

LABOR RELATIONS



June 20, 2011

Mr. Greg Bell
Executive Vice President
American Postal Workers
Union, AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

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Dear Greg:

This letter responds to your May 10 letter for "the supporting data used for the initial considerations that is available at the time the preliminary determination is made to conduct an AMP [Area Mail Processing] feasibility study." Your letter also requests "that the APWU be provide[d] a copy of the available AMP feasibility studies prior to public meetings and before a final decision is made." In addition, you requested at our June 2 meeting to receive unredacted copies of AMP Post Implementation Reviews (PIRs).¹

Data Supporting the Initial Consideration Analysis

The APWU's first request seeks disclosure of the data supporting the initial consideration analysis (but not the analysis itself) set forth in Section 2-3.2 of Handbook PO-408 at the time the area determines whether to proceed with an AMP feasibility study under Section 2-3.4. The information consists of data on all service standard impacts including type of distribution to consolidate, and ZIP Code pairs for facilities under consideration (Section 2-3.2). At our June 2 meeting, you said that the way Handbook PO-408 is written makes it sound as if something akin to a pre-study is required to be conducted. That is not the case. Though local managers produce an analysis of the initial considerations, the Postal Service does not require local management to record any data regarding the initial considerations. The document you seek is not necessarily produced.

The relevance of supporting data to the Union's responsibilities as the unit employees' collective representative is not apparent because of the very early stage that the initial considerations are made and because the topics considered, e.g., the impact on service, are not mandatory subject of bargaining, and concern topics about which the parties have already bargained, so no further bargaining is required. In addition, disclosure at

¹ As you are aware, the Postal Service is not required to bargain with the APWU in order to make the operation more efficient by, e.g., conducting and implementing AMPs. See *APWU and U.S. Postal Service*, Case no. Q06C-4Q-C 09051887 (July 27, 2010). In addition, the Postal Service and the APWU have comprehensively bargained over the impacts of the AMP process on workers represented by the Union by, e.g., including layoff protection in the contract, uniform nation-wide wage rates, and agreeing to relocate employees excess to operations. This letter only addresses your requests for information.

this early stage would likely subject any internal discussions within management at various levels to disclosure while those discussions are ongoing and proposals are subject to change. As the AMP process proceeds, the data considered by management changes and is expanded. The APWU is not entitled to participate in internal management discussions on topics that have no apparent relevance to the Union's responsibilities.

We believe the early disclosure would also complicate the decision-making process and likely delay timely action by including additional participants in the internal management decision-making process. As you know, the Postal Service is experiencing severe deficits and we project that if nothing changes, the Postal Service will hit its borrowing ceiling and run out of cash in fiscal year 2012. As important as timely action on AMPs has always been, the Postal Service's extremely poor financial position heightens management's interest in an efficient AMP process. For these reasons, as a general matter, we do not think that the disclosure of the data supporting the analysis of the initial considerations would be required or prudent. In general, the Postal Service considers the data provided before the public meeting to be sufficient at that early stage in the process.

Disclosure of the AMP Feasibility Study before the Public Meeting

You also requested "that the APWU be provide[d] a copy of the available AMP feasibility studies prior to public meetings and before a final decision is made." However, your letter incorrectly states that the AMP feasibility study is completed and available before the public input meetings. The AMP feasibility study is ongoing at the time the public meetings are held. A study is not final until after the public meeting and public input following the meeting have been received and reviewed by Postal Service Operations and the Consumer Advocate. The public comments are considered before the AMP study is finalized and approved at Headquarters. The analysis and data are subject to change throughout the process. For these reasons, the AMP study is incomplete and ongoing until after the Postal Service receives comments from the public. It would, therefore, be premature to disclose any study information before it has been approved or disapproved.

If you believe the Postal Service is obligated to disclose the AMP feasibility study before it is completed, please explain in writing the basis of your assertions.

Disclosure of Unredacted Data in the Post Implementation Review

At our June 2 meeting, you requested that the Postal Service provide the APWU with unredacted copies of the Post Implementation Reviews (PIR). A PIR contains nearly the same categories of information as a final AMP but the focus is on comparing the operations and savings at both the gaining and losing facilities before and after the implementation of the AMP. The Postal Service is willing to provide nearly all of this information without redaction. However, as discussed, like AMPs, PRIs contain disaggregated facility-specific product-specific volume data (and corresponding data from which those volumes could be deducted) that would aid competitors to take volume from the Postal Service. Aggregate volume data suitable for public disclosure are already included in the overall volumes provided to the Union.

It is not apparent how the requested disaggregated data would assist the APWU in representing employees for whom it bargains. In addition, we are concerned that a non-disclosure agreement, which was briefly discussed at the June 2 meeting, would not effectively address concerns about this confidential data.

Instead of providing unredacted PIRs, we would propose generally providing PIRs to the APWU on request following the current practice of providing final AMP studies, i.e., with redactions to the confidential data it contains. To the extent the APWU requests that AMP studies generally be provided without any redactions, in general, the Postal Service believes it is appropriate to provide the redacted AMP study for the same reasons that the Postal Service believes the information should generally be redacted from PIRs. If that approach would not be acceptable to the APWU, please explain the basis for the APWU's demand for the confidential information and the relevance of the redacted data to the Union's representational responsibilities.

If there are any further concerns or questions, please feel free to contact Jacqueline Adona at (202) 268-3800.

Sincerely,



Patrick M. Devine
Acting Manager
Contract Administration (APWU)