



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

William Burrus
President
(202) 842-4246

Initiate National Dispute

December 16, 2008

Via Facsimile and First Class Mail

National Executive Board
William Burrus
President

Cliff "C.J." Guffey
Executive Vice President

Terry R. Stapleton
Secretary-Treasurer

Greg Bell
Industrial Relations Director

James "Jim" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Sharyn 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

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

Re: APWU No. HQTG200819

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 protesting the relocation and reassignment of employees through the two-tour initiative and related initiatives in violation of Article 12, Section 4, of the National Agreement.

Representatives of the union and postal management met at the national level on December 10, 2008, during which the employer provided the union a briefing on its two-tour operation initiative and the involvement of headquarters postal officials. The briefing, including USPS documents provided to the union, indicates that management has initiated a "major relocation of employees" through the two-tour operation initiative, reassigning a majority of day shift Tour 2 employees to other tours.

The major reduction and relocation of employees on Tour 2 is a significant change to the three-tour operation that has been in existence for over 200 years, with Tour 2 being the most sought after hours of work for the most senior employees.

Through the premature implementation of the program, APWU bargaining unit employees have been "relocated and reassigned" in violation of the "at least 90 day advance notice at the national level and 6 months at the Regional level" provisions required by the agreement.

Doug Tulino
Page Two -- December 16, 2008

The union requests that all employees improperly reassigned be returned to their assignments and be made whole. In addition, notwithstanding the union's challenge to the elimination of Tour 2 in this or other forums, the union requests that no Tour 2 employees be reassigned to other Tours or duty assignments until the advance notice period has been satisfied.

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 202-842-4250 to discuss this dispute at a mutually agree upon date and time.

Sincerely,



William Burrus
President

cc: Resident Officers

WB/bw
opeiu#2, afl-cio



American Postal Workers Union, AFL-

1300 L Street, NW, Washington, DC

Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
202-842-4273 (Office)
202-331-0992 (Fax)

Initiate National Dispute

December 16, 2008

Via Facsimile First Class Mail

National Executive Board

William Burrus
President

Cliff Guffey
Executive Vice President

Terry R. Stapleton
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

Elizabeth "Liz" Powell
Coordinator, Northeast Region

William E. "Bill" Sullivan
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

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

Re: APWU No. HQTG200820

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 Postal Service's nationwide two-tour initiative program, which is intended to eliminate or greatly reduce existing day shift Tour 2 assignments, operations and/or staffing.

The issues and facts involved in this dispute are as follows:

The APWU received complaints from the field that the Postal Service is considering, or is in the process of implementing, a nationwide program establishing a two-tour initiative, intended to eliminate or greatly reduce existing Tour 2 assignments, operations and staffing. However, the APWU has no records of receiving any type of notification from the Postal Service concerning this matter, which impacts wages, hours or working conditions.

It is the APWU's position that the Postal Service has an obligation to jointly discuss new initiatives during their development, inasmuch as those initiatives might impact on employees or they might relate to employee working conditions. Moreover, the Postal Service has an obligation and duty to bargain in good faith.

By letter dated October 17, 2008, the APWU requested documentation disclosing the specifics, extent and rationale of any nationwide, region-wide or district-wide program, plans or initiatives to eliminate or reduce Tour 2 operations and/or day shift Tour 2 staffing. The information was necessary for the APWU to determine whether such an initiative may constitute a violation or a mid-term modification of the National Agreement. The APWU also requested that as soon

as the Union receives the information that a briefing be provided by the Postal Service to include managers with knowledge of the plans or initiative. However, the Postal Service refused and failed to provide the requested information to the Union.

By letter dated November 14, 2008, the Postal Service provided in relevant part, the following response:

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 underutilized 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 the APWU's request for the Postal Service 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 – the Postal Service informed the APWU that "no such documentation exists."

However, to the contrary, evidence shows that there is a two-tour initiative that is, in fact, nationwide in scope and initiated by the Postal Service at the national level. Moreover, several plants have already implemented the nationwide two-tour initiative that either reduced or eliminated Tour 2 operations, and resulted in regular employees being excessed/reassigned from day shift Tour 2 to Tour 3 and/or Tour 1. In fact, many local presidents have been informed by local management that they have been instructed by headquarters to initiate this program. In addition, applicable provisions of collective bargaining agreement are being disregarded. The Postal Service assertions that there is no nationwide two-tour initiative and no information responsive to the Union's request is false.

It is the APWU's position that the Postal Service has an obligation to provide the Union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of the National Agreement.

In addition, the APWU's position is also, but not limited to, that the nationwide initiative establishing a two-tour operation, eliminating or greatly reducing existing day shift Tour 2 assignments and excessing regular employees from Tour 2 – violates the parties intent and provisions of Article 7.1.B.4 and the related Memorandum of Understanding (MOU) re: Supplemental Work Force, Conversion of Clerk Craft PTFs. The protection of existing day shift Tour 2 assignments was central to the historic agreement reached in 2006 contract negotiations.

HQTG200820
December 15, 2008
Page 3

Moreover, we believe that the Postal Service's two-tour initiative deprives the Union of one of its central achievements – the protection of existing Tour 2 assignments. This unilateral action taken by the Postal Service also represents a repudiation and mid-term modification of the National Agreement. It is the APWU position that impacted duty assignments should be restored, affected employees returned to their duty assignments, and made whole.

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/BW

APWU #: HQTG200820
Dispute Date: 12/15/2008

Case Officer: Greg Bell
Contract Article(s): 5, Unilateral

cc: Resident Officers
File