



American Postal Workers Union, AFL-CIO

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Initiate National Dispute

May 5, 2009

Via Facsimile and First Class Mail

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

Re: APWU No. HQTG20097, Planned Revisions of Publication 156, *Postal Employee Guide To Contract Postal Units*; and Replacement of Handbook AS-707-F, *Contracting for Contract Postal Units* with *Publication 156*

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.

The issues and facts involved in this dispute are as follows: By letter dated April 24, 2009, the Postal Service informed the APWU of the following:

"As a matter of general interest, the Postal Service plans revision to Publication 156, *Postal Employees Guide to Contract Postal Units*. This publication provides guidance for those responsible for implementation and administration of Contract Postal Units. This revised publication includes provisions of Handbook AS-707-F, *Contracting for Contract Postal Units* and replaces that handbook."

However, a review of the information forwarded to the Union indicates that the Postal Service has failed to furnish the Union with each proposed change, a narrative explanation of its purpose and impact on employees, and any documentation concerning the proposed change from the manager(s) who requested the change addressing its purpose and effect. The Postal Service takes the position that the planned revisions to Publication 156, *Postal Employees Guide to Contract Postal Units* do not directly relate to wages, hours, or working conditions.

It is the APWU position that the provisions of Handbook AS-707-F, *Contracting for Contract Postal Units* are utilized in regard to the enforcement, administration and/or interpretation of the collective bargaining agreement, and

have been the subject of disputes at both the field and national level. It is APWU position that the Postal Service has unilaterally made revisions, replaced or renamed the Handbook AS-707-F, in an attempt to circumvent its obligation under the collective bargaining agreement. Furthermore, contrary to the Postal Service assertion of alleged planned revisions of Publication 156, there is no record of any Publication 156 to be revised.

It is the APWU position that the planned revisions of Publication 156, and the replacement of Handbook AS 707-F with Publication 156 are in conflict with, and violate, previous national level settlements and the collective bargaining agreement. In addition, there are two pending national disputes (one initiated by the Postal Service and one initiated by the APWU) over whether or not a Contract Postal Unit can be placed in a leased facility. The unilateral discontinuance of Handbook AS-707F and the issuance of planned revisions of Publication 156 directly relate to, and impact, the issues in dispute in the above-referenced cases.

The APWU also contends that the planned revisions to Publication 156 directly relate to wages, hours or working conditions within the meaning of Article 19 of the National Agreement. Therefore, the Postal Service is required to provide the Union with proper notification pursuant to Article 19 of National Agreement.

As you are aware, Article 19 of the National Agreement includes the following obligation and requirement regarding notices of proposed changes to handbooks, manuals or published regulations of the Postal Service that directly relate to wages, hours, and working conditions, as they apply to employees covered by the National Agreement, before such changes can be issued:

The employer will furnish the union with the following information about each proposed change: a narrative explanation of the purpose and the impact on employees, and any documentation concerning the proposed change from the manager who requested the change, addressing its purpose and effect.

However, the Postal Service failed and refused to furnish the APWU with each proposed change, a narrative explanation of its purpose and impact on employees, and any documentation concerning the proposed change from the manager(s) who requested the change addressing its purpose and effect.

It is the APWU position that the union is entitled to be furnished with the above-referenced information as a "matter of contractual obligation and requirement" pursuant to the notification provisions of Article 19 of the National Agreement, and not as a matter of general interest.

It is requested that this information be provided immediately. As you know, the Postal Service is required to furnish this information at least sixty (60) days before it can issue any proposed changes that directly relate to wages, hours or working conditions, as they apply to employees covered by the National Agreement. Furthermore, the Postal service is obligated to justify why such a change is necessary if it is to satisfy Article 19 requirement that the change be fair, reasonable and equitable.

May 5, 2009

Page 3

Without prejudice to the APWU's position regarding the Postal Service's failure and refusal to furnish the required information concerning notices to the APWU, upon receipt and review of this information to the Union, if the Union elects to request a meeting, the meeting must be attended by manager(s) who are knowledgeable about the purpose of the proposed change and its impact on employees.

Please be advised that it is the APWU's position that the Postal Service has refused to deal in good faith by its continued failure and refusal to furnish the APWU with each proposed change in the above-referenced handbooks, manuals, or published regulation(s), and with a narrative explanation of its proposed change from the manager(s) who requested the change addressing its purpose and effect. The Postal Service's action violates the parties' collective bargaining agreement and constitutes an unfair labor practice.

It is also the Union's position that any attempt to issue any proposed changes without furnishing the APWU with the above-referenced notification information required to Article 19, at least sixty (60) days prior to being issued, constitutes a clear case of willful violation of our collective bargaining agreement.

Please contact Cliff Guffey, case officer, to discuss this dispute at a mutually scheduled time.

Sincerely,


Greg Bell, Director
Industrial Relations

GB/bw

APWU #: HQTG20097

Dispute Date: 05/05/09

Case Officer: Cliff Guffey

Contract Article(s): Article 19

cc Resident Officers
File