockins
M. Hercules (with case file)

Copy to: Union, Binder



Also, it is well established that when accommodating employees with medical restrictions agencies should avoid violating seniority provisions of a collective bargaining agreement.

In the APWU/USPS Collective Bargaining Agreement (CBA) the principles of seniority are established in the craft Articles (except as specifically provided in Article 12), and these craft Articles establish that the seniority rules apply to all employees when a guide is necessary for filling vacant assignments and for other purposes.

Section 546.21 ("Compliance") of the *Employee and Labor Relations Manual (ELM)* states that reassignment or reemployment of employees injured on duty must be in compliance with applicable collective bargaining agreements, and that individuals so reassigned or reemployed must receive all appropriate rights and protection under the collective bargaining agreement.

It is the position of the APWU, without prejudice to our position regarding the Postal Service "Reassessment Process", that when two or more employees who have been injured on duty are being considered for reassignment or reemployment during the same time period, the Postal Service, in order to be in compliance with the CBA, must conduct the interactive evaluation and job offer process in order of seniority (most senior to least senior).

Article 15 provides that within thirty days after initiation of a dispute the parties shall meet in an effort to define the precise issues involved, develop all necessary facts and reach an agreement.

Please contact Susan Carney, case officer, to discuss this dispute at a mutually scheduled time.

Sincerely,


Greg Bell, Director
Industrial Relations

GB/SC:cc
OPEIU#2
AFL-CIO

cc: Sue Carney, Director, Human Relations



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Appeal to Arbitration, National Dispute

April 15, 2008

Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
(202) 842-4273 (Office)
(202) 371-0992 (Fax)

VIA FACSIMILE AND REGULAR MAIL

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



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Sharyn M. Stone
Central Region Coordinator

Mike Gallagher
Eastern Region Coordinator

Elizabeth "Liz" Powell
Northeast Region Coordinator

William "Bill" Sullivan
Southern Region Coordinator

Omar M. Gonzalez
Western Region Coordinator

Re: USPS Dispute No. Q00C4QC07006778, APWU No. HQTG200613
Failure to Use Craft Seniority in the National Reassessment Process

Dear Mr. Tulino:

Please be advised that pursuant to Article 15, Sections 2 and 4, of the Collective Bargaining Agreement, the APWU is appealing the above referenced dispute to arbitration.

Sincerely,

Greg Bell
Greg Bell, Director
Industrial Relations

USPS #: Q00C4QC07006778
APWU #: HQTG200613

Case Officer: Sue Carney
Step 4 Appeal Date: 10/20/2006
Contract Article(s): 13, Assignment of
Partially Recovered Employees - Application
of Seniority;

cc: Resident Officers
Industrial Relations

File

GB/eac



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Article 15 - 15 Day Statement of Issues and Facts

March 31, 2008

Susan M. Carney
Human Relations Director
(202) 842-4270 (Office)
(202) 216-2634 (Fax)

Via Facsimile and First Class Mail

Mary Hercules
Labor Relations Specialist
U.S. Postal Service, Room 9142
475 L'Enfant Plaza
Washington, D.C. 20260-4125

National Executive Board

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Western Region Coordinator

Re: APWU No. HQTG200613, USPS No. Q00C4QC07006778

Dear Ms. Hercules:

Meetings on the above referenced dispute were held between the parties on numerous dates in accordance with Article 15 of the Collective Bargaining Agreement. Article 15, Section 2 (Step 4) provides that if the parties fail to reach an agreement, then within fifteen days of the meeting each party shall provide each other with a statement in writing of its understanding of the issues involved, and the facts giving rise to the dispute.

The following is the APWU's statement of issues and facts concerning this dispute.

The position of the APWU, without prejudice to our position regarding the Postal Service "Reassessment Process", is as follows:

If two or more employees, who have been injured on duty and are now partially recovered, are being considered for reassignment or reemployment during the same time period, the Postal Service, in order to be in compliance with the CBA, must conduct the interactive interview and job offer process in order of craft seniority (most senior to least senior.);

In the APWU/USPS Collective Bargaining Agreement (CBA) the principles of seniority are established in the craft articles (except as specifically provide in Article 12), and these craft articles establish that the seniority rules apply to all employees when a guide is necessary for filling vacant assignments and for other purposes. Failure to use seniority rules in making the referenced reassignments is a violation;

Section 546.21 ("Compliance") of the *Employee and Labor Relations Manual* (ELM) states that reassignment or reemployment of employees injured on duty must be in compliance with applicable collective bargaining agreements, and that individuals so reassigned or reemployed must receive all appropriate rights and protection under the collective bargaining agreement. The application of craft seniority rules is an appropriate right and protection;

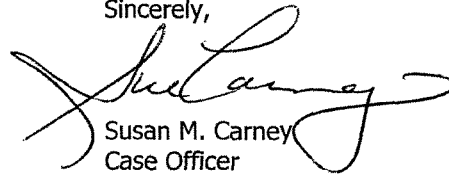
Section 546.142 ("Obligation") of the ELM states that in making such a reassignment or reemployment, the Postal Service "should minimize any adverse or disruptive impact on the employee." The loss of craft seniority rights constitutes an adverse and disruptive impact;

Applicable OPM regulations establish that every effort should be made to restore partially recovered employees "according to the circumstances in each case". Certainly, an employee's craft seniority is such a circumstance;

Additionally, external law has established that when accommodating employees with medical restrictions the agencies should avoid violating seniority provisions of a collective bargaining agreement.

Please contact me if you wish to discuss this matter.

Sincerely,



Susan M. Carney
Case Officer

APWU #: HQTG200613
USPS #: Q00C4QC07006778

Dispute Date: October 20, 2006
Contract Articles: 13, Assignment of
Partially Recovered Employees -
Application of Seniority

cc Industrial Relations

SC / eae