

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)
202-331-0992 (Fax)

Initiate National Dispute

Via Facsimile and First Class Mail

June 4, 2008

National Executive Board

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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

Mr. Doug Tulino
Vice President, Labor Relations
U. S. Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

Re: APWU #HQGTG20089; Local Level Notification Of Subcontracting Of Bargaining Unit Work

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 obligation, pursuant to Article 32, Section 1.C of the National Agreement, to furnish the Union at the local level notification of subcontracting of bargaining unit work at their respective installation(s).

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

By letter dated February 27, 2008, the APWU notified the Postal Service that there has been an increase in grievance activity involving management's refusal and failure to provide the Union at the local level notification of subcontracting. The APWU was seeking USPS Headquarters assistance and requested that corrective action be immediately taken to ensure that management comply with its obligation pursuant to Article 32, Section 1.C of the National Agreement to furnish the Union at the local level notification of subcontracting of bargaining unit work at their respective installation(s).

In addition, the purpose of the letter was to determine if there is a disagreement between the parties regarding management's obligation pursuant to Article 32, Section 1.C.

By letter dated May 29, 2008, the Postal Service informed the APWU that it disagreed with our position, and that it is the position of the Postal Service that local outsourcing projects do not require notification pursuant to Article 32, Section 1.C. of the National Agreement.

Article 32, Section 1.C of the National Agreement provides the following:

When a decision has been made at the Field level to subcontract bargaining unit work, the Union at the Local level will be given notification.

Article 32 provides the notification requirements concerning subcontracting of bargaining unit work. It is the APWU's position that Article 32 of the National Agreement requires the Postal Service to provide notification to the Union in regard to subcontracting of bargaining unit work. In other words, the Postal Service has an obligation to provide the Union notification in regard to subcontracting of bargaining unit work – either to the Union at the national level or to the Union at the local level.

It is the APWU position that Article 32, Section 1.C requires notification to the local union of any subcontracting of bargaining unit work at local installations. However, if such subcontracting might have significant impact on the bargaining unit work, notification to the Union at the national level is required in accordance Article 32, Section 1.B.

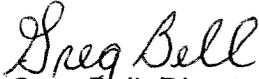
The term "field level" in Article 32, Section 1.C encompasses, but is not limited to, subcontracting of bargaining unit work at local installation(s) that does not have a significant impact on bargaining unit work, and therefore does not require notification to the Union at the national level. Instead, the Postal Service has an obligation to give notification to Union at the local level

Notification to the Union at the local level of subcontracting of bargaining unit work affords the Union the opportunity to address any concerns early on and provide the parties the opportunity to resolve any differences that they may have at the lowest possible step of the grievance procedure. This is consistent with the principles of dispute resolution in Article 15, and the intent of Article 32, Section 1.C. of the National Agreement.

HQTG20089
June 04, 2008
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Article 15 of the collective bargaining agreement provides that within thirty (3) 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 #: HQTG20089
Dispute Date: 6/3/2008

Case Officer: Greg Bell
Contract Article(s):32

Resident Officers
File



May 29, 2008

Mr. Greg Bell
Director, Industrial Relations
American Postal Workers Union,
AFL-CIO
1300 L Street NW
Washington, DC 20005-4128

CERTIFIED MAIL NUMBER:
7001 2510 0008 2205 6395

Dear Greg:

I am writing in response to your letter concerning Article 32.1.C and notification to the union at the local level.

In your letter you assert that the APWU believes that Article 32, Section 1, Part C, "is intended to require notice to the local union of any subcontracting of bargaining unit work at local installations." You further assert that "the term 'Field Level' in Article 32, Section 1.C, is intended to encompass subcontracting of bargaining unit work at local installation(s) that would not have a significant impact on bargaining unit work, and therefore not require notification to the Union at the national level." You solicit the Postal Service's position regarding the meaning and application of the language, which you will find below.

Article 32, Section 1, Part C, states:

When a decision has been made at the Field Level to subcontract bargaining unit work, the Union at the Local level will be given notification.

At negotiations for the 2006-2010 Collective Bargaining Agreement, the APWU submitted its proposal about subcontracting, APWU Proposal 32A-1, which states in relevant part on page 1:

In many cases, local unions are not notified of proposed subcontracting or management's intent to subcontract. Failure to provide advance notice deprives the Parties of the opportunity for resolution prior to implementation.

The APWU further explained that much of the union's complaint centered upon outsourcing initiatives which were developed outside the local facility and subsequently implemented at individual facilities. In those instances, local union officers would often be surprised when such initiatives arrived at individual facilities. While the parties recognized that notice was sent to the APWU at the national level regarding many national initiatives, especially where there is significant impact to the bargaining unit, the precise timing and content of area subcontracting initiatives were in some instances not always communicated to local unions.

The APWU suggested that advance notification should be given for all Local outsourcing initiatives. The Postal Service did not accept this suggestion from the Union, reasoning that it would require notice for even minor subcontracting. As such minor subcontracting initiatives do not involve significant impact to the bargaining unit, and would not likely result in the decision to not outsource the work, notice to the Union would be unnecessarily cumbersome. Specific examples of such minor subcontracting cited by the Postal Service included tire and oil changes, and window washing for Postal lobbies, etc.

As a courtesy, and after considerable discussion between the parties, it was agreed that local union offices should be given notification where area subcontracting takes place to avoid undue conflict between the parties. It was intended that providing notice to the local union would avert any confusion at the time any area subcontracting is actually implemented at an individual facility. In response to your assertion, if "Local" had been intended, the word "Local" would have been used (twice) in Article 32, Section 1, Part C.

For these reasons, despite claims to the contrary by the APWU, the position of the Postal Service has been that local outsourcing projects do not require notification pursuant to the above-cited subsection.

If you have any further questions or concerns, please do not hesitate to contact Patrick Devine of my staff at (202) 268-5421.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Dockins". The signature is fluid and cursive, with a large initial "J" and "D".

John W. Dockins
Manager
Contract Administration (APWU)



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)

February 27, 2008

Via Facsimile and First Class Mail
Mr. John W. Dockins, Manager
Contract Administration
United States Postal Service
475 L'Enfant Plaza, SW, Room 9146
Washington, DC 20260-4100

National Executive Board

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Re: Article 32 – Subcontracting, Section 1.C
(Notification to the Union at the Local Level)

Dear Mr. Dockins:

It has been called to my attention that management is not providing the Union at the local level notification of subcontracting of bargaining unit work. It is also my understanding that there has been an increase in grievance activity, involving management refusal and failure to provide the Union at the local level notification of subcontracting. I am seeking your assistance and request that corrective action be immediately taken to ensure that management comply with its obligation pursuant to Article 32, Section 1.C of the National Agreement – to furnish the Union at the local level notification of subcontracting of bargaining unit work at their respective installation(s).

In addition, the purpose of this letter is to determine if there is a disagreement between the parties regarding management obligation pursuant to Article 32, Section 1.C of the National Agreement, to furnish the Union at the local level notification of subcontracting of bargaining unit work at their respective installation(s).

Article 32, Section 1.C of the National Agreement provides the following:

When a decision has been made at the Field level to subcontract bargaining unit work, the Union at the Local level will be given notification.

Article 32 of the National Agreement requires the Postal Service to provide notification to the Union in regard to subcontracting of bargaining unit work.

Mr. John W. Dockins, Manager
Re: Article 32 – Subcontracting, Section 1.C
February 27, 2008
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Article 32, Section 1.C is intended to require notice to the local union of any subcontracting of bargaining unit work at local installations. If such subcontracting might have significant impact on the bargaining unit work, notification to the Union at the national level is required in accordance Article 32, Section 1.B.

The term “field level” in Article 32, Section 1.C is intended to encompass subcontracting of bargaining unit work at local installation(s) that would not have a significant impact on bargaining unit work, and therefore not require notification to the Union at the national level.

Notification to the Union at the local level of subcontracting of bargaining unit work, affords the Union the opportunity to address any concerns early on and provide the parties the opportunity to resolve any differences that they may have at the lowest possible step of the grievance procedure. This is consistent with the principles of dispute resolution in Article 15.

If the Postal Service disagrees with APWU’s position, it is requested that you provide the Employer’s position.

Your response to the above-referenced inquiry would be appreciated. If you have any questions regarding this matter, I can be contacted at 202-842-4273.

Sincerely,


Greg Bell, Director
Industrial Relations

GB:jm
OPEIU#2
AFL-CIO