NATIONAL JURISDICTIONAL DISPUTE
ARBITRATION RI-399
JOSEPH M. SHARNOFF,
ARBITRATOR

In the Matter of the Arbitration Between:

UNITED STATES POSTAL SERVICE

AND

NATIONAL POSTAL MAIL HANDLERS UNION

AND

AMERICAN POSTAL WORKERS UNION

Cases Nos. Q15C-4Q-J 193411447 and Q15C 4Q-J 19341277 (Automated Delivery Unit Sorter – ADUS)

Appearances:	For U. S. P. S.:	Brian M. Reimer, Contract Attorney Lucy C. Trout, Attorney Shannon Richardson, Director, Labor Relations Contract Administration (APWU)
	For N.P.M.H.U.:	Bruce R. Lerner, Esquire Bredhoff & Kaiser, P.L.L.C.
	For A.P.W.U.:	Jason R. Veney, Esquire Melinda K. Holmes, Esquire Murphy Anderson, P.L.L. C.

OPINION AND AWARD
OF THE
ARBITRATOR

The United States Postal Service [USPS herein], by letter from Ricky R. Dean, Manager, Contract Administration (APWU), to Lynn Pallas-Barber, Assistant Craft Director, Clerk Craft, American Postal Workers Union [APWU herein],

acknowledged the receipt of the letter, dated August 2, 2019, from the APWU, raising a jurisdictional dispute "related to the craft determination issued by the Postal Service, by letter dated July 12, on the Automated Delivery Unit Sorter (ADUS)." The National Disputes Resolution Committee [NDRC herein], on January 8, 2020, issued a Disposition Form, which states, in relevant part: "Issue: There is no resolution. No party is precluded from raising additional issues prior to or during national arbitration." On January 13, 2020, an appeal was submitted to the National RI-399 Arbitration of the USPS's craft determination on the ADUS by NDRC Member Ron Suslak, APWU, to NDRC Members Ricky Dean, USPS, and Kevin Fletcher, National Postal Mail Handlers Union [NPMHU].

The RI-399 Jurisdictional Arbitration Hearing was held on February 17, 2021, using remote technology. The Arbitrator received a transcript of the hearing. The Parties submitted post-Arbitration hearing briefs electronically to the Arbitrator on October 1, 2021.

RELEVANT PROVISIONS OF
MEMORANDUM OF UNDERSTANDING
BETWEEN THE USPS, THE APWU, AFL-CIO
AND THE NPMHU, A DIVISION OF
LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, AFL-CIO
Effective April 29, 1992

REGIONAL INSTRUCTION 399 - DISPUTE RESOLUTION PROCEDURES

General Principles

The parties to this Agreement agree to a new procedure for resolving jurisdictional disputes under Regional Instruction 399 (hereafter "RI-399"). The new procedures will be implemented sixty (60) calendar days after the effective date of this Agreement.

Effective with the signing of this Agreement, no new disputes will be initiated at the local level by either union challenging jurisdictional work assignments in any operations as they

currently exist. Except as otherwise specifically provided in the New or Consolidated Facilities, New Work, or Operational Change sections contained in this memorandum, all local craft jurisdictional assignments which are not already the subject of a pending locally initialed grievance will be deemed as a proper assignment for that facility.

In order to provide for expeditious and efficient resolution of jurisdictional disputes only one representative case shall be processed for each operation/function in dispute. Multiple disputes arising out of the same or substantially similar issues or facts shall not be allowed.

Dispute Resolution Committees shall be established at the local, regional and national levels. The Committee shall be composed of one (1) representative from each of the three parties. The representative on the Committee may be assisted by a technician at any or all meetings if advance notice is given to the other two parties. At larger installations the local parties may mutually agree to establish more than one (1) Committee; however, there shall not be more than one (1) Committee per facility. Committee decisions shall be by mutual agreement of all 3 parties.

Meetings of the Committee must be scheduled with sufficient frequency so that a decision can be rendered within the time limits contained in this Agreement. The time limits contained in this Agreement may be extended by mutual agreement of the parties. If a committee fails to render a decision with the time frames in this Agreement the moving union may appeal the dispute to the next step in the procedure.

Each party at the local level will be responsible for maintaining an inventory of jurisdictional assignments not in dispute. As jurisdictional disputes are resolved under this procedure, the results shall be added to the inventory.

The national parties shall mutually determine and implement a new numbering system to be utilized in this procedure.

All parties to this Agreement may participate in the arbitration proceedings at either level and all parties shall be bound by the arbitrator's award whether or not they participate in the arbitration proceedings. The arbitrator's award shall be final and binding.

Any settlement entered into at any level must be a tripartite settlement.

* * *

National Level

The National Dispute Resolution Committee (NDRC) shall have sixty (60) calendar days after receipt of a properly filed or appealed dispute to attempt to resolve the dispute.

1. Either union may initiate a dispute at the National level when such dispute involves an interpretive issue which under the National Agreement is of general application. Such disputes shall be provided to the National Committee, in writing, and must specify in detail the facts giving rise to the dispute, the precise interpretive issues to be decided and the contentions of the Union.
2. If a dispute is resolved, a tripartite settlement agreement will be signed by the parties.
3. If the dispute is unresolved at the end of the sixty (60) calendar day period, a tripartite decision will be written by the Committee setting forth the position of each party. The moving Union may appeal the dispute to National Arbitration within twenty-one (21) calendar days of the date of receipt of the written decision of the Committee. Copies of the appeal will be provided to the other parties.
4. In the event the National Committee, after review, decides that a dispute appealed from the regional level does not involve an interpretative issue which is of general application, the dispute shall be remanded to the regional level and placed on the list of pending arbitration cases.

* * *

National Arbitration

One arbitrator will be jointly selected by the parties at the national level on the basis of mutual agreement. Once selected, the arbitrator will hear only jurisdictional disputes. The arbitrator's fees and expenses will be allocated on the basis of one-half (1/2) to management and one-half (1/2) shared equally by the participating unions. However, if a party decides not to participate in the arbitration proceedings, the remaining parties will equally divide the arbitrator's fees and expenses. Scheduling of cases will be jointly performed by the parties from a list of dates submitted by the national arbitrator. Time frames will be the same as those designated for regional arbitration. The method of scheduling will normally be on a first-in/first-out basis.

Pursuant to Article 15 of the National Agreement, only disputes involving interpretive issues under the National Agreement which are of general application will be arbitrated at the national level.

Additionally, the national-level arbitrator may be invited to participate in an advisory capacity at National Committee meetings on items related to problems of consistency of regional-level awards or other problems mutually determined by the committee. The arbitrator may be empowered by mutual agreement of the parties to issue instructions to the regional-level arbitrators which were consistent with any mutual understanding on these issues reached as a result of committee discussions. Payment for such services will be made as for an actual arbitration hearing.

New or Consolidated Work

The following procedures shall apply to the opening of new or consolidated facilities.

Forty-five (45) calendar days prior to the opening of a new or consolidated facility, the members of the RDRC will be notified of the date on which activation will take place. Within ninety (90) calendar days of that activation, the LDRC designated for the facility will conduct an inventory of jurisdictional assignments at

the facility and will attempt to resolve any disputes which arise from these discussions. If necessary, representatives of the RDRC will assist the local parties with on-site reviews.

Jurisdictional assignments shall not be changed solely on the basis of moving operation(s) into a new facility. If jurisdictional assignments existed in a previous facility, they shall be carried forward into the new facility except where operational changes as described below result in the reassignment from one craft to another.

In a new or consolidated facility, the jurisdictional assignment in the previous facilities must be considered by the LDRC in the determination mentioned above, in the event the consolidated operation(s) had a mixed practice in the previous installations.

The decision of the LDRC will be processed in accordance with the decision and appeals procedures previously outlined, including appeals to the higher levels of the process.

New Work

This section refers to implementation of RI-399 involving work which had not previously existed in the installation.

The procedures for activation of a new or consolidated facility shall apply to the assignment of new work to an installation. The standards contained in Section II.E of RI-399 shall apply in making the craft determinations.

* * *

BACKGROUND

Position Letter From the APWU to USPS
Re: Craft Jurisdiction Determination
Of Jobs on the Automated Delivery Unit
Sorter (ADUS).

Dated February 20, 2017

The position letter of the APWU, from Lynn Pallas-Barber, Case Officer, APWU, to Rickey Dean, Manager, Contract Administration (APWU), concerning the USPS's craft determination for positions on the Automated Delivery Unit Sorter (ADUS), states, in relevant part:

> On September 25. 2017, and again on January 24, 2018, the American Postal Workers Union, AFL-CIO, participated with the United States Postal Service and National Postal Mail handlers Union in a site visit to view the Automated Delivery Unit Sorter (ADUS) at the Franklin Delano Roosevelt (FDR) Station in New York, NY and at the Joseph Curseen Jr. & Morris (JCTM) respectively. Thank you for permitting us to participate in these site visits and for this opportunity to provide input regarding the potential impact of the implementation of the ADUS machine on craft jurisdictional assignments.
>
> The ADUS system was developed for delivery unit sortation to carrier route. It includes a number of sort separations to sweep side containers such as hampers, wiretainers, and sacks. It uses a manual two feed position conveyor induction system. The sorter has barcode reading cameras, OCR, in-motion weighing and dimensioning. Packages are sorted to carrier route segments based on 11-digit Zip codes. The ADUS machine is now performing what is the manual scheme distribution of city parcels performed by scheme qualified Clerk Craft employees. APWU maintains this individual piece distribution as distribution by scheme determination.
>
> There is what has been defined by the USPS as three (3) positions on the machine – feeder, loader and sweeper. At both site visits the machine was staffed with approximately five (5) Clerk Craft employees. The feeder brings the staged hampers, wire containers and/or pallets of parcels to the area worked by the loaders.
>
> The loaders center the parcel on the belt by placing one (1) parcel on each opening on the conveyor belt/. The last position is the

sweeper. When the containers or hampers become full the Clerk Craft employees pulled the full equipment and staged it in the designated area. The Clerks would then replace the equipment and properly placard the container. The use of the Clerks on the sweeping side of the machine also provides rotation relief for the feeder/loader Clerks working at the induction site.

It is beyond dispute that the ADUS machine performs scheme distribution. That the machine does much of the scheme distribution and not an employee makes no difference. Based on arbitral precedent upholding the Postal Service's craft assignments, Clerks staff automated machinery performing distribution. Distribution is a Clerk Craft function. In the FDR Station in New York, NY postal management has assigned the ADUS automation as LDC-41 – Operations 905/906. Per the M-32, LDC-41 is unit distribution – automated. Operations 905/906 were previously assigned to the CSBCS machines for distribution of DPS carrier mail and secondary sortation to carrier route. In addition to CSBCS functions being designated by the USPS as Clerk Craft functions, Arbitrator Snow upheld the USPS's jurisdictional decision in arbitration award #Q90N-6E-C 94051017. In accordance with the RI-399 Mail Processing Guidelines, the primary craft designation for any distribution at Stations, Branches and detached units which support a mail processing operation is the Clerk Craft.

It is the position of the APWU that the ADUS machine in its overall function and operations is more akin to the Carrier Sequence Barcode Sorter (CSBCS) machine and Passive Adaptive Scanning System (PASS) machine. The APWU purposed that, since the purpose of the ADUS is clearly to sort and distribute small parcels and priority mail by scheme to carrier route, it follows that the ADUS feeder and loader, while working on this machine is performing a distribution function reserved for the Clerk Craft as the primary craft. The APWU maintains that the sweeping of the ADUS is integral to the distribution function; it cannot be efficiently separated; and therefore, should be properly awarded to the Clerk Craft as part of the necessary rotations.

The APWU notes that the primary function of the ADUS operation is the distribution of small parcels and priority mail which were manually sorted. In support of our position we would like to point out that Arbitrator Zumas opined on page 38, July 14, 1986, in his jurisdictional decision addressing the Mail Processor – H1M-NA-C 14:

> *"Given the jurisdictional proprietary right of the Clerks to distribute mail and the fact that the purpose of the OCR/CS and BCS machines is to sort and distribute letter mail, it follows that the Mail Processor, while operating such machinery, is performing a distribution function reserved to the Clerks as the Primary Craft. Loading and sweeping, as part of the Mail Processor's are permissible under the 'allied duties' note relating to the operation of OCR machine distribution."*

Additionally, under the "replacement principle," Clerks should load, feed and sweep the ADUS machine as the manual distribution of small parcels and priority mail were always performed in unit operations assigned to the Clerk Craft.

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Letter from NPMHU to USPS
Re: Position of NPMHU
For Craft Jurisdictional
Assignments on ADUS
Dated February 21, 2018

The letter, dated February 21, 2018, from Bruce R. Lerner, Esquire, for the NPMHU, to Mr. Dean, Manager, Contract Administration (APWU), of the USPS, states, in relevant part with regard to the NPMHU's position for craft jurisdiction assignments on the ADUS, as follows:

This letter responds to the Postal Service letter dated January 29, 2018, and sets forth the position of the National Postal Mail Handlers Union (NPMHU) with regard to jurisdictional assignments for the Automated Delivery Unit Sorter (ADUS) under Regional Instruction No. 399.

It is the position of the NPMHU that the mail handler craft should be the primary craft assigned for all work performed on the ADUS (with one possible exception discussed in a footnote later in this letter).

The operation of the ADUS equipment consists of three positions (feeder, loaders, and sweepers) with the following duties":

- Obtaining parcels/bundles from a staging area, in large containers or on pallets, often by pallet jack
- Moving the pallets or other large containers toward the loading station on the ADUS
- Tilting and/or unloading containers onto the ADUS conveyor belt
- Separating out parcels/bundles that are too heavy (over 30 pounds) or too large (over 18 inch x 22 inch x 20 inch), and moving those nonmachineable [sic] pieces away from ADUS
- Facing (bar code up) and placing (one per conveyor square) each parcel/bundle onto the ADUS conveyor
- Sweeping the mail (removing full containers and sacks and replacing with empty containers and sacks), and
- Transporting full containers to another area.

All reading of bar codes or address information, and all other sortation of the mail, is fully automated on the ADUS; no employee performs such functions.

Precisely the same duties have been performed by mail handlers on the Automated Package Processing System (APPS) since 2004. At that time, the Postal Service correctly determined that the mail handler craft is the primary craft to perform all

operations on the APPS, to include the feeder/loader positions, the facing positions, and the sweeping/transporting positions. Here is what the Postal Service's letter and position paper of January 10, 2005 specifically said about the APPS determination (emphasis added):

> The operation of the APPS equipment consists of the following steps: unloading packages into the induction system by the press of a button (a container dumper actually dumps the mail); if necessary, re-face packages that cannot be read by the equipment which have been mechanically diverted through a semi-automatic induction station; removing full containers such as general purpose mail containers, sacks, and hampers and replacing with empty containers; and transporting full containers to another area for appropriate transportation. This is work which has traditionally been performed by mail handlers.

To repeat, the duties performed by mail handlers on the APPS (feeding, unloading, and facing parcels or bundles; and sweeping containers while replacing with empty containers) are substantially similar to, if not precisely the same as, the duties that need to be performed on the ADUS.

Furthermore, the assignment of all work on the ADUS to the mail handler craft is fully consistent with the principles of RI-399 and with the craft designations specifically reflected in RI-399. The tasks of unloading parcels or bundles from containers, pulling containers, and transporting mail are repeatedly listed in RI-399 with mail handlers assigned as the primary craft.

Also telling is the fact that there are two particular Operations listed in RI-399 – Operation 100 for "Outgoing Parcel Distribution" and Operation 105 for "Mechanical Parcel Sorter" – that refer specifically to the sortation of parcels in non-BMC mail processing, customer service, and delivery facilities. Operation 100

(Outgoing Parcel Distribution) is fully assigned to the mail handler craft except for scheme knowledge; even the manual "distribution" of parcels "without scheme knowledge" is purposely assigned to mail handlers. Operation 105 (Mechanized Parcel Sorter) also recognizes that all obtaining and dumping of parcels, and all of the pulling, containerizing, and transporting of containers of parcels, whether empty or full, should be assigned to the mail handler craft whenever these tasks can be effectively and efficiently separated from the distribution function. On the ADUS, the distribution function, to the extent it exists, is being performed by the machine, and therefore all other tasks by definition can be efficiently separated. 1/

Fn. 1/ At the beginning of this position statement, the NPMHU noted one "possible exception," which was a reference to the unique situation presented by the older ADUS at FDR Station in New York. At FDR Station, there exists one sweeper who needs to perform sortation with the use of scheme knowledge. This exception is applicable to no other employees on the other ADUS machines now operating or being planned, and thus this exception should be limited to the legacy ADUS at FDR Station.

The APWU likely will argue, as it always does, that the ADUS machine performs distribution of parcels and bundles, and therefore that the employees operating that machine should be from the clerical craft. This argument has been routinely rejected by the Postal Service in prior jurisdictional determinations, and by recent National Arbitration awards issued under the RI-399 Dispute Resolution Procedure.

Finally, recent determinations by the Postal Service to allow clerical employees to face mail on the Automated Parcel Bundle Sorter (APBS) and the Small Parcel Sorting System (SPSS) were based on the relationship of those machines to the Small Parcel and Bundle Sorter (SPBS) and the fact that employees facing the mail on the APBS and/or the SPSS also would be keying the mail, which has been a clerical function on the SPBS for more than 30 years. No keying function whatsoever exists on the ADUS in its initial deployment in 2014 or its pilot locations in 2017, and therefore

there is no basis for determining that the clerical craft should be assigned to traditional mail handler work on the ADUS. 2/

Fn. 2/. One final point deserves mention, relating to USPS manpower costs, which have been recognized as a relevant factor under the principles of RI-399. By assigning mail handlers as the primary craft for all positions on the ADUS, the Postal Service will be paying such employees at Level 4 under the NPMHU National Agreement. In comparison, should the clerical craft be assigned to any work on the ADUS, the Postal Service would pay the employees at Level 6 of the APWU pay scale. Pay for Level 4 mail handlers working on the ADUS is currently at $15.46 per hour for Mail Handler Assistants and between $33,754 and $58,772 per year for career mail handler employees. Current pay for Level 6 clerks working on the ADUS is at $16.98 per hour for Postal Support Employees and between $40,852 and $60,092 for career clerk employees.

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The USPS's Craft Determination
For the Positions on the Automated
Delivery Unit Sorter (ADUS),
Dated May 10, 2019 (Correcting Craft
Determination Letter Issued April 15, 2019)

The USPS, by cover letter dated May 10, 2019 (correcting the previously-issued Craft Determination letter, dated April 15, 2019), from Rickey R. Dean, Manager, Contract Administration (APWU), to Paul V. Hogrogian, National President, NPMHU, and to Mark Dimondstein, President, APWU, regarding the Craft Determination for the positions on the Automated Delivery Unit Sorter (ADUS). The cover letter notified Presidents Hogrogian and Dimonstein, that "[t]he previous notification referenced an incorrect CA number and included an error in the numbering of the primary craft designation for the performance of duties for operation of the ADUS. Enclosed is a corrected version of the letter." The enclosed letter, also dated May 10, 2019, set forth (as corrected) the Primary Craft Designations made by the USPS for the performance of duties on the ADUS, as listed therein. The cover letter states, in relevant part:

This letter is in regard to the jurisdictional craft determination for operation of the Automated Delivery Unit Sorter (ADUS). There were two site visits with both unions, where the ADUS was being tested. The first was on September 25, 2017, at the Franklin Delano Roosevelt (FDR) Station in New York, New York. The second occurred on January 24, 2018, at the Joseph Curseen Jr. & Thomas Morris (JCTM) station in Washington, DC. By letter dated January 29, 2018, the Postal Service requested that the American Postal Workers Union (APWU) and the National Postal Mail Handlers Union (NPMHU) provide input regarding which craft should be the primary craft for operation of the ADUS. The Postal Service received input from both unions by letters dated February 20 and February 21, respectively.

The ADUS is designed to support the automated package processing of machinable parcels/bundles to output zones based on size, weight, and destination of the parcels. The Postal Service currently has twenty-two operational ADUS machines and is planning to deploy thirty additional machines in 2019.

The standard configuration of the ADUS includes a manual two-feed position sorter with discharge chutes to mail transport equipment (MTE), such as wire containers or pallet boxes. The number of chutes will vary by sorter based on space availability, machine configuration, and operational need. The ADUS can be designed for between 24 to 200 chutes.

Parcels are staged near the induction stations for easy access by the stagers. The stagers remove parcels from the staging area and position the container in place for the facer. The Loader/Facer will then singulate, face, and place the parcels onto the induction belt with the label facing up so the barcode is visible. There is no keying operation associated with the ADUS. The sorter collects weight and dimensions of packages, and includes a Postal Furnished Equipment (PFE) Top-read camera, with optical character recognition (OCR). Enhancement, to scan barcodes. The belt carries packages to the appropriate discharge chute and pushes the

package into the associated MTE. Sweepers ensure that MTEs are accurately identified with placards and removed for transfer to the appropriate dispatch area.

The duties performed on the ADUS are similar to those performed on the Small Parcel Sorting System (SPSS) and Automated Parcel Bundle Sorter (APBS). As with these systems, the ADUS has loader stations which are manned by employees. These employees pull, scan, and sort large non-machinable packages, singulate/separate packages, and face/feed packages before they go through the cameras that scan and affect the distribution of the packages not previously pulled, scanned, and sorted as large, non-machinable packages. Taken together, these functions are integral to the distribution function of the machine.

For those facilities where Mail Handlers are present, the primary craft designations for the performance of duties for operation of the ADUS is as follows:

1. *Retrieval and staging of packages in swim/staging lanes for access by stagers/facers Mail Handler Craft

2. * Removing empty equipment containers from staging area: Mail Handler Craft

3. Retrieval of full containers from staging/swim lanes and pull, scan, and sort the large non-machinable packages from each container: Clerk Craft

4. Singulating/separating packages and facing/ feeding packages onto induction belt: Clerk Craft

5. *In Function 1 (F1) operations, sweeping packages (removing full containers and replacing with empty containers), includes sort plan switch out: Mail Handler Craft

6. ** In Function 4 (F4) operations, monitor discharge bins and pull, scan and sort medium and large no

reading barcode packages into the proper discharge bin, including sort plan switch out: Clerk Craft

7. *Transporting full containers to dispatch area: Mail Handler Craft

- Denotes that in offices where the associated task(s) in an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.

** The containers utilized on ADUS have a higher capacity and do not need to be changed out as frequently in F4, as a F1 plant sortation requires. The employees monitoring the bins during the run can also take any of the larger no read/no barcode packages from the No Read bin and scan/sort them into the corresponding sort bin. This is integral to the efficient operation of the machine in a delivery unit environment.

In facilities that do not include employees from the Mail Handler Craft, the primary craft designation for the performance of duties for operation of the ADUS is the Clerk Craft.

The actual number of employees required to perform the duties associated with the ADUS at any time will be determined based on local configuration and operational needs. In the test sites where the ADUS is already in operation and employees have been utilized for machine testing, assignment of the appropriate craft in accordance with this determination will be made as expeditiously as possible, but no later than 90 days from the date of this letter.

In accordance with the Memorandum of Understanding, *Update of Regional Instruction (RI) 399 Procedures*, dated June 28, 2018, the above stated craft designation will go into effect no sooner than 45 days from the receipt of this notice.

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The APWU's Initiation of A Dispute Filed with the National Disputes Resolution Committee Regarding the USPS's Craft Determination For the ADUS, Dated June 26, 2019

The APWU, by letter dated June 26, 2019, from Lynn Pallas-Barber, Assistant Director, Clerk Division, APWU, initiated a dispute with the National Disputes Resolution Committee [NDRC herein], concerning the USPS's Craft Determination for the positions on the ADUS machines, dated April 15, 2019 (as corrected by letter dated May 10, 2019), "Re: Craft Jurisdiction on the Automated Delivery Unit Sorter Determination, (ADUS)". The APWU's letter states, in relevant part:

> Per the: MEMORANDUM OF UNDERSTANDING (MOU) UPDATE OF REGIONAL INSTRUCTION (RI) 399 PROCEDURES
>
> 12. *Either Union may initiate a dispute at the National level within twenty-one (21) calendar days from the date of receipt of a National craft determination made by the Postal Service; otherwise, that craft determination will be final and binding on the parties. The NDRC shall have sixty (60) calendar days after receipt of the dispute to attempt to resolve the dispute.*
>
> The ADUS system was developed for delivery unit sortation to carrier route. It includes a number of sort separations to sweep side containers such as hampers, wiretainers, and sacks. It uses a manual two feed position conveyor induction system. The sorter has barcode reading cameras, OCR, in-motion weighing and dimensioning. Packages are sorted to carrier route segments based on 11-digit Zip codes. The ADUS machine is now performing what is the manual scheme distribution of city parcels performed by scheme qualified Clerk Craft employees. APWU maintains this individual piece distribution as distribution by scheme determination.
>
> In the USPS jurisdictional determination letter dated April 15, 2019 it was stated:

> " The duties on the ADUS are similar to those performed on the Small Parcel Sorting System (SPSS) and Automated Parcel Bundle Sorter (APBS). As with these systems, the ADUS has loader stations which are manned by employees. These employees pull, scan, and sort large non-machinable packages, singulate/separate packages, and face/feed packages before they go through the cameras that scan and affect the distribution of the packages not previously pulled, scanned, and sorted as large, non-machinable packages. Taken together, these functions are integral to the distribution function of the machine."

The American Postal Workers Union, AFL-CIO, submits the following dispute to the National Dispute Resolution Committee (NDRC).

The APWU believes the issue is:

Is the USPS decision to assign the work performed on the ADUS machine in violation of the National Agreement, RI-399, and the historical application of jurisdictional rules of the parties?

The craft determination was sent to the APWU on April 15, 2019 and the parties have subsequently agreed to a June 21, 2019 extension for the filing of any disputes to the NDRC.

The APWU is appealing all the following craft function designations:

Functions 1, 2, 5 and 7.

While the Mail Handlers were designated as the primary craft for these functions, we believe they are an integral part of the distribution function. Each of the above functions have been assigned an asterisk, which management advises in their jurisdictional determination letter, denotes that in offices where the associate task(s) is an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.

The APWU has been designated as the primary craft for functions 3 & 4, which require Clerks to perform the related **distribution functions** [emphasis in original] and tasks at the feeder/loader stations. These functions as identified by management include, the retrieval of full containers and pull, scan and sort the large non-machinable packages onto an induction belt. Additionally, Clerks are required to singulate/separate packages and face and feed packages onto an induction belt. In management's jurisdictional determination letter, they state that "taken together, these functions are integral to the distribution function of the machine."

Additionally, since management has identified the functions to be performed on the ADUS as similar to the SPSS and the APBS, the APWU also takes the position that functions 2 & 7 which basically require a sweeping function, be given to the Clerks assigned to the loader stations, similar to the ergonomic rotation on the APBS and SPSS. The rotation is especially needed since several facilities during the pilot period have been utilizing the ADUS similar to an APBS and utilizing the equipment between four to seven hours per run time.

In addition, the wage level of the position assigned to operate this machine (whether an existing position description or one which is newly created under Article 1, Section 5) is not a proper issue for resolution by the NDRC.

The APWU notes that the primary function of the ADUS operation is the distribution of small parcels and priority mail which were manually sorted. In support of out position we would like to point out that Arbitrator Zumas opined on page 38, July 14, 1986, in his jurisdictional decision addressing the Mail Processor – HIM-NA-C 14:

> *"Given the jurisdictiona; propriety right of the Clerks to distribute mail and the fact that the purpose of the OCR/CS and BCS machines is to sort and distribute letter mail, it follows that the Mail Processor, while operating such machinery, is performing a distribution function reserved to the Clerks as the Primary Craft. Loading and sweeping, as part of the Mail*

Processor's [sic, duties] are permissible under the 'allied duties' note relating to the operation of OCR machine distribution."

Additionally, based on the provisions of Article 4.3 of the CBA and under the "replacement principle," Clerks should load, feed and sweep the ADUS machine as the manual distribution of small parcels and priority mail were always performed in unit operations assigned to the Clerk Craft.

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The NPMHU's Initiation of A Dispute Filed with the National Disputes Resolution Committee Regarding the USPS's Craft Determination For the ADUS, Dated June 26, 2019

The NPMHU, by letter dated June 2019, from Kevin Fletcher, NPMHU Representative to the National Disputes Resolution Committee [NDRC herein], initiated a dispute concerning the USPS's Craft Determination for the positions on the ADUS machines, dated April 15, 2019 (as corrected by letter dated May 10, 2019), "Re: ADUS Craft Determination, (Corrected). The NPMHU's letter states, in relevant part:

The National Postal Mail Handlers Union submits the following letter to initiate a dispute before the National Dispute Resolution Committee concerning the Postal Service's craft determination on the Automated Delivery Unit Sorter (ADUS), included in a letter dated April 15, 2019. This dispute is being filed under Paragraph 12 of the Update MOU dated June 26, 2018, and is timely pursuant to extensions previously agreed to by all three parties to the RI-399 Dispute Resolution Procedures.

In its April 15, 2019 letters, the Postal Service advised the NPMHU and the APWU about its craft determinations for various functions performed by employees assigned to the ADUS. For each

of the following reasons, considered individually or collectively the NPMHU disputes and challenges this craft determination:

1. By letter dated February 21, 2018, from NPMHU General Counsel Bruce Lerner to USPS Manager Rickey Dean, the NPMHU explained its position on jurisdictional assignments for the ADUS. All of those arguments are incorporated herein.
2. The Postal Service also errs when it:
   a. Compares the ADUS assignments to duties performed on the SPSS and the APBS, the former of which are currently being challenged in National arbitration;
   b. Relies on an undefined distinction between Function 1 and Function 4 operations, which distinction has never been applied under RI-399, is inconsistent with the principles of RI-399, cannot be explained by the Postal Service, and was rejected by Arbitrator Dana Edward Eischen in the National award on spreading of the mail:
   c. Suggests that retrieving full containers from staging areas, pulling/scanning/sorting large non-machinable packages, and/or singulating/separating and facing/feeding packages or parcels onto an induction belt, or sweeping the ADUS machine in Function 4 operations should be duties of the clerical craft.
   d. Fails to address matters raised by the so-called four-hour rule, especially with regard to facilities in which mail handlers are not currently assigned.

This matter should be scheduled for discussion and consideration at an upcoming meeting of the National Dispute Resolution Committee.

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Letters From USPS to NPMHU
And APWU Acknowledging
Dispute filed by the NPMHU

Dated August 29, 2019

Rickey R Dean, Manager, Contract Administration (APWU), by letters dated August 29, 2019, to the NPMHU and to the APWU, acknowledged the receipt of the respective jurisdictional dispute filed with the NDRC by each Union with respect to the USPS's Craft Determination letter, dated April 15, 2019, for the positions on the ADUS machines.

National Dispute Resolution
Committee (NDRC) Disposition
Form, Dated January 7, 2020

The NDRC's Disposition Fp[rm, dated January 7, 2020, regarding the jurisdictional claims filed by the NPMHU, states, in relevant part: "There is no resolution. Each party has submitted their position statements. No party is precluded from raising additional issues prior to or during national arbitration. The above-referenced dispute has been reviewed by the NDRC the tripartite position papers are attached."

Work Instructions
Last Revision 6/20/2019:

The USPS presented the following Work Instructions, Last Revision Date 6/20/2019, for the work functions on the ADUS. Each Work Instructions are for the ADUS Stager and Facer – with no container unloader attachment; and for the ADUS Sweeper. Each lists "Important Steps," "Key Points," and "Reasons for Key Points."

ADUS Stager (No Container Unloader Attachment)

Work Instruction: ADUS Stager (No Container Unloader Attachment):

1. Retrieve mail

- Retrieve parcel containers from appropriate staging lanes, and stage the containers in designated staging areas near the feed belt for the Facers to easily retrieve.

2. Remove Non-Machinable Outsides (NMOs)

- Safely cut and remove the shrink wrap from pallets if necessary
- Pull oversize parcels (NMOs) that will not fit on the sorter (Mail pieces larger than 18x20x22 are oversized).
- In some facilities that are sorting to the carrier route, Stagers will be required. To scan, mark the route number on the package and sort the parcels to oversized skids. Writing on the parcel would not be required for Destinating and Outgoing F1 sort plans, but appropriate downflow sortation for oversized parcels will still be required.

3. Stage mail for Facers

- Place container of working mail behind the Facers.
- The floor will be labeled with lines to represent the proper staging area.
- Stage all available mail for each sort plan before transitioning to the next one. If sorting to carrier route, stage all available mail for each ZIP Code before transitioning to next ZIP.

4. Remove empty containers and shrink wrap

- As Facers empty containers, the empty containers and shrink wrap need to be removed from the loading area and placed in the designated area.
- At the end of the run all cardboard and pallets should be removed from the area.
- There will be MTE signage, and the floor will be labeled with lines to represent proper MTE staging areas.

<u>ADUS Facer (No Container Unloader Attachment):</u>

1. Load tilter with hamper, wire container or gaylord

- Push – do not pull – the container into the tilter as far as possible
- Use the control buttons to raise and lower the tilter.
- To maintain MTE balance on the tilter, ensure parcels are evenly distributed in the MTE while unloading and facing.

2. Face Parcels: Place parcels with shipping label facing up on the ADUS belt.

- The core responsibility of the Facer is to successfully transition parcels onto the ADUS feed belt. The Facer should rarely leave the feed belt.
- Place one parcel in each slot.
- Larger parcels should be pushed to the backboard of the induction belt.
- Smaller parcels should be centered on the induction belt (see picture).
- Utilize length and width maximums shown by the blue parcel zone on the belt. Only place parcels that fit below the over height sensor, and within the blue load zone on the ADUS machine.
- Once you empty a container immediately move to the unoccupied feed station or the one that the stager is working at. The stager will remove empty MTE and replenish it.

3. Cull non-machinable mail pieces

- If the parcel does not fit in blue area or under height sensor, the parcel cannot be run on the ADUS. Put the parcel next to your feed station. The Stager will handle the oversized parcel volume. (Mail pieces larger than 18x20x22 and over 30 lbs are oversized)
- If the parcel is a tube, cylindrical, forwarded or return to send package or accountable, throw the parcel into reject bin across the feed belt.

4. Plug in tilter

- At the end of sort, plug in the tilter.
- There will be a designated location to store tilters.

<u>ADUS Sweeper</u>

1. Place empty container at each chute

- Chutes will be set up with hampers, wires or spinner racks
- New containers must be available to replace the full ones.

2. Retrieve printed placards and place on each container

- Each container must have a placard to identify its content

3. Sweep bins

- Maximize container capacity by adjusting packages within the container when required
- Use the hook/broom to knock down any packages that get stuck on a chute

- Utilize the bin shut off button while sweeping a container
- Pull container from sorter when it is full. Replace container
- Reactivate the bin once the new container is in place

4. Scan and sort No Read Parcels

- When sweeping you will also Sort & Scan the large parcels in the No Read bin to the corresponding Hamper on the sorter

5. Return reject container

- When the facers are on their last container retrieve the reject container and bring it to the facers so they can rerun the rejects.
- Send any remaining rejects for manual sort

6. Stage full containers for dispatch:

- Full placarded containers should be moved to staging area for dispatch. Be sure to replace full container with an empty on the machine.

7. During and after the run: monitor, change and finalize the special bins.

- For Delivery Unit sortation the No Read SPR container need to be switched out when switching to a new 4D
- After the run each special bin needs to be dispatched to the designated location to be finalized.

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The Testimony of Pamela Lewis-Crain, APWU

Pamela Lewis-Crain testified, on direct for the APWU, that she has been employed by the USPS for 15 years and currently works at the Processing & Distribution Center [P&DC herein] in Amarillo, Texas. Her current job title is Mail Processing Clerk, an employee in the Clerk Craft, and her current assignment, for the past seven months, is Open Unit Clerk. Ms. Lewis-Crain testified that, before her current assignment, she was an ADUS Operator from about March 2019 to July 2020. Before 2018, Ms. Lewis-Crain was an Operator on the APBS for several years and, prior to that, she was an SPBS Operator. Ms. Ms. Lewis-Crain currently serves as the Clerk Craft Director for Local 3114. Ms. Lewis-Crain described her duties as an Open Unit Clerk as follows: she comes to work at 11:00 a.m. and preps the mail for the Automation Clerks and for the AFSM Clerks. She then sets up the ADUS to get it ready to operate. Ms. Lewis-Crain testified that she also has served as the only trainer for the ADUS at the Amarillo P&DC. She testified that she started training employees on the ADUS

at the end of February/beginning of March 2019. She has trained about 20 to 25 employees, all Clerks. Ms. Lewis-Crain testified that there are Mail Handler employees at the P&DC. According to Ms. Lewis-Crain:

> . . . I show them [i.e., Clerks] how to operate the machine. I show them the - - the starting and stopping of the machines. I show the them all the safety issues around the machine.
>
> I show them how to face, load. I show them how to sweep. I show them how to set up the machine, what they need to do when the machine is in operation, as far as containerizing and getting the mail prepped for the machines for the clerks to feed and face the machine at their stations.

The Operation of the ADUS

Ms. Lewis-Crain testified on direct about the operation of the ADUS and compared the operation of the ADUS in the Amarillo P&DC with the ADUS operation shown on the video at the instant Arbitration hearing:

> In our facility, ours operates a little like that, but we actually have a belt modified to our machine. So we actually - instead of loading and - - and pushing the mail to the employees - - to the facers, you know, where they face the mail at, we actually load a belt, dump it through - - in a dumpster. And we load the dumpster on the - - we load the dumpster with mail and we dump it on the belt, and it - - and it brings the mail up to us at the feeding stations and we face it like that. That's how we do in our facility.
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Ms. Lewis-Crain testified on direct, with regard to the number of Clerk employees who operate the ADUS at the Amarillo P&DC:

> It actually depends on the tours. On the tour that I run, that I'm on, it's one, two, three - - five clerks, and in the last couple weeks, they've brought in two MHAs. So it's basically five clerks that's at the machine in the morning.
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> Now, at - - at night, on Tour 1, there's - - there's anywhere from six to seven clerks with maybe a couple, two or three mail handlers.

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Ms. Lewis-Crain testified on direct that they run Tours 1, 2 and 3: ". . . And it basically runs all through Tour 3. So we - - we're running through Tour 3." According to Ms. Lewis-Crain, with regard to the types of mail run on the ADUS, they run magazine bundles, Priority mail, ". . . anything that will fit on the machine, we basically run it, anything up to 30 pounds."

On cross-examination by the Mail Handlers, Ms. Lewis-Crain testified that: Tour 1 at the Amarillo P&DC has six to seven Clerks and two to three Mail Handlers'. Tour 2, the tour on which she works, has about five Clerks and two Mail Handlers; and Tour 3, ". . . they run through - - through Tour 3. So Tour 3 is basically the same people that's starting . . . on the beginning of the - - of Tour 2, whoever's running the machine, and then whoever comes in at one, three and four and five, they'll add on to the machine, you know, or replace if anyone has to go or - - go to another job. . . . They'll - - we'll just continue to - - it's a continuous run." According to Ms. Lewis-Crain, the Mail Handlers Local Union does not have a Local Branch President, but they do have a Chief Steward. Ms. Lewis-Crain testified that she was aware that the Mail Handlers ". . . filed multiple grievances on the - - on the fact that clerks are doing the work, yes." Ms. Lewis-Crain testified that she had not seen copies of the grievances and that she did not know the details.

On cross-examination by USPS, Ms. Lewis-Crain testified that there is a retail unit in the Amarillo P&DC and that she thinks that the ADUS has been used to sort to the letter carrier route for purposes of that retail unit. "That's a night shift run, getting ready for the carriers." Ms. Lewis-Crain testified that she has not worked on that run. She added: ". . . Now, we - - run carrier routes during - - during the daytime, as far as with magazine bundles and any city mail, city mail that drops, you know, in carrier routes. We actually - - we do that, but nothing at night. I do nothing at night."

Ms. Lewis-Crain testified, on cross by NPMHU, with regard to the location of the retail unit at the Amarillo P&DC: "Our - - we have - - it's - - our - - our mail processing facility is inside the facility, so we're - - we're in one building. It's one building. We're in the back part, and the retail is in the front." Ms. Lewis-Crain testified that customers come into the retail, buy stamps, et cetera, and that the Clerks work in the back. She agreed that the delivery mail is where the carriers case their mail and then go off on their routes. She testified: ". . . our delivery unit is right in front of the carrier section, behind the retail - - the customer service clerks."

ADUS - Loading Mail

Ms. Lewis-Crain testified, with regard to how the parcels are presented to the Clerks on the ADUS that: ". . . we load a belt, and the clerks . . . we work from a belt. Instead of off of a - - out of wires or boxes that the mail comes in, we actually load a belt and we work off of a belt."

ADUS - Staging Parcels

Ms. Lewis-Crain testified, with regard to staging, that that is done by the Clerks: ". . . We get the mail ready for it to be presented to the dumpster for - - in order for us to run. So we actually stage it. I mean, they - - the mail handlers bring it in from the docks, and we'll they'll drop it off, and we'll start moving it around and getting it ready for us for it to get to the - - to the belt.

ADUS - Facing/Singulating Mail

Ms. Lewis testified with regard to facing and singulating mail on the ADUS:

> Well, our facing it is basically like you guys would say loading loaders or feeders. We actually - - we just get the mail and we turn it where the bar code is right side up so it can go through the - - and hit the - - for the OCR to get it so it can scan and - - and take the camera of the mail. So that's how we - - that's how we do it.

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ADUS Sort Plans

Ms. Lewis-Crain testified, on direct, that they have seven sort plans on the ADUS in the Amarillo P&DC. The sort plans are entered on the ADUS by Clerks.

Ms. Lewis-Crain testified, on re-direct, that she has loaded sort plans and that she has ". . . taught everyone to load them." She testified that Clerks load them and added, "No - - there has been no mail handler that has been - - that I know of - - and I'm the trainer - - that has - - that knows how to load the sort plans. So all clerks load the sort plans in our facility."

ADUS - OCR/Camera

Ms. Lewis-Crain testified that the mail, after it is faced and singulated, it goes through the OCR.

ADUS - Incline – Bins

Ms. Lewis-Crain testified that, after the mail goes through the OCR/Camera, "It goes up the incline, and it goes around to drop into the bins that's delivered to each facility that we have. . . . We have maybe like 160-plus spots where the mail drop out from, and we have a container under each spot or - - or a sack, whichever one, ... Anything else that don't have a dock, we - - we put in hampers. If it's anything large, wiretainers, we use the wires, and that's how the - - that's where the mail drops to." According to Ms. Lewis-Crain the function or purpose of the machine is: "It delivers . . . the mail . . . a lot faster. Yeah. It's delivery of the mail to the bins where it needs to go a lot faster. You know, it's just - - it's a delivery - - you know, it makes sure we drop – it drops to the right bin where it needs to go to get the mail out, deliver it, getting the mail out."

ADUS - Sweeping the Mail from the Bins

According to Ms. Lewis-Crain, with regard to who moves the mail from the bins:

> Well, if we - - if the clerks are sweeping, we - - we move the mail. We move the mail out. We – we change our sacks. We have to scan the sacks. We change out the sacks. We have to - - if the container is full, we move out the container. We put another container there. Clerks - - we do it. The clerks do it.
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The Automated Parcel Bundle Sorter (APBS)

Ms. Lewis-Crain testified, on direct, that, at the Amarillo P&DC, the ADUS replaced the Automated Parcel Bundle Sorter [APBS herein]. Ms. Lewis-Crain testified, with regard to the operation of the APBS:

> The APBS, it was - - it was much - - it's a little bit different from the ADUS. We had keying stations. We had - - they had six keying stations where we actually - - the mail was put on the belt, left on a belt. It came up to the keying station and dropped to us, and as we - - as it dropped in our bin - - in our chute, we took it and we keyed the mail in. We ten-keyed the mail in. That's how we did that. We had to key the mail in.
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According to Ms. Lewis-Crain, there were six keying stations each operated by a Clerk. There also were two Clerks who did the sweeping. Ms. Lewis-Crain testified, "But if we didn't have enough - - a whole lot of people, we would go down to three keying stations and we would use the other three people around the machines to sweep." Ms. Lewis-Crain, asked if there was more sweeping done with the APBS or with the ADUS testified: "It was more with the - - I want to say this one is – let me see. Kind of like - - it's more sacks at the ADUS. No. No, it's - - it's kind of like the same to me. I mean, I'm just used to a lot of mail. So it's more sweeping than we did at the APBS that we actually do at the ADUS, because the ADUS, it has more bins. So at the APBS, they combined a lot of bins. So it was more sweeping at the APBS than it was at the ADUS, to me. I mean, that's just my opinion."

Ms. Lewis-Crain testified, on cross-examination by USPS, that the ADUS replaced the APBS in the Amarillo P&DC. Asked whether the ADUS was doing the same sortations as the APBS, Ms. Lewis-Crain testified that ". . . it just depends on - - it does the same sortations. It just depends on what sort plan you put in there - - so yes."

The Small Parcel Bundle Sorter (SPBS)

Ms. Lewis-Crain testified that, before they had the APBS in the Amarillo P&DC, they had the Small Parcel Bundle Sorter [SPBS herein], which she had operated and had been one of the first qualified operators. Ms. Lewis-Crain testified that the SPBS had the same number of Clerk employees, five, six, or seven, as the APBS. Ms. Lewis-Crain testified that, before they had the SPBS, they handled parcels manually: ". . . the mail came off the docks in U carts, hampers, wires, whatever it came off the trucks in. The mail handler brought it in the - - in the area where we were set up for the sack pouches, and we threw them in sack pouches by hand."

The Testimony of Tamika Edwards – APWU

Tamika Edwards testified, on direct by APWU, that she is employed in the Morgan P&DC. She has been with the USPS for four and one-half years as a Mail Processing Clerk. Before that, Ms. Edwards was a Window Clerk at the FDR Station in New York, New York. Ms. Edwards testified that she worked as a Mail Processing Clerk at the FDR Station on the ADUS from about the end of March – beginning of April 2020 until she bid off that job on January 30, 2021. Ms. Edwards testified about her experience with the operation of the ADUS , as follows:

> Okay. From the video, it's a little different. The ADUS at FDR, where the video shows it has nothing but bins, we have racks that have bags that the mail is dropped into. And for the heavier parcels, we have bins that it falls into. And for one of the sort plans, we have a bullpen that the mail is dropped into the bins in the back of the machine and then tossed into the BMCs.
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> Okay. For the ADUS 1, we have two feeders. We have a pusher. We have another person that is on the belt and one on the side sweeping. So that's one, two, three, four, five, six on ADUS 1.
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> And then on ADUS 2, we have two people that are feeding again, one that's pushing. You have two sweepers on one side, a sweeper on the other side, and two people in the back, so seven.
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> So everything but the pushing is clerks. It's supposed to be mail handlers, but we usually don't have one, so the clerks are usually pushing, feeding, sweeping and dropping.
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> The clerks enter the sort plan.
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Ms. Edwards testified that they ran two sort plans, based on ZIP codes, for ADUS 1 and three sort plans for ADUS 2. Ms. Edwards testified that, to her knowledge, the ADUS runs on all tours. She works 12 midnight to 8:30 a.m. She testified that she did not see the ADUS run after her tour but, "I'm assuming that it picked up later, because when I came in to start my shift, there was already mail in the bags prior." According to Ms. Edwards, the Clerks removed the empty equipment, "[b]ecause the racks have wheels, so when one bag fills up, we like spin it around and then we drop that bag, we place a new bag up there, and the same rotation." With regard to how often the containers had to be replaced on a shift, Ms. Edwards testified: ". . . on one day, it might be more that were sweeping, and on a lesser day where the volume is a little lower, we might not have to sweep it as much.

Ms. Edwards testified, with regard to differences between the operation of the ADUS at the FDR Station and the operation described by Ms. Lewis-Crain:

> Well, we don't have an attached belt. The mail is manually pushed up to us. It's primarily a mail handler's job, but a lot of times, if there's not enough mail handlers present, the management will utilize the clerks to stage the mail off the elevators and up to the machines. We have - - we have gaylords, and we have wire containers, and we have pallets. That's how the mail comes to us. And it's pushed up to us. We have electrical lifts that will lift the boxes, and we manually have to work off of the pallets.
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Ms. Edwards testified, on cross-examination by NPMHU, that, although Mail Handler employees were supposed to bring the mail to the ADUS, "[s]ometimes they don't have enough, so they will utilize the clerks." Ms. Edwards testified that she had been a Union Steward for the APWU for about 11 months but, recently, had stepped down from that position. Ms. Edwards, asked whether that use of Clerks would constitute a "cross-craft violation," responded: "It would be, yeah. But it - - I think only in the even that - - if there wasn't enough, I think, of the other craft present. I think it was okay. Like if they only had one, in the event there's not enough of that craft, I think it would be okay to utilize." Ms. Edwards testified that there were four regular Mail Handers on her tour and "maybe two MHAs [Mail Handler Assistants]."

The Testimony of Robert Hanlon – USPS

Robert Hanlon testified, on direct for the USPS, that he currently is a Senior Strategy and Planning Specialist within the Operations Branch of the USPS, domiciled in Buffalo, New York. Mr. Hanlon testified that he has worked for the USPS since 1992 beginning as a Casual Carrier. He became a permanent USPS employee as a PTF Carrier in 1994 and was in that position for about eight years. In 2000, he became a Supervisor in different offices in delivery and supervised the morning Clerk operation and then the Carrier delivery operation. In about 2003, he was in a middle-management position in a medium-sized office and managed five to seven employees. He became a Postmaster in different level offices, 20, 21, and became a "station manager of a 22." In 2008, he was promoted to Manager of Operations Program Support and oversaw the West New York district, where he managed the entire

operation for the USPS for the delivery side. In 2015 he started in his current position, Planning Specialist in the Operations Branch. One of his first projects assigned to him was "overseeing the ADUS machine and the operation, which -- the original one being in FDR."

The Initial Development and Introduction of the ADUS

Mr. Hanlon testified, on direct, with regard to the ADUS:

> . . . So the machine itself started just a little bit before. Like I said, I came up in January of 2015. The first machine, the prototype, was actually installed in FDR in November of 2014, so just about two months before I got into the position I'm in currently.
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> But I worked on that machine in -- it was originally designed just to sort smaller packages, FDR being -- we have foot routes, so they kind of separate the smaller packages from the larger packages. One's a motorized carrier that delivers the larger packages. One is the smaller packages that are delivered by a foot route. And so I worked with the contractor, the office. I was in FDR quite often working through modifications on the machine.
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> And so, eventually, in 2000 and -- or we determined that, you know, we really couldn't support the cost of the machine just sorting small packages, so in 2015, we made some modifications to the prototype that was in FDR so that it could sort larger packages.
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> They had -- the prototype's a little bit different. It has arms and most of the runouts or bins that it actually sorts to are sacks, so we can't put other equipment on there. So we worked through some of that to make some modifications of the machine.
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> But once we made those modifications in 2015, we proceeded with purchasing four additional -- still kind of prototypes, but different configuration. In regards to the discharge bins, we removed it so that it could sort to larger containers to sort

the larger packages. And so we deployed four of those in 2017. We had pretty good results from that, made a few more minor changes, and in 2017, we deployed 16 additional machines that were more of our production model, we'll say.

And then in 2018, our last - - yeah, 2019 - - or 2018 - - I think I have it right - - our last deployment, we did - - well, it was 2019. I'm wrong. We did our last deployment of 30 additional machines. So we've deployed 52 ADUS machines in 51 units [with two ADUS machines in FDR, one the prototype and one the production model].

And so I also, too, for those deployments, I ran the training for the operators and helped the offices set up and be prepared for the ADUS operation, because in a lot of cases, they were going in units that had never had mechanized equipment, and so we had to, you know, fully train them and get management up to speed on that, too. So I did just a little over half of the deployments where I was the lead doing the operator training and the setup.

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Function 1 and Function 4 Sortations

Mr. Hanlon testified, with regard to Function 1 and Function 4 ADUS sites:

. . . out of the 52, 33 of the machines are actually in delivery units, so they just primarily sort to the carrier route level. And then - - so that would be our Function 4 sites.

And then there's 19 that are in plants, and that would be our Function 1 facilities that have ADUS machines.

And so from a delivery unit, we're sorting primarily down to the individual some additional separations where we can actually have a holdout for one specific address that may get a lot of packages, so we can hold out and separate that. So we do - - we do

sortation primarily to the end delivery person when we're in a delivery unit.

In the plant, primarily their sortation is either what we would call a destination or originating sortation, and that would be - - for destinating, it would be sorting to either a five-digit - - five digit ZIP code or an SCF, so it could be a three-digit ZIP code. So based on the first three digits in a ZIP code, it would do sortation into there.

And then our destination sortation is primarily done to a five-digit ZIP code, and so those are mixed. You know, there could be multiple carriers that are in that facility, but it's jackpotted into, you know, that destinating ZIP code for sortation.

I should also mention, two, out of those 19 that are in plants, we have 13 that do have delivery units that are co-located, so they do both a Function 1 and a Function 4 sortation on - - on those specific machines. And then there's the - - the six that are - - that only do Function 1 sortation on their machines.

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Mr. Hanlon testified, on cross-examination by NPMHU, that: currently, he is located in Buffalo, New York; the closest ADUS is installed at a USPS plant in Erie, Pennsylvania, which plant is unique in that it "only does delivery unit sortation, but it's the Function 1 side of that building." Mr. Hanlon agreed that there are Mail Handler employees located in Erie. Mr. Hanlon also agreed that, in the FDR facility there were two ADUS machines, one of which is a production machine and the other the USPS's only prototype machine. Mr. Hanlon testified that the prototype ADUS machine is different because it was not designed to process larger packages and is not "reflective" of the other machines.

Mr. Hanlon testified, on cross-examination by NPMHU, that, the explanatory film of the operation of the ADUS, which was shown at the instant Arbitration hearing, stated that the ADUS typically operates at a rate of about 14,000 pieces per day and about 2,500 pieces per hour. Mr. Hanlon agreed that, at those rates, the ADUS typically operates, on average, for about five to six hours per day. Mr. Hanlon agreed that there were 52 ADUS machines, 33 of

which are in delivery units and 19 of which are in plants or co-located with delivery units. Mr. Hanlon agreed that, where the ADUS is co-located in a facility with both plant and delivery units, there is a separation in time between the Function 1 and Function 4 activities on the machine. According to Mr. Hanlon: "At a minimum, they have to switch out the containers to the other . . . from one sort plan to another. So it varies, that - - that time difference between, but at least 20, 30 minutes between runs." Mr. Hanlon testified that there were two facilities, both delivery units, at which ADUS machines that average less than four hours of operation per day, i.e., they average between two and two and a half to four hours of operation.

The ADUS Machine and Operations

Mr. Hanlon testified, on direct, with regard to photographs and diagrams of each part of the equipment and the operation of the ADUS machine.

> But at the beginning here, at this end, this is your registration belt of your induction belt. This is where we would have employees actually facing and placing packages onto the belt. So in this drawing you can't see it, but we do have flights that separate each virtual pocket that we would put a package on. So you can only put one package between each of those flights.
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> And it's important that as they face and place the mail on the induction belt that they place the bar code of the package face up, because as it transitions through here, we do - - it's, you know, kind of hard to see in the pictures, but it goes through an in-motion scale, so every package is weighed, and then we have four banners that wrap around the belts. So we get dimensional data, length, width and height of each package that runs through the machine.
>
> And the last step is it comes out of this tunnel that's here. There's an overhead camera that faces down, and it will actually read the bar code and use the information that's embedded in the bar code to do sortation.

Now, on some - - some cases, the address isn't embedded in the bar code, and so the camera does have OCR capability. So what that means is it can read the address on the label and decipher which sort bin it's supposed to go to.

So once it goes through here, it's got the weight dimensions. It's got the scan on the mail piece, and there's also data that's transmitted with that.

So in a delivery unit, it gets a arrival at unit, basically letting the sender and the receiver know that the package is in the facility and being sorted for delivery for that day or potentially for the following day depending on the setup, or if it's in a plant, it's getting an in-route scan, whether that's a destinating or originating in-route scan based on the type of sortation that's being done.

But from there, it goes up this incline belt, basically just to get us to the height of the sort belt. When it's going down the sort belt, depending on which bin it's designated to discharge in - - so for all of our machines, odd side bins are on the right - - or I'm sorry. - - even side bins are on the left, odd side bins are on the left, and so once it receives which bin it's supposed to discharge to, it goes across the belt.

There's a discharge plate that's underneath this that there is an air compressor that air pushes up on the discharge plate, and it will kick the package to the left or right on the machine and discharge it into the correct sortation bin.

You'll notice that on the machine we have long and short chutes, and that's done so that - - and you'll see it in a couple of other pictures. We have a row of sortation containers on the inside and a row on the outside of the machine. And so that's done primarily to reduce the space required for the machine so that we can shorten up the discharge bins on the machine.

Additionally - - and we'll get into these a little bit more when we get into specifics, but we have the arm that comes here. There's a little control box that's at the end that you can turn off or turn on

a discharge bin. So if you're sweeping out a container, you can turn that off, and then you can turn it back on once you replace the equipment that's there.

There's also some holders for some placards that would go on the sortation equipment that's on the machine. And then it will continue - - the package will continue down.

If, like I mentioned, there's a - - we've turned off a bin and it can't sort it - - it's a linear sorter and it's a continuous motion sorter, so it doesn't stop if a package can't discharge. What will happen is it will bypass the bin it's supposed to discharge, it goes all the way to the end, and we have this reject bin at the end. And so that's - - primarily mail goes down there if the bin is unavailable to sort into, or in some cases, if we place mail on the belt incorrectly, you can have two packages too close together. We get what's called a minimum gap error, and that means two packages are closer than 10 inches together from one another, and it will send both of them to the discharge bin because it knows it can't sort one without missorting the other.

For equipment on our ADUS machines, we use a lot of different types of sort bin containers that can be placed onto here. Primarily, in the delivery units, we use a blue vinyl hamper, which we'll show some pictures. It's kind of a larger capacity hamper that we utilize on the machine because it reduces it [sic] number of times that it has to be switched out during the run.

But in some cases, too, we do sort into sacks, and we use the - - I think we heard testimony kind of explaining that, but it's two sacks that are on what's called a spinner rack. And as one sack fills up, they're able to spin that sack around and sort into the empty sack while they're actually switching out the sacks during the run.

We only - - for delivery units, we only have three delivery units that use sacks, and that's primarily because they separate out those small packages from large packages, like I explained earlier, for motorized and non-motorized routes for delivery.

> And then you can also put wires or we have big cardboard boxes that can go underneath here for sortation. Most of the time those wires and cardboards are utilized in sortation in the Function 1 or plant sortation on the machine.
>
> And in general, that's kind of an overview of the machine and how that mail will actually transport down the belt itself.
>
> ***

Mr. Hanlon testified, with regard to whether all ADUS machines are the same size:

> No. . . . So, no, they are varying size. They do come in eight-bin increments. So in the Postal Service itself, we have machines that range from 40 bins to 100 and - - 184 bins is the longest machine that we have.
>
> ***

Mr. Hanlon testified, with regard to in how many of the 51 facilities where there is an ADUS installed did the ADUS replace the APBS machine:

> There were four of them that had an APBS previously. So they took those machines and put them to a higher volume plant, provided it to - - to those sites and then replaced it with an ADUS machine. The rest of them were all done manually prior to the ADUS machine being installed.
>
> ***

Mr. Hanlon testified, on cross-examination by APWU, that there were four, of 51, ADUS machines that had replaced APBS machines. Mr. Hanlon testified, "In all the other cases, it was a manual sortation that was being performed in both the delivery units and the other small plants." According to Mr. Hanlon, the Clerks had performed the sortation in the delivery units. He was not sure about how the work had been performed in the plant units.

Staging Lanes – Function 1 Sortation – Plant Units and Function 4 Sortation – Delivery Units

Mr. Hanlon testified, on direct, with respect to staging lanes on the ADUS:

> . . . So, in general, for the ADUS operation, we have what's called staging lanes. So here you can kind of see a diagram of that. So this is a delivery unit sort. So, again, I'm going to try and separate out the differences between a delivery unit or Function 4 sortation and a plant or Function 1 sortation.
>
> So for a delivery unit, again, we're sorting down to a specific route level. So these staging lanes, you'll notice that they have five digits up here. That's the ZIP code for the - - for what the mail is that's lined up there. And in most cases, we have one ZIP code per lane, and so we induct mail one ZIP code at a time. Sometimes when we have smaller ZIP codes, our mailers for our plant will consolidate those into one bin, and so we run those together, those individual ZIP codes.
>
> So this is just kind of gives you an illustration of what it looks like for staging lanes. So all that mail is brought in off of the dock and placed in these lanes for the operation to start up for sortation.
>
> For a plant, it's a little bit different because that's basically going to be all like mixed mail, multiple different ZIP codes in one container, and they're going to put it on the machine and actually separate it out by individual five digit.
>
> So if it was going to a normal delivery unit for manual process - - processing, it would kind of, you know, come in these containers that are separated by five digits. So this again is an example of those staging lanes for a delivery unit sortation.
>
> So once they have everything all set up and they're - - they're ready to start up in operation - - and I'll get into the specific three primary positions that are on the machine, but I do want to clarify when we talk about loading a sort plan. It's really just selecting a

sort plan to run. Sometimes definitions can get - - or the words that we use can – can mean different things. This isn't actually loading a specific sort plan from a file onto a sort plan. These are already loaded. They're done electronically and downloaded into the - - the computer, which is - - in this case, it's called an ADUS sort server for a pick list, and they'll actually pick. So we heard a little testimony earlier about how many sort plans are on a sorter and - - and doing selection.

So, basically, just kind of a visual and kind of show what they do. So we normally - - in most cases, it's the employee who's facing and closest to the start-up of the machine. So there we have a control module that's on the induction belt. And we also have a computer where we see some computer screenshots here, but tht's where they pick the sort plan that they're going to run.

So the first thing they do is make sure that this white light is illuminated, which means that power's on to the system, and they can start their sortation. They will then - - this is on the computer screen, which is off to the side here. They click on the start button. Once they hit the start button, they get a pop-up where they get to use a pick list to choose which sort plan they're running.

And so each sort plan has multiple different - - in most of the cases, it has multiple different ZIP codes on the same sort plan. In some cases, we're - - we're running a Sunday operation, too, where in that case we have multiple different ZIP codes in that sort plan. Most of them have, you know, eight to 20 different ZIP codes that are in a Sunday sort plan, but that's done just primarily for Sunday delivery in a delivery unit.

So they pick the individual sort plan that they're going to run, and then they pick a delivery date indicator. Depending on which date - - which day the mail is committed for delivery, they select that in the delivery date. And then there's a server connection where they - - it's TRP and PRES. So in a manual environment, we use systems that are called in PATS or in DSS, and that uses TRP to basically respond back with a route. So that's what TRP represents here.

And PRES is if that server is down. We have a backup file that has all of the eleven digits for a delivery unit sort plan that's there.

This date indicator is not utilized when you're loading a Function 1 or a plant sortation. It's only utilized in delivery units. So the same pick lists are here. This part is just grayed out when we're talking a plant sort.

Once they make all their selections, they just hit the load button here, and then they have to go over to the control module and hold this green button down for about three seconds and then you'll get some - - some bells and the light - - the stacker lights will start to flash, and it basically announces to the employees that the machine's about to start up. And then, basically, the belt will start moving about five seconds after you hear those bells and horns.

So that's just the steps that an employee would go through to start up the machine. And, again, in most cases, it's the facer who actually starts up the machine.

I'll just pause for a quick second and now just kind of go over the staffing and the positions, and we'll get into a little bit more specifics in regards to what each one of these – we talk about facing, staging and sweeping. We heard a couple of other terms that were utilized for these positions, but from a postal standpoint, we call them a facer, a stager and a sweeper.

So we do use slightly different staffing between a Function 4 sortation and a Function 1 sortation. Typically, in a Function 4 sortation, if we're just sorting to normal delivery routes and they're all motorized, in most cases, we're using two employees that are primarily facers, one employee that does the staging and one employee that does the sweeping. The only time in a delivery unit that we typically use additional sweepers is when we do separate out the small and the large packages because they don't all fall in the same area on the - - the machine.

So we talked about we stage it by ZIP code, and so when we stage it by ZIP code, we induct one ZIP code at a time so that that

sweeper only has to manage a portion of the machine while the machine is running.

While a Function 1 sortation, at a minimum, they need two facers, the one stager and two sweepers, in a lot of cases, there's as many as four sweepers that are on a machine, and that depends on the - - on the type of sortation that's being done. And what I mean by that is, if - - if they're doing a complete originating sortation, they - - I think the Postal Service - - now I can't - - can't remember 100 percent, but it's over 170 separations that needs to be done on a destinating - - or sorry - - originating sortation, and so you're going to have mail fall into every separation that's on the machine.

So it's a little more difficult to keep up with everything in a Function 1 sortation as opposed to a Function 4, so that's why they typically use additional sweepers in a plant sortation.

And not only that, they sort into different equipment. So, primarily, sacks take a little bit more to keep up with, and that's primarily because we don't allow more than 50 pounds to go into a sack before it has to be switched out. So it could fill up fairly quickly depending on what type of sortation you're doing on the machine. So it does fluctuate sweepers and what's needed for the machine.

For most cases, when a - - when they start up on a sort plan, a sweeper isn't required for the first 30 to 40 minutes of the run, especially in a delivery unit sort, because nothing's really filling up. Nothing requires that much attention. And there's really not a lot of work for a sweeper to do in the beginning of the start-up. And so, again, I'll talk about the primary functions I'm going to get into and show some visualizations as to what each of these positions do on the ADUS machine.

So here, just kind of to give you some visualization, so this is that induction belt that I talked about. You can see that we have these little flights that I also talked about earlier. And we can only place one machine - - or I'm sorry - - one package in between each of those flights, and so it is important that the bar code is faced up and that they're placed on here.

You can see there's a little diagram. There's typically a sign that's above the induction belt that kind of explains - - reiterates the importance of this.

So for the ADUS machine, any smaller package, it's important that they place in the center of the machine, because this belt here along with the conveyor belt is 22 inches in width. The belt itself, . . . is only 13 inches in width. So if they don't face the package in the middle, it can potentially fall off of the track when it transitions from this conveyor belt to the sort belt, because you have approximately a 5-inch gap on both sides of that sort belt. Some packages fall off, so it's important they place it in the center.

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typically separate it by ZIP code on the other side so that that can be worked manually, because being a flat sorter, it would roll off. It also goes up the incline, so it has the potential to roll back into the previous package, and so that's why we don't put any rounds or tubes." Mr. Hanlon added that there were other types of mail that are removed from the mail flow, including mail that has been forwarded, mail marked "return to sender" the bar code on which would be for the original address, which have to be worked manually. Mr. Hanlon added, "And in most cases, we don't put accountable mail on the machine, either, because that's held and done manually with an accountable clerk to do the distribution.. And, again, this is for a delivery unit."

Facers – Function 1 Sortation – Plant Units

Mr. Hanlon testified, on direct:

For a plant sort, they typically would put - - other than Express Mail and registered mail, any certified or anything like that, they put right on the belt because it's going to go down to the delivery unit and then it's handled manually at the delivery units.

And so that's primarily - - these facers are standing there for the entire run and facing and placing mail on the belt throughout the run.

The other thing that they do - - so we talk about two primary employees that are facing. We have three spots that you can actually induct mail from, two from the sides and one from the end of the induction belt. And so when those facers run out of mail, they will typically just walk away from that container and go to the unoccupied position.

So here it kind of demonstrates, you know, this employee finishes the container that's here. They rotate around to the end, and then another employee, which we'll get into in a few minutes, the stager, is actually replacing and replenishing the mail that's at that induction area.

So they continue to switch positions between those three different positions on the induction belt. We do have them kind of have little parking spots on the ground, too, to try and make sure that they put these in an ergonomic fashion for them to face and place mail on the belt, so try and keep it as close to the belt and limit the amount of bending and twisting required to go over this.

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Facers – Function 4 Sortation – Delivery Units

Mr. Hanlon testified, on direct, with regard to the handling of packages in "poly bags" which can have uneven surfaces which can make it difficult for the camera to read the printed address information or bar code on the shipping label. The facer may have to flatten the package, to the extent possible, to increase the ability of the camera to read the label/bar code.

Mr. Hanlon testified, on direct, with regard to the utilization of tilters, for any type of cardboard container or wiretainer, which is placed at the reject bin among other locations. Mr. Hanlon testified that all of this mail is raw, with only one or perhaps two ZIP codes in a container which then is "sorted down to that

granular level of the - - the carrier route for sortation." Mr. Hanlon testified, with regard to the induction belt, that in addition to the flights there are "little gray roller beads there that will draw the package up to the flights to have it flush. . . . that works well for boxes in that, but the poly bags, especially those that have bulky parts, it's important to put it up against the flight when it's there." Mr. Hanlon testified that the ADUS machine is "designed to sort packages that are 20 inches in length by 22 inches in width by 18 inches in height, and that's where you see the blue change to yellow. That indicates where 22 inches in length is. 20 inches in width is from one gray roller to the next gray roller. So there's some visuals for the employee to know whether the package is too big to be placed on the machine." Mr. Hanlon testified that ". . . the other thing that those facers have to do with some assistance - - but the facers, if they come across a large package, they'll normally just set it to the side, because the facer's primary duty is to make sure that the belt is fed, and they try and fill every pocket as it goes by them. . . But we also have these hampers on the other side, and if they get anything that's round - - something that might roll, so any rounds or – round or tubes that they come across, they will throw over the belt and ergonomic fashion for them to face and place mail on the belt, so try and keep it as close to the belt and limit the amount of bending and twisting required to go over this.

> I don't think I mentioned too - - so we do have - - so these are with the tilters, and then we do have - - there's 12 sites that have - - I know we talked about it a little bit. I think it was with Amarillo that we have a model 89 belt or basically a conveyor belt that comes up to the registration belt here for induction and then a dumper that they dump mail onto it. That's primarily in the plants.
>
> I think we have just two or three in the delivery units that we have like that, but mainly because they don't work a lot of mail off of pallets, where, in delivery units, we work mail off of pallets, which you really can't use the dumper and the model 89 belt going up to the induction belt. So there's only, you know, a small portion of - - of the sites that actually utilize that setup. Most of them are set up like you see here with the tilters.

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Mr. Hanlon testified, on direct, with regard to why pallets were not used in delivery units, that ". . . it's mainly because of the mail makeup. So a lot of the plants, what they're running is smaller mail that's going on these machines. They don't work the larger packages like we do in the delivery units, and so from the - - in some senses, it's a little bit better ergonomically, because it's - - it's there. . . . They're still kind of mixed. You know, it still takes - - the facer has to take them and face them and place them up as they put them on the induction belt, but it just eliminates them having to switch out containers if they're able to put everything on that belt and bring it up to it. . . . The delivery units, we have that stuff on the pallet, and so then that - - actually, that belt gets in the way when we're working off of pallets because there's really not room for the pallets. So it works much better in a - - in a plant environment. . . . But we have some sites that, you know, they - - they prefer the tilters and - - and they're getting higher throughputs on the machine than what we do with the - - with the dumper and belt. But primarily it's - - they feel that it's a little bit better ergonomically to work off of the belt when they're just working small packages."

Mr. Hanlon testified, on direct, that ". . . the primary goal of the facer is to make sure that a package is placed in every pocket as it goes across the machine and making sure that that container is as close to the feed belt as possible to minimize that bending and twisting associated with that. So it's really - - the idea is just a hand motion, for the most, part as they're placing it on as opposed to having to move and twist to grab mail out of a container. . . . And then, primarily, again they - - they move to that unoccupied position if the - - and let the stager switch out the container. On occasion, they do both run out of equipment at the same time, and in that case, one would go to the unoccupied position, and the other would help the stager and switch out the container that's on - - that's in their position and replace that themselves so that they can get it back up and running with at least two people filling those slots throughout the run. . . . And the other thing, prior to the start-up, they make sure that the belt's filled with mail and ready to go. They're also the ones that are typically starting the machine up."

Mr. Hanlon testified, on direct, that: ". . . sometimes the sorter will stop, and it's normally because of a jam that's happened. So there's a lot of sensors that are on the machine, but if a package does get jammed in that - - and it's normally when we're going from that 22-inch-wide conveyor belt to the sort belt. There will be packages that get stuck in a little lip that's there, and so

somebody has to go and pull that off. . . . So when the machine does stop, the facers need to look up. There's a stacker light that's right next to the camera, and if all three lights on that stacker light flash, it indicates that the issue is at their end of the machine, and so they walk over. They clear the jam, which they're almost all simple jams where they're just basically picking the package up, taking it away so the other facer will actually start up the machine. And, again, it takes like five seconds once it signals that it's going to start up, and by then everybody's kind of back into their positions and they start up - - start up with the sortation from there."

Mr. Hanlon testified, on direct, that the facers have to make sure that "they have the labels up so that it can read the bar code. They center those small and medium packages. The larger packages, they push against the backboard, that white plexiglass backboard . . . . And they have to put the narrow part of the package forward, mainly because you're going up an incline belt, and if you do it the other way and it's rectangular, it has a habit of rolling down the incline belt. So there is, you know, a specific way that they have to place on there. . . . And then they've got to cull out or separate out the tubes and the rolls and put those - - throw those across the belt into those containers as they're doing it. . . . And always, too, after the run, they're in charge to make sure that the tilters get plugged in so that they're charged up and ready to go for the next sortation."

Stagers – Function 4 Sortation - Delivery Units

Mr. Hanlon testified, on direct, with regard to the duties of the stager position on the ADUS machines in delivery units:

> . . . So the stager is actually grabbing containers from those staging lanes that we've talked about, and they're bringing mail up to the facers. And so the facer - - or the stager is really - - primarily their duty is to make sure that the employees - - the facers never run out of mail at the induction belt.
>
> They also take off the shrink wrap that's on the pallets. They'll take some of the oversize off, which I'll kind of show some pictures of that in a minute. But they basically get everything prepared so that when the facer comes into that position, they can

right away start throwing mail on the belt. So their primary duty, again, make sure the facers don't run out of mail and continue to rotate and bring up containers.

And they'll normally - - you kind of see it here. You have one container on a tilter and one of the backup. Here you have a pallet and another pallet right behind it as a backup, and there's the same thing here. So always make sure that there's six containers that are up at the induction belt so that the facers - - it's quick and easy to switch out the containers and the facers don't run out of mail.

The other thing that stager does is they do some sortation. They will - - you can kind of see pictures here. They actually take the - - the larger packages off the pallets, or if the facer has found a large package and they set it to the side, they take those large packages, and we have – what we use is a manual environment is DSS, which has a ring scanner, and they scan the bar code on it. They get a route number, and they'll do a separation by route groupings. So these are all scanned and - - and ready to go out with the carrier. They do the separation so that it's logical to route groupings, like I said.

And it's a combination of things. We either then have another employee that's on manual distribution who will drop these off at the carrier's cases, because when we put in these machines, we really for the most part eliminate a manual sortation. So they either drop it at the carrier's case, or they'll stage it in an area where the carriers come up and they cherry-pick which packages are theirs.

So they do scan it, place it on here. If the route number isn't on the label - - about 40 percent of our packages come where it has the route number right on the label. The other 60 percent, they write with a black magic marker which route number it is so it's easy for the carriers to identify which packages are theirs. So they do some sorting, and this is primarily in a delivery unit.

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They also assist with pulling off the oversized packages, and they do that scanning and sortation by logical route groupings. And, again this is primarily again for the delivery unit or the Function 4 sortation, not as much in the Function 1 sortation. They don't typically do any scanning or sortation during that time. Typically, they're helping out more in the - - on the - - the facing and placing mail on the induction belt, and we talked about that they come up and help.

And then the other thing that they do - - basically, all of the employees on the machine, when they end one sort plan for - - for a delivery unit sort plan, when they end one, because in most delivery units, at a minimum, they have two sort plans that they have to do each day, so they'll actually - - all of them will go help switch out the containers. They actually stage the containers right next to the machine and bring in new containers so that when the carriers come to retrieve their packages, they're retrieving them right there.

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Stagers - Function 4 Sortation - Plant Units

Mr. Hanlon testified, on direct, with respect to Stagers on the ADUS machines in Plant Units:

For a plant, most of the time, all of the oversize packages is either separated out already when it comes into the plant, but if they do find some of that, then they push it down to a manual operation and they sort it in a manual operation in the plant. So it's slightly different between the delivery unit and the - - delivery unit and the plant.

The other thing that this facer will do is - - so like when they're just primarily working on small - - containers with small packages, they come in and they come up and they fill that third induction area on the belt. So at times there will be - - that stager becomes a facer and assists the facers in making sure that the - -

that the belt is kept full and they're not missing any pockets that's there.

But they still stay as - - primarily as a stager, so if one of the primary facers runs out of mail and they need to switch a container, they'll kind of bump the facer out of the way, and then they'll switch out - - the facer will switch out the container. And then, again, if there's - - everything's all caught up, there's no oversize packages up there, then they'll continue to feed from that additional position.

And so, again, we have the keys to success for a stager. It's to make sure that the facers never run out of mail, assure that a full container is lined up at each of the three feed areas as a backup. So, again, there's six containers typically up next to the induction belt throughout the run.

When possible, they line up the pallets at the first station, facer station. They normally have a little more room to work the oversize there, and then they do the cardboards and wires that are on those tilters. They put those in the other two positions.

And - - and they talked about it, too. They kind of manage the mail that goes in, so they induct it one ZIP code at a time that they're pulling out of the staging lanes, and they also validate that the mail in the container is actually the ZIP code that it's - - that it's actually in that staging lane.

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Now, we do have different cases where we talked about plants, so those typically have to be discharged to the delivery unit that's typically co-located in the plant, but, otherwise, most of the time the carriers are retrieving mail directly over where the machine is sorting it.

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Mr. Hanlon testified, on cross-examination by NPMHU, with regard to where in the process of operating the ADUS the stager performs work:

> . . . Typically, the stager and the facer start at the same time, and all three employees [i.e., including the sweeper] will bring mail up to the - - the machine and get it ready to start up. And then the stager continues to bring mail up.
>
> But if you're talking about like putting mail in the staging area, that is done before the machine actually starts up.
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> ***

Mr. Hanlon agreed, on cross by NPMHU, that the mail is placed in the staging lanes by Mail Handlers, at least in those facilities which have Mail Handlers, because that is transportation of mail through a staging area. Mr. Hanlon also agreed, with regard to staging, that the employee who takes the mail from the staging area gets it to the ADUS machine and puts it on a tilter or belt, whichever process is used in that facility.

Mr. Hanlon, on cross by NPMHU, testified, as follows, with regard to whether the USPS's use of the terms "staging" and "stagers" in the phrase in the (corrected) determination letter, dated May 10, 2019, "1. Retrieval and staging of packages in swim/staging lanes for access by stagers/facers – Mail Handler Craft," was intended to have both meanings. Mr. Hanlon responded: "That is my interpretation that . . . it has both in there, the way that you read it. . . . The term "staging" is for - - you know, staging for the facers. So they stage the mail for the facers, yeah. . . . That is correct. The stager . . . takes it from the staging or the swim lanes, staging lanes, yes. Correct."

<u>The Sweeper - ADUS</u>

> The the last position that I have to cover is the sweeper, and so here we can kind of see the sweeper works at the other end of the machine. So they work at the discharge part, so kind of where all the mail is dropping into the container. So here are those larger vinyl hampers that I talked about that mail sorts into.

And here you can kind of see we've got lined up sortation for what's going to be sorted on that sort plan, and then the other containers for the second sort plan are just outside or just next to the machine. And so when they switch that out, they're kind of bringing two - - two out at a time and bringing two back at a time, so that's where - - typically, again, there's four for a delivery unit for this type of switch out. They've got two on each side, and it only takes five to ten minutes to switch out containers from one sort plan to the next.

The other thing with the . . . sweeper, what they do is they've got to make sure that the placards are placed on the correct routes. So here it signifies the two different sort plans. They're color coded by ZIP codes to make it a little easier for everybody to find their container, but it always sorts to the same container, so - - or same discharge bin, so it's fairly easy for the carrier to find their containers to retrieve.

And - - and they're also, too, kind of monitoring these bins. So the only discharge bin that actually has a sensor - - so some of the other machines, in sensors that are there, so as mail backs up the discharge bin, it's important that the facer slides that down. And the next set of pictures will kind of show a boat hook that they utilize to kind rake that mail down into the container, but they may also do a little rearranging to try and maximize the space in the containers before they switch them out.

And here's also a blown-up picture of those bin shutoff buttons that are on those arms. So, again, they push the button to turn off the discharge bin. It becomes illuminated, so it lights up indicating that no mail will sort down that bin while they switch out a container. Once they get a new container in, then they would turn that bin back on, and they would also grab another placard and put the placard in the little holder that's on the side of the vinyl hamper.

And this just kind of shows a little bit more what the sweeper does. So here you can kind of see a boat hook that this sweeper, she's bringing around with her. She would use that to clear. So in

a case, too, you might get a package that kind of jams in here. They just use the boat hook and kind of pull it down so that it drops in there. The other thing we talked about, primarily for a delivery unit sort, these containers don't fill up as quickly when we're using those larger blue vinyl hampers on here, so they're larger capacity.

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The "Six Special Bins"

Mr. Hanlon testified, on direct, with respect to "six special bins" on some ADUS machines, as follows:

So what they do is - - on each machine, we have six special bins that are on there, so they are not designed to sort to the carrier route level. There's some different additional work that needs to be done with those packages that fall into those six special bins.

One of the special bins is for our no read or no bar code packages that the machine cannot decipher which route it goes to. Those all sort into one specific bin, and all of the smaller packages that are no read, they sort into a different bin. And we'll take those small ones, and they actually get sorted into flat tubs, so a little bit easier to just kind of sort them into a small condensed packed area for sorting those no read/no bar code small packages or - - or SPRs . . . small package and rolls for that.

So what the sweeper will do is they'll go to that container that has the larger no read packages, and they actually scan the bar code. We have another one of those USS that are set up along the side of the machine, so when they sort that, they'll get a route response that's on there, or they may have to have scheme knowledge, but they will sort those into the correct discharge bin while they're going around monitoring the bins.

So they typically will take a hamper, kind of scan, you know, five, ten of them, kind of put them in order as they're going to drop them. They bring those containers around, and they drop them

directly into the sort belts while they're sweeping. And, again, that's primarily done in a delivery unit or a Function 4 sortation. In the plants, normally, they take all that mail and it's worked in a manual bullpen separate from the machine itself.

The other thing that's - - so those other special bins, they really don't get worked on the machine itself. They're a separation for special handling. So we get like package intercepts, hold at post office, some special handling things that all go into one bin.

Another one would be if they inducted mail for the second sort plan, but - - but they're running the first sort plan. It would go into a separate bin. That mail is reinducted into the next sort plan.

Then we also have - - typically, on a Saturday, we have businesses that are closed, no access to maybe a college dorm or something like that. All of those go into a separate bin, too, to be reworked the following delivery day that those are going to be delivered.

And then we have one that if we have any packages that are missent, so they belong to a different delivery unit and they get mixed in with that mail, they get separated out there, too. But all those are done separate off of the machine, but those are those six separations that are there. But the sweeper makes sure that those package - - or those individual special bins get pushed out and processed where they need to be, but the one bin they take care of on the machine itself and do the sortation.

***

Sweeper - Reject Bin – Mr. Hanlon testified, on direct, with regard to the sweeper position on the ADUS machines, as follows:

Then the last position that I have to cover is the sweeper, and so here we can kind of see the sweeper works at the other end of the machine. So they work at the discharge part, so kind of where

all the mail is dropping into the container. So here are those larger vinyl hampers that I talked about that mail sorts into.

And here you can kind of see we've got lined up sortation for what's going to be sorted on that sort plan, and then the other containers for the second sort plan are just outside or just next to the machine. And so when they switch that out, they're kind of bringing two - - two out at a time and bringing two back in at a time, so that's where - - typically, again, there's four for a delivery unit for this type of switch out. They've got two on each side, and it only takes five to ten minutes to switch out containers from one sort plan to the next.

The other thing with the . . . sweeper, what they do is they've got to make sure that the placards are placed on the correct routes. So here it signifies the two different sort plans. They're color coded by ZIP code to make it a little easier for everybody to find their container, so - - or same discharge bin, so it's fairly easy for the carrier to find their containers to retrieve.

And - - and they're also, two, kind of monitoring these bins. So the only discharge bin that actually has a sensor - - so some of the other machines, you may kind of know they have sensors to indicate when the bin is full, and it will shut them off. These do not have full bin - - full bin sensors that are there, so as mail backs up the discharge bin, it's important that the facer actually slides that down. And the next set of pictures will kind of show a boat hook that they utilize to kind of rake that mail down into the container, but they may also do a little rearranging to try to maximize the space in the containers before they switch them out.

***

Function 4 Sortation – Delivery Units

The other thing that they monitor is the reject bin. So we talked about the - - the facers, and if the machine stops, they look at the stacker light at the top. Well, there's another stacker light that's

at the top of the reject bin. . . . It's green. So all three lights, a yellow light and a red light. All three will flash if there's an issue at the reject bin and that sweeper is to - - if the machine stops and they see that this - - the light up here is flashing all three lights, they stop what they're doing and they come back and they address the issues here.

So this is the only discharge bin that has sensors. There's two different sensors that are in the reject bin. One is a full bin sensor, so if mail backs up and is on this discharge plate here . . . . It will actually block that sensor, and it will stop the machine. So the sweeper has to come and clear that mail out of there. In a lot of cases, they're going to have to replace the container, so they would take this wiretainer and actually replace it with another wiretainer.

The second sensor that's here, if the machine is not able to run unless there's a container at the reject bin . . . , so if a container is not there, there's a sensor to signal that, and it won't allow the machine to start up.

So even if it fills up and it hasn't quite shut the machine down here and that sweeper pulls this out, it will stop the machine about five seconds after they remove this wiretainer so that that way they can replace this without additional mail falling on the floor as they're trying to switch that out. So it's kind of a safety feature on the machine itself.

So again, we have the keys to success for a sweeper that we kind of go through with all the training. And we kind of talked about these through the different things, but, you know, they maximize the containers, so they might rearrange some of those packages so that they can fit more in there.

They use that boat hook or pole or stick to knock down any packages that get stuck. They scan and sort the large no read/no bar code packages directly on the sorter during the run. And, again, that's primarily done in a delivery unit sort or a Function 4 sortation, not so much in the plant. And then containers for the

second sort plan, they make sure that they're lined up so that they can be switched on.

They also make sure that there's a couple additional empty containers that are there for any of the carrier route bins that do fill up during the run, and they switch them out. And those are just kind of the steps that they follow for switching out a full container. . . . They hit that bin shutoff button that illuminates. That makes it so that no packages will fall down there. They'll switch out the container. They rehit that - - that button to turn that bin back on, replace the - - or put a new label in that container so that they know what mail's sorted into there, and then they put the full containers in this dedicated staging area for overflow containers for routes in a delivery unit.

***

. . . . But for the delivery units, it's staged right next to the machine so the carriers can pick that up at the machine. And then, again, we talked about if the sorter stops and they see those flashing lights, they have to address the reject bin so that they can get that up.

The other thing that they do is they push - - that mail that they pull out of the reject bin, they push that back to the induction and they rerun that mail, because, like I said, most of time the reason that it went down there is because the bin's unavailable, so it can't sort to it. But if they reinduct it and that bin's now available, it will sort correctly or a minimum gap - - so it it's - - it's placed onto the belt correctly, then it will sort - - sort correctly the second time through. And then they make sure that the special bins are processed timely each day to keep up with it.

So it's important that they work those no read packages throughout the run, and it's mainly because when - - here it's a little bit different than in a Function 1. When they finish the delivery unit sort plant, you know, the carriers are getting ready to leave, so we have to make sure that they're not held up waiting for us to do some of the manual separation that's required with some mail that will not be processed on the machine itself. So we kind of have these different areas. We have the no reads that come off of the machine.

We have the rounds and tubes that get tossed on the back side, and then we have those oversize packages that the stager takes care of throughout the run, too, to make sure that those are all processed and - - and ready to go shortly thereafter the sort plan's done.

***

Sweeper - Function 1 Sortation – Plant Units

Mr. Hanlon testified, on direct:

In a plant sort, that would actually get staged, and it would get dispatched to the dock and actually be staged for dispatch out to the correct facility to be placed onto a truck. But for the delivery units, it's staged right next to the machine.

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Testimony of Shannon Richardson

Shannon Richardson testified, on behalf of the USPS, that currently, she is the USPS's Acting Manager for Labor Relations (APWU) and Contract Administration. Ms. Richardson testified that she started working for the USPS in 2002 as a transitional employee at the Remote Coding Center in Wichita, Kansas. She then worked in a career position at that facility. In 2010, she became a Labor Relations Specialist at the Central Plains District Office in Omaha, Nebraska. In 2013, she was promoted to a Labor Relations Specialist position in Labor Relations Policy and Programs at the USPS's headquarters. In 2016, she moved to the position of Labor Relations Specialist, Contract Administration (APWU). Upon the retirement of Rickey Dean, in January 2021, she became the Acting Manager. In that position, she is responsible for overseeing the administration of the CBA between the USPS and the APWU, grievances, etc. She also serves on the NDRC for jurisdictional issues. She also manages the Labor Relations Specialists who work with the various crafts, including Clerks, motor vehicle services, etc. Ms. Richardson testified that she had worked with Mr. Dean on the Craft Determination letter, dated May 2019,

which was signed by Mr. Dean. Ms. Richardson testified that she scheduled and attended the Plant visits to see the operation of the ADUS machine involved in this case, including the visits to the FDR Station in New York, and to the JCPM facility in Washington, D. C. Ms. Richardson testified that, after those visits, she met with Mr. Dean, as well as with Mr. Hanlon to discuss the various functions of the ADUS and to apply the RI-399 principles in order to draft the Craft Jurisdiction letter for Mr. Dean's signature. Ms. Richardson testified that they initially had issued this letter in April 2019, but then noticed two typographical errors (in the numbering on the primary craft designation for the performance of duties). This was corrected in a letter re-issued on May 10, 2019, along with an explanatory cover letter. No craft determinations were changed.

Ms. Richardson testified about the May 2019 Craft Determination letter which states, in relevant part: "For those facilities where Mail Handlers are present, the primary craft designation for the performance of duties for operation of the ADUS is as follows". Ms. Richardson testified, as follows, with regard to each of the duties on the ADUS:

> For those facilities where Mail Handlers are present, the primary craft designations for the performance of duties for operation of the ADUS is as follows:
>
> 1.*Retrieval and staging of packages in swim/staging lanes for access by stagers/facers Mail Handler Craft

Ms. Richardson testified: "Generally, that - - this is a movement of mail. There's no sortation or distribution involved with this particular function, so that has traditionally been awarded to the mail handler craft for the movement of mail such as this."

> 2. * Removing empty equipment containers from staging area: Mail Handler Craft

Ms. Richardson testified: "That was because, again, it's not associated with a distribution or a sortation. It is taking equipment away from the staging area. It's movement of mail - - movement of mail - - in this case, it's movement of equipment, and that has traditionally been assigned to the mail handler craft."

3. Retrieval of full containers from staging/swim lanes and pull, scan, and sort the large non-machinable packages from each container: Clerk Craft

Ms. Richardson agreed with Mr. Hanlon's testimony about No. 3 as involving the retrieval of full containers from the staging/swim lanes and pulling, scanning and sorting the large non-machinable packages from each container and removing packages that might fall off the belt, packages that may have had other difficulties and where one of the Facers, standing across the belt from bins, could toss these packages into these bins. Ms. Richardson testified: "Yes. And that would be probably consistent with what he referenced to as the stagers." Ms. Richardson testified that this work had been awarded to the Clerk Craft because "[a] lot of this has to do with the – the pulling and the sorting of the large machinable packages from the containers. So this is a sortation that is done, so the employee has to actually pull it out, probably use some sort of scanning device, a ring scanner - - there could be an overhead scanner, something, a pass scanner - - and then put it - - and then do a manual sortation of that mail."

4. Singulating/separating packages and facing/ feeding packages onto induction belt: Clerk Craft

Ms. Richardson testified: "This is what Mr. Hanlon testified would be the facer. So they are the ones that are pulling the packages out of the containers that are going to actually be placed onto the machine induction belt. . . . They have to figure out where the scan is and place it with the label and scan side up and face it correctly on the piece of - - you know, on the belt so that it can be scanned by the overhead scanner and then sorted into the appropriate bin by the piece of equipment.

5. *In Function 1 (F1) operations, sweeping packages (removing full containers and replacing with empty containers), includes sort plan switch out: Mail Handler Craft

Ms. Richardson testified: "Function 1 is a mail processing operation. . . . And in Function 1, that - - they're not doing the same level of sort, like a carrier route that they would do in a Function 4 operation, and so there would be no - - it's not a distribution thing. They would just be simply removing the containers. You're sweeping the packages, which is removing the full containers, replacing them with empty containers, and it's - - again, it's movements of mail without a need for any sortation or distribution." Ms. Richardson testified that this assignment of this work on the ADUS is similar to the assignment made by the USPS on the SPSS.

6. ** In Function 4 (F4) operations, monitor discharge bins and pull, scan and sort medium and large no reading barcode packages into the proper discharge bin, including sort plan switch out: Clerk Craft

Ms. Richardson testified with respect to the distinction made in the Determination Letter between an F1 operation and an F4 operation: "Again, Function 4 is what we call retail customer service. It's been referred to a lot during the hearing as delivery units versus the - - Function 1 is the plants, so - - and Function 4 operations are the delivery unit operation. . . . This is actually doing more of a carrier route sort, so there's - - there's a need to have a different level of monitoring the dispatch bins. Again, they pull, scan and sort medium and large no read/no bar code packages into the proper discharge bin. So there's a sortation function associated with that - - that particular role, that sweeping in number - in a Function 4 operation that would not be involved in a Function 1 operation." Ms. Richardson testified that RI-399 Instruction, Section II.C [quoted above], was included because ". . . it goes towards the efficiency of it and not needing to separate them out and have two different people and having to distinguish the duties. Again, it says 'cannot be efficiently separated.' . . . ." Ms. Richardson testified that Clerk Craft employees were assigned by the Determination Letter to perform the duties described in No. 6.

7. *Transporting full containers to dispatch area:
Mail Handler Craft

Ms. Richardson testified, with regard to the duties in No. 7, that the transporting of full containers to the dispatch bin was assigned to the Mail Hander Craft because ". . . similar to No. 1, it is the movement of mail within the facility, so - - and that has traditionally been assigned to the mail handler craft."

- Denotes that in offices where the associated task(s) in an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.

** The containers utilized on ADUS have a higher capacity and do not need to be changed out as frequently in F4, as a F1 plant sortation requires. The employees monitoring the bins during the run can also take any of the larger no read/no barcode packages from the No Read bin and scan/sort them into the corresponding sort bin. This is integral to the efficient operation of the machine in a delivery unit environment.

Ms. Richardson also testified with respect to the following provision of the USPS's Determination Letter: "In facilities that do not include employees from the Mail Handler Craft, the primary craft designation for the performance of duties for operation of the ADUS is the Clerk Craft." Ms. Richardson was asked about the type of work performed by employees at a facility where an ADUS is installed to replace an APBS which is to be performed on the ADUS. According to Ms. Richardson:

> It's replacing a manual operation where the clerks were generally throwing packages in - - I've heard it commonly referred to as the bullpen. It's a setup of containers. And the clerks pull out packages, use some sort of scanning device, and then they do a manual sortation.

***

Ms. Richardson was asked about the situation involving a Function 4 sortation in a facility that does not have Mail Handler employees. Ms. Richardson testified, "In a facility that doesn't have mail handlers, it is more likely to be a Function 4 facility and not a Function 1 facility." Ms. Richardson was asked, on direct, whether the NPMHU's argument was correct that, in a pure delivery, Function 4 facility, which had no Mail Handers employed, would the USPS be required by the "four-hour rule" to employ a Mail Handler employee to perform the duties described in the Determination letter, at Nos. 1, 2 and 7, as being assigned to the Mail Handler craft. Ms. Richardson responded:

> Generally, in those facilities, the Function 4 facilities that don't have mail handlers, the culmination of those three tasks would most likely not equate to four hours of continuous work.

***

Ms. Richardson asked, on cross examination by NPMHU, whether the single asterisk attached to Function Nos. 1, 2, 5, and 7, would have been applicable to these functions even if the asterisk had not been used by the USPS in the Determination letter, responded:

> Yes, I would - - I would agree that generally we would say that - - that where it's an integral part of the distribution function it's - - it's assigned to the primary craft performing the distribution. That's part of the - - it's just a general part of RI-399.

***

Ms. Richardson agreed, on cross by NPMHU, that this was one of the implementation criteria. Ms. Richardson, asked why the USPS, in the ADUS Determination letter, had included asterisks for these Functions, when they had not included the asterisk for the functions in the Determination letters for the APBS and the SPSS, responded:

> Yes. I would - - I would guess the . . . I think in your opening statement, Bruce, you mentioned that these are sent to the field and this is a document that is used by managers and - - and people on the - - like the local dispute resolution committee and all of that to - - to implement the national craft determination letter. And so, as you said, the – the appearance can have – can matter to some degree.
>
> So there could be managers on the Postal Service side who might not be aware of all of the principles of 399, not - - might not have a copy of the document from 1979 and realize that as . . . you just asked me whether this would apply whether we put the asterisk there or not, and so it's - - from my perspective, it is a - - it's for clarification purposes for those people who are implementing this in the field.
>
> ***

Ms. Richardson agreed, on cross by NPMHU, that that same purpose of "clarification" had not been made with regard to the "four-hour rule". Ms. Richardson did not agree that the statement in the ADUS Determination letter that, if there are no Mail Handler employees at that facility the primary craft is the Clerks, was not correct. Ms. Richardson responded: "It is - - it is true, but I think - - and I'm going to, you know, take a leap here, right or wrong - - that the point you're trying to say is, barring a condition of application of the four-hour rule . . . that it could be true depending on local circumstances and if the four-hour rule would apply." Ms. Richardson was asked, with respect to those facilities at which the ADUS machine was used for four or more hours each day, not necessarily continuously and not necessarily in conjunction with other work functions that Mail Handlers do, but certainly some of those facilities could have no Mail Handlers there today, an ADUS could be installed which would create at least four hours of continuous work, and under the updated RI-399 MOU, that would be new work brought into a facility with no Mail Handlers and, therefore, the Postal Service would be required to retain a Mail Handler in those circumstances, with all the agreed-upon caveats. Ms. Richardson responded: "Yes. With - - with all of the conditions, that could happen."

Ms. Richardson testified, on re-direct, with respect to the four-hour rule, that even if, for example, the ADUS machine was operating for six hours, this would not mean necessarily that there were four continuous hours of work for a Mail Handler employee.

RI-399 Guidelines
Section II.B. Four (4) Hour Criteria

RI-399 Guidelines, Section II.B – Four (4) Hour Criteria, states:

> If there are four (4) or more hours of continuous work consisting of one or more work functions in one or more operations designated to the same primary craft, the performance of which should be assigned to an employee of that primary craft.

***

Ms. Richardson testified, on cross-examination by NPMHU, with regard to the "four-hour rule," that she agreed that, while the rule is stated in terms of the four-hours being *continuous*, the rule also states that the work can "*consist[] of one or more work functions*". Ms. Richardson agreed that, in a small facility which had only three hours of Mail Handler work loading and unloading trucks, that facility would not be required to employ a Mail Handler employee. Ms. Richardson also agreed that, if that facility had two hours of Mail Handler work loading/unloading trucks and installed a machine which involved two hours of Mail Handler duties, for a total of five "continuous" hours, the facility would be required to employ a Mail Handler employee. Ms. Richardson agreed that, if the two hours of Mail Handler work had to be done at the same time as the three hours of loading/unloading trucks, that would not constitute the four hours of continuous work. Ms. Richardson agreed that under RI-399 implementation criteria refers to a "four-hour rule". Ms. Richardson agreed that the RI-399 principles also refer to "allied duties which are integral or cannot be efficiently separated from the distribution function" and that a local manager can assign something to the employee. Ms. Richardson agreed that the "four-hour rule" is one of the RI-399's implementation criteria.

Craft Determination Letter for the
Automated Parcel Bundle Sorter (APBS)
Dated July 29, 2011

Ms. Richardson testified, on cross-examination by NPMHU, with regard to the Craft Determination letter, dated July 29, 2011, for the Automated Parcel Bundle Sorter (APBS), concerning the job assignments at Nos. 9 and 10. The list of duties and assignments for the APBS are:

1.Transporting empty equipment.	Mail Handler
2.Obtaining Mail from staging area.	Mail Handler
3. Dumping sacks, pouches or containers.	Mail Handler
4. Culling by type/characteristic and rewrap of bundles.	Mail Handler
5.Facing mail.	Clerk
[No Number 6]	
7.Keying	Clerk
8.Inserting labels.	Clerk
9. *Pulling containers.	Mail Handler
10. *Containerizing and transporting.	Mail Handler

*Clerks will key and/or face mail for no more than 2 hours before rotating to other duties. When not keying, clerks will perform these duties. Personnel assigned to perform these duties in addition to the minimum number required to implement the rotation will be from the primary craft.

***

Ms. Richardson testified, on cross by NPMHU, with regard to the asterisks at Nos. 9 and 10, and the Clerks: ". . . They - - when they're not keying, they will perform the duties with the asterisk, so 9 and 10 in that craft jurisdiction letter." She agreed that those were the only two asterisks in the Determination letter for the APBS.

Craft Determination Letter for the
Small Parcel Sorting System,

Dated August 7, 2015

Ms. Richardson testified, on cross by NPMHU, with regard to the Craft Determination letter, dated August 7, 2015, for the Small Parcel Sorting System (SPSS), concerning the job assignment at No. 4. The list of job duties and assignments are:

1.Retrieval of packages from a staging area.	Mail Handler Craft
2.Operating a container dumper and dumping packages onto induction belt.	Clerk Craft
3.Singulating/separating packages & facing/ feeding packages onto induction belt.	Clerk Craft
4.*Sweeping packages (removing full containers and replacing with empty containers)	Mail Handler Craft
5.Transporting full containers to a staging area.	Mail Handler Craft

*Clerk craft employees assigned to the induction stations will do so before rotating to other duties. Clerk craft employees who rotate to another work assignment will perform sweeping duties on the SPSS. Personnel assigned to perform sweeping duties in addition to the minimum number required to implement the subject rotation system will be from the primary craft (mail handler).

***

Ms. Richardson agreed that, with regard to the duties listed for the SPSS machine, only No. 4, sweeping, which Mail Handlers are assigned to perform as the primary craft, had an asterisk, which denotes that this work can be assigned to Clerks for rotational/ergonomic relief purposes. Ms. Richardson agreed that, it was correct that no need for ergonomic relief had been identified yet with respect to the ADUS. According to Ms. Richardson, when they were studying the work duties on the ADUS they checked with the ergonomic experts. "We asked them to give their opinion. They didn't do a formal study or anything, but we - - we asked them for their opinion."

RI-399 Guidelines,
Primary Craft Designations,

Operation 100 – Outgoing Parcel Distribution

RI-399 Guidelines, Post Office Primary Craft Designations, Operation 100 – Outgoing Parcel Distribution, states:

1.*Transporting empty equipment.	Mail Handler
2.*Obtaining mail from staging area.	Mail Handler
3.*Dumping sacks or containers.	Mail Handler
4. Manual distribution of parcel post, without scheme knowledge.	Mail Handler
5.Manual distribution of parcel post requiring scheme knowledge.	Clerk
6.*Pulling and dispatching sacks or other containers.	Mail Handler
7.*Containerizing and transporting mail to dispatch areas.	Mail Handler
8.*Hanging sacks and inserting labels.	Mail Handler

*In offices where the tasks of obtaining empty equipment, obtaining unprocessed mail, loading ledges, sweeping and containerizing is an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.

***

Ms. Richardson testified, on cross by NPMHU, with regard to RI-399 Guidelines, Post Office Primary Craft Designations, Operation 100 – Outgoing Parcel Distribution:

> . . . I don't know that I remember specifically looking at this document for operation 11 in speaking with - - with Rickey about it and in evaluating the craft determination, but we looked at it in relation to how we have identified other craft jurisdiction assignments, such as the SPSS, and I believe it was the APBS in terms of that, and so to be as consistent as possible as what we've done in the past.
>
> ***

Ms. Richardson, on cross by NPMHU, agreed that she was aware that the APWU consistently has claimed with regard to craft determinations that distribution primarily is Clerk work. Ms. Richardson agreed that with regard to RI-399 Craft Designations, Operation 100 – Outgoing Parcel Distribution, states, in relevant part: "4. Manual distribution of parcel post, without scheme knowledge. – Mail Handler." Ms. Richardson agreed that for Craft Designation Operation 100, at No. 5, distribution with scheme knowledge was assigned to Clerks. Ms. Richardson agreed, therefore, that the assignment of distribution to Mail Handlers in No. 4 for outgoing parcel distribution was an exception to the APWU's claim that all distribution was assigned to Clerks. Ms. Richardson agreed that outgoing parcel distribution, in part, is related to the function of the ADUS machine.

RI-399 Guidelines, Craft Designations
Operation 105 – Mechanized Parcel Sorter

RI-399 Guidelines, Post Office – Primary Craft Determinations, Operation 105 – Mechanized Parcel Sorter, states:

1.*Transporting empty equipment.	Mail Handler
2.*Obtaining mail from staging area.	Mail Handler
3.*Dumping sacks or containers.	Mail Handler
4.Distribution of parcel post through the use of parcel sorting machine.	Clerk
5. [No No. 5 is listed.]	
6.*Pulling and dispatching sacks or other containers.	Mail Handler
7.*Containerizing and transporting mail to dispatch areas.	Mail Handler
8.*Handling sacks and inserting labels.	Mail Handler

*In offices where the tasks of obtaining empty equipment, obtaining unprocessed mail, loading ledges, sweeping and containerizing is an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.

***

Ms. Richardson agreed, on cross by NPMHU, that Operation 105, relates not only to parcel sortation but, also, to a mechanized parcel sortation.

Determination Letter
Duties Nos. 5 and 6,
Function 1 – Delivery Units
And Function 4 – Plant Units

Ms. Richardson agreed, on cross by NPMHU, that Mr. Hanlon had testified that, with regard to delivery units, there was more carrier route sortation, but, in plants, in the P&DCs, some of the parcels/packages that were being worked on by the ADUS machine were outgoing or originating mail. Ms. Richardson testified, with regard to whether the Craft Determination letter for the ADUS was the first occasion when the USPS had made the distinction with regard to work function 5, applicable to Function 1 – Plant operations, and work function 6, applicable to Function 4 – Delivery unit operations:

> When making a distinction between the . . . where the equipment is being operated, the function of the operations where the equipment is running, yes, that is the - - I'm not aware of any previous craft determinations where we have made that sort of distinction.
>
> ***

The Small Parcel Craft Jurisdiction Arbitration
Award – Primary Craft for Spreading
The Mail to Carrier Cases;
Arbitrator Dana Eischen,
Dated April 24, 1998

Ms. Richardson testified, on cross by NPMHU, that she and Mr. Dean, in making the craft determinations for the ADUS machine in the Determination letter, had considered the Jurisdictional Arbitration Award – Primary Craft for Spreading the Mail to Carrier Cases, Arbitrator Dana Edward Eischen, dated April 24, 1998. "We did discuss the Eischen award and the application of it or whether we thought the application of it was appropriate in this situation. . . .

We . . . yes. And I think you referenced a question to Rickey Dean, and that was his response." Ms. Richardson agreed that she and Mr. Dean had decided that it did not apply to the ADUS.

Small Parcel Bundle Sorter (SPBS)
Craft Jurisdiction Arbitration Decision,
Arbitrator Sharnoff, Dated

Ms. Richardson testified, on cross by NPMHU, that she was not sure whether she and Mr. Dean had reviewed the Craft Jurisdiction Arbitration Decision on the Small Parcel Bundle Sorter (SPBS), Arbitrator Joseph M. Sharnoff, dated . "I don't what to say it wasn't, but I don't want to say it absolutely was, either. . . ." Ms. Richardson agreed that she and Mr. Dean, in making the craft determination assignments for the ADUS, had considered the APBS and the SPSS, but she was not sure whether they had considered Operation 100, Operation 105, or the SPBS Arbitration Decision.

The Testimony of Ron Suslak, APWU

Ron Suslak testified, on direct by the APWU, that currently he is, and has been for 31 years, the President of the APWU Local in Queens, New York. Mr. Suslak also is the Vice President of the APWU's New York State organization and he has served as an APWU member the NDRC for seven years. Prior to that, he served on the RDRC for about 20 years. Mr. Suslak was involved in the negotiations for the updated RI-399 MOU. Mr. Suslak agreed that, pursuant to that MOU, the APWU and the NPMHU withdrew a number of National Disputes pending before the NDRC.

RI-399 Guidelines
Post Office – Primary Craft
Designations:
Operation 200 – Incoming
Parcel Distribution

Mr. Suslak testified, on direct by APWU, concerning RI-399 Guidelines, Post Office – Primary Craft Designations; Operation 200 – Incoming Parcel Distribution. Operation 200 states:

1. *Transporting empty equipment.	Mail Handler
2. *Obtaining mail from staging areas.	Mail Handler
3. *Dumping sacks, or containers.	Mail Handler
4. *Hanging and labeling sacks.	Mail Handler
5. Manual distribution of parcel post.	Clerk
6. *Containerizing and transporting.	Mail Handler
7. *Pulling and dispatching pouches and/or other containers.	Mail Handler

*Note – See asterisk, page 3. [*In offices where the tasks of obtaining empty equipment, obtaining unprocessed mail, loading ledges, sweeping and containerizing is an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.]

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Mr. Suslak testified, on direct by APWU, with regard to Operation 200, that he was familiar with that operation. According to Mr. Suslak: ". . . This is operation 200, incoming. So it's the same type of distribution, but for some reason, as far as the distribution's concerned, the manual distribution of parcel post was given to the clerk without scheme, also. . . . And I think what Bruce [Mr. Lerner, counsel for NPMHU] raised was that the operation 100 was designated as mail handler without scheme and it was clerk with scheme. But operation 200 [i.e., Function 5] is clerk with or without scheme."

Mr. Suslak, on direct by APWU, testified that the four-hour rule was one of the implementation criteria under RI-399 and that there are a total of five such implementation criteria, A, B, C, D and E, ". . . And A, the first one, has to deal with efficient and effective operations. And B is the four-hour criteria, which Mr. Lerner has mentioned several times. C is distribution activities, which has been raised, also. And D is a change in duty assignments. And E is the assignment of new or additional work." Mr. Suslak added:

And, you know, if you took a closer look at each one, you - - you could probably make an argument any way to fit what you needed. I mean, I believe Mr. Lerner used the four-hour criteria, but it was kind of conveniently harped on without looking at the other four implementation criteria. And most - - most importantly, if you look at effective and efficient operation, they mention in there that consistent with the obligation, no postal installations will declare employees excess or increase the number of employees or work hours.

If you go to No. 5 - - now, remember, these are all . . . they're equally as important criteria when - - when this document was implemented in 1979 and subsequently revised in '84. But if you look at E, which is No. 5 of the criteria, they talk about assignment of new or additional work, and it says basically that the assignment of new or additional work not previously existing in the installation - - which you could argue the ADUS - - the ADUS is a new machine. That work wasn't in those facilities, especially not the Function 4 ones.

And it shall be made in accordance with the primary craft designations contained in this instruction. So - - so this instruction, these mail processing work assignment guidelines is like the RI-399 bible. So just to pull out implementation criteria II.B, really, is - - is not proper without taking the other implementation criteria into consideration.

In addition to that, if you look at these work assignment guidelines - - we already discussed 200. Now, operation 200 was incoming parcel post. To the best of my knowledge, in these delivery units, that's what that - - that's what that parcel post distribution is. It's incoming. They deliver it. It comes in and they deliver it to - - to different carrier routes. All right. And that belongs to the clerk craft in accordance with the bible, with the work assignment guidelines.

If you looked at operation 105, mechanized parcel sorting, well, that's what that machine is. It's a mechanized parcel sorter, and the clerk craft if the primary craft for distribution. If you - - if

you go to operation 240 to 339, which is distribution in stations and branches, once again, it's all clerk craft work as the primary craft.

So, you know, kind of just off the top of my head, I mean, there are - - there are three - - three operations that really encompass this ADUS machine now that - - that shows it belongs to the clerk - - clerk craft. And let alone harping on the four-hour criteria. If you want to just pull that one out without - - you know, out of context from the others, I don't think it really tells the story.

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Mr. Suslak, on direct by APWU, agreed that the five implementation criteria are talking about work assignments, not jurisdiction and that they do not tell you which is the primary craft. They tell you about how you assign people to that work after the jurisdiction has been determined.

Mr. Suslak, on cross-examination by NPMHU, was asked, with regard to RI-399 Guidelines, Operations 240 to 339, concerning distribution at stations and branches, whether everything in the stations and branches was Clerk Craft work, even though Arbitrator Eischen ruled to the contrary on that point. Mr. Suslak agreed that, in Arbitrator Eischen's Decision, he found that the shorthand words used in the Guidelines do not mean what one might think they mean. Mr. Suslak agreed that the Guidelines, in Operation 100, assign the manual distribution of parcel post without scheme knowledge to the Mail Handler Craft.

Mr. Suslak testified, on re-direct by APWU, with regard to the Decision of Arbitrator Eischen:

. . . After the Eischen award came out, the parties in a tripartite forum got together to try to determine how to implement it because it was - - it was a little unique because the APWU filed the award, and there was - - there were many facilities where the APWU was doing the spreading, and there were some facilities where they weren't doing the spreading. So they had to figure out

where would they implement this award to turn it over to Mail Handlers, potentially.

So the parties came up with an agreement that in order to implement our award, okay, the - - the Mail Handlers had to have a dispute in, okay, in the RI-399 forum under the DRP, the dispute resolution procedure. If they didn't have a dispute in, then they - - that award did not apply.

And as it turned out, more than not, that's what actually happened with that. There wasn't that much work that was turned over because there weren't disputes that were filed by the Mail Handlers. Well, there were a few, but there weren't many.

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THE POSITIONS OF THE PARTIES

The positions of the Parties are set forth in their respective post-Arbitration hearing briefs, which hereby are incorporated by reference into and made a part of this Opinion.

THE ARBITRATOR'S FINDINGS AND CONCLUSIONS

The Arbitrator concludes, for the following reasons, that neither the APWU, nor the MPMHU, has met its respective *heavy burden of proving* that the USPS acted improperly and in a manner which has been demonstrated by either of the protesting Unions to have acted in a manner which was arbitrary, capricious, unreasonable, and/or constituted an abuse of the USPS's discretion, with regard to the issuance by the USPS of the Craft Jurisdiction Determination letter for the ADUS, dated May 10, 2019, in favor of the assignment of the **Mail Handler Craft as the Primary Craft** for the following work duties, as listed in that letter: 1. *Removal and staging of packages in swim/staging areas for access by stagers/facers; 2. *Removing empty equipment containers from staging areas; 5. *In Function 1 (F1) operations [Plant Units], sweeping packages (removing full containers and replacing with empty containers),

includes sort plan switch out; and 7. *Transporting full containers to dispatch area; and the determination in that letter in favor of the assignment of the **Clerk Craft as the Primary Craft** for the following work duties: 3.*Retrieval of full containers from staging/swim lanes and pull, scan, and sort the large non-machinable packages from each container; 4. Singulating/separating packages and facing/feeding packages onto induction belt; and 6. **In Function 4 (F4) [Delivery Units] operations, monitor discharge bins and pull, scan and sort medium and large no read/no barcode packages into the proper discharge bin, including sort plan switch out.

The Arbitrator notes, with regard to the Craft Determination letter for the USPS that the *single asterisk* appended as a footnote to work duties nos. 1, 2, 5, and 7, states: "*Denotes that in offices where the associated task(s) is an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution." The Arbitrator also notes that the *double asterisk* appended in that letter as a footnote to work duty no. 6, states: "**The containers utilized on ADUS have a higher capacity and do not need to be changed out as frequently in F4 as a F1 plant sortation requires. The employees monitoring the bins during the run can also take any of the larger no read/no barcode packages from the No Read bin and scan/sort them into the corresponding sort bin. This is integral to the efficient operation of the machine in a delivery unit environment."

The Arbitrator concludes, for reasons discussed below, that neither the inclusion by the USPS in the Craft Determination letter for the ADUS, of the *single asterisk* as a footnote appended to those work duties noted above, nor the *double asterisk* footnote in that letter appended to work duty no. 6, supports a conclusion that the USPS thereby acted in an improper arbitrary or otherwise abused its discretion under the RI-399 Guidelines to make initial craft determinations, subject to review through the process set forth in RI-399, including the instant craft determination disputes arbitration.

The Arbitrator, for reasons discussed below, finds persuasive the evidence presented by the USPS and by the Mail Handlers in support of their respective positions - with regard to the asserted propriety of the USPS's craft determination in favor of the Mail Handlers for work duties listed in that letter as nos. 1, 2, 5 and 7, that the USPS acted properly, in accordance with the guiding principles of RI-399, including: the observations in the testimony at the instant Arbitration hearing of representatives of the USPS, the APWU and the

NPMHU, concerning the operation of the ADUS made during site visits at the FDR Station in New York City on September 25, 2017, and at the JCTM P&DC in Washington, D. C., on January 24, 2018; consideration by the USPS officials of the respective statement of position submitted, respectively, by the APWU and by the NPMHU; consideration by the USPS officials of the guiding craft determination principles set forth in RI-399, including the Operations and work functions set forth in Post Office – Primary Craft Designations in the Mail Processing Guidelines; consideration of previous Craft Jurisdiction Arbitration Awards; and consideration of craft determinations made by USPS for other machines. The Arbitrator finds, for reasons discussed below, that the USPS reasonably exercised its discretion under RI-399 guidelines and principles, and did not act in a manner which was arbitrary, capricious, unreasonable, or otherwise constituted an abuse of the discretion by appending the "single asterisk" to each of the work duties that the USPS awarded to the Mail Handlers in the Craft Determination letter which were listed therein as nos. 1, 2, 5 and 7.

The Arbitrator finds that the APWU has not met its burden of demonstrating that the USPS acted in a manner which was arbitrary, capricious, unreasonable, or otherwise abused its discretion under the RI-399 guidelines and principles to make craft determinations, insofar as the USPS awarded to the Clerks certain work performed on the ADUS listed in the Determination letter as work duties Nos. 3, 4 and 6, but did not also award to the Clerks as the Primary Craft the other work duties on the ADUS, nos. 1, 2, 5 and 7, which, according to the Clerks, improperly had been awarded to the Mail Handlers.

The Arbitrator finds – with regard to the respective positions of the Unions on the issues noted above - that the USPS appropriately based these craft determinations and its decisions to append, as noted above, either a "single asterisk" or a "double asterisk" to one or more of the work duties listed in the letter, on the appropriate consideration by the USPS of: the position statement [quoted above] respectively submitted by each of the Unions after the USPS had advised the Unions of the USPS's intent to develop and to deploy the ADUS machines; the facts concerning the planned operation and proposed staffing of the ADUS machines which reasonably were known to the USPS officials at the time the ADUS machines were introduced and began operations; the observations made by the three Parties of the operation of the ADUS during a site visit at the FDR Station in New York City on September 25, 2017, and a site visit at the JCTM P&DC in Washington, D. C., on January 24, 2018; the relevant RI-399 guiding principles, including relevant Operations and Work

Functions listed in the RI-399's Primary Craft Designations; prior Jurisdictional Arbitration Decisions; and the craft determinations made by the USPS for work assignments for other machines which previously had been introduced.

For all of the reasons discussed herein, the Arbitrator concludes that the claims made by each of the Unions, as noted above, have not been supported by sufficient evidence to meet the heavy burden of demonstrating that the craft determinations and related decisions made by the USPS with respect to the introduction of the ADUS machines was arbitrary, capricious, unreasonable, or otherwise constituted an abuse of the discretion afforded the USPS by the RI-399 guidelines and principles to make craft determinations and the decisions related to the Implementation Criteria set forth in RI-399. For these reasons, the respective claims made by each of the Unions are denied in all respects.

The Work Duties Assigned by the USPS to the Mail Handler Craft or to the Clerk Craft

The Arbitrator credits the following testimony by USPS witnesses Mr. Hanlon and Ms. Richardson concerning those work duties which were assigned by the USPS in the Craft Determination letter for the ADUS machines to the Mail Handler Craft and those work duties which were assigned by the USPS to the Clerk Craft. The Arbitrator finds, for the following reasons, that the USPS officials, in making these craft determinations in favor of the Mail Handler Craft or the Clerk Craft, in each case acted reasonably based on the consideration by the USPS officials of: the information which was available and known to them at the time; the guidelines and principles of RI-399, including the Primary Craft Designations and Operations and work functions set forth in RI-399; previous Craft Jurisdiction Arbitration Awards; and craft determinations which had been made by the USPS concerning the operation and assignment of work on other machines which previously had been introduced.

Stagers

1.*Removal and staging of packages in swim/staging areas for access by stagers/facers. – Mail Handler Craft

2.*Removing empty equipment containers from staging areas. – Mail Handler Craft

The Arbitrator finds that the USPS's decision to assign this work to the Mail Handlers as the Primary Craft was an appropriate exercise of the discretion afforded the USPS in the RI-399 Guidelines to make such determinations, subject to appeal.

The Arbitrator finds that the USPS had a reasonable basis for assigning the duties listed in Nos. 1 and 2 in the Craft Determination letter to the Mail Handler Craft.

3.*Retrieval of full containers from staging/swim lanes and pull, scan, and sort the large non-machinable packages from each container. – Clerk Craft

The Arbitrator finds Mr. Hanlon testified credibly, as follows, with regard to the duties performed by the employee assigned to the Stager position on the ADUS, which is consistent with the duties listed at No. 3, of the Craft Determination letter. Mr. Hanlon testified, in relevant part regarding the work performed by the employee(s) assigned to the Stager position on the ADUS machine:

> . . . So the *stager is actually grabbing containers from those staging lanes that we've talked about, and they're bringing mail up to the facers.* And so the facer - - or *the stager is really - - primarily their duty is to make sure that the employees - - the facers never run out of mail at the induction belt.*
>
> *They also take off the shrink wrap that's on the pallets. They'll take some of the oversize off,* which I'll kind of show some pictures of that in a minute. *But they basically get everything prepared so that when the facer comes into that position, they can right away start throwing mail on the belt. So their primary duty, again, make sure the facers don't run out of mail and continue to rotate and bring up containers.*

And they'll normally - - you kind of see it here. You have one container on a tilter and one of the backup. Here you have a pallet and another pallet right behind it as a backup, and there's the same thing here. *So always make sure that there's six containers that are up at the induction belt so that the facers - - it's quick and easy to switch out the containers and the facers don't run out of mail.* [Emphasis supplied.]

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The Arbitrator notes that Tamika Edwards testified, on direct by APWU, about her experience with the operation of the ADUS, as follows, and that her testimony essentially is consistent with that described by Mr. Hanlon:

Okay. From the video, it's a little different. *The ADUS at FDR, where the video shows it has nothing but bins, we have racks that have bags that the mail is dropped into. And for the heavier parcels, we have bins that it falls into. And for one of the sort plans, we have a bullpen that the mail is dropped into the bins in the back of the machine and then tossed into the BMCs.*

***

Okay. *For the ADUS 1, we have two feeders. We have a pusher. We have another person that is on the belt and one on the side sweeping. So that's one, two, three, four, five, six on ADUS 1.*

And then on ADUS 2, we have two people that are feeding again, one that's pushing. You have two sweepers on one side, a sweeper on the other side, and two people in the back, so seven.

***

So everything but the pushing is clerks. It's supposed to be mail handlers, but we usually don't have one, so the clerks are usually pushing, feeding, sweeping and dropping.

***

The clerks enter the sort plan.
[Emphasis supplied.]

***

Ms. Edwards testified that they ran two sort plans, based on ZIP codes, for ADUS 1 and three sort plans for ADUS 2. Ms. Edwards testified that, to her knowledge, the ADUS runs on all tours. She works 12 midnight to 8:30 a.m. She testified that she did not see the ADUS run after her tour but, "I'm assuming that it picked up later, because when I came in to start my shift, there was already mail in the bags prior." According to Ms. Edwards, the Clerks removed the empty equipment, "[b]ecause the racks have wheels, so when one bag fills up, we like spin it around and then we drop that bag, we place a new bag up there, and the same rotation." With regard to how often the containers had to be replaced on a shift, Ms. Edwards testified: ". . . on one day, it might be more that were sweeping, and on a lesser day where the volume is a little lower, we might not have to sweep it as much.

Ms. Edwards testified, with regard to differences between the operation of the ADUS at the FDR Station and the operation described by Ms. Lewis-Crain:

> Well, we don't have an attached belt. The mail is manually pushed up to us. It's primarily a mail handler's job, but a lot of times, if there's not enough mail handlers present, the management will utilize the clerks to stage the mail off the elevators and up to the machines. We have - - we have gaylords, and we have wire containers, and we have pallets. That's how the mail comes to us. And it's pushed up to us. We have electrical lifts that will lift the boxes, and we manually have to work off of the pallets.

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The Arbitrator notes that Ms. Edwards testified, on cross-examination by NPMHU, that, although Mail Handler employees were supposed to bring the mail to the ADUS, "[s]ometimes they don't have enough, so they will utilize the clerks." Ms. Edwards testified that she had been a Union Steward for the APWU

for about 11 months but, recently, had stepped down from that position. Ms. Edwards, asked whether that use of Clerks would constitute a "cross-craft violation," responded: "It would be, yeah. But it - - I think only in the even that - - if there wasn't enough, I think, of the other craft present. I think it was okay. Like if they only had one, in the event there's not enough of that craft, I think it would be okay to utilize." Ms. Edwards testified that there were four regular Mail Handers on her tour and "maybe two MHAs [Mail Handler Assistants]."

> *The other thing that stager does is they do some sortation.* They will - - you can kind of see pictures here. *They actually take the - - the larger packages off the pallets, or if the facer has found a large package and they set it to the side, they take those large packages, and we have – what we use is a manual environment is DSS, which has a ring scanner, and they scan the bar code on it. They get a route number, and they'll do a separation by route groupings. So these are all scanned and - - and ready to go out with the carrier. They do the separation so that it's logical to route groupings, like I said.*
>
> And it's a combination of things. *We either then have another employee that's on manual distribution who will drop these off at the carrier's cases, because when we put in these machines, we really for the most part eliminate a manual sortation. So they either drop it at the carrier's case, or they'll stage it in an area where the carriers come up and they cherry-pick which packages are theirs.*
>
> *So they do scan it, place it on here. If the route number isn't on the label - - about 40 percent of our packages come where it has the route number right on the label. The other 60 percent, they write with a black magic marker which route number it is so it's easy for the carriers to identify which packages are theirs. So they do some sorting, and this is primarily in a delivery unit.*

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4.Singulating/separating packages and facing/feeding packages onto induction belt. – Clerk Craft

Facers: Function 1 - Plant and Function 4 - Delivery Sortations

The Arbitrator finds credible and reliable the testimony of the USPS's witnesses, Mr. Hanlon and Ms. Richardson, with regard to the distinction found by the USPS at the time the ADUS was developed and introduced between the different operational requirements and the resulting staffing needs of the ADUS machines at Function 1 – Plant Units and Function 4 – Delivery Units.

The Arbitrator notes that Mr. Hanlon's testimony with regard to the differences between the operational requirements and the resulting staffing needs on the ADUS machines for Function 1 – Plant Units, as compared with those for Function 4 – Delivery Units, with regard to the duties of the Facer position involving sortation. Mr. Hanlon testified, with regard to the number of Function 4 and Function 1 locations at which the ADUS has been installed:

> . . . *out of the 52, 33 of the machines are actually in* [Function 4] *delivery units, so they just primarily sort to the carrier route level. And then - - so that would be our Function 4 sites.*
>
> *And then there's 19 that are in plants, and that would be our Function 1* [Plant] *facilities that have ADUS machines.*
>
> *And so from a delivery unit, we're sorting primarily down to the individual some additional separations where we can actually have a holdout for one specific address that may get a lot of packages, so we can hold out and separate that. So we do - - we do sortation primarily to the end delivery person when we're in a delivery unit.*
>
> *In the plant, primarily their sortation is either what we would call a destination or originating sortation, and that would be - - for destinating, it would be sorting to either a five-digit - - five digit ZIP code or an SCF, so it could be a three-digit ZIP code. So based on the first three digits in a ZIP code, it would do sortation into there.*
>
> *And then our destination sortation is primarily done to a five-digit ZIP code, and so those are mixed. You know, there could be*

multiple carriers that are in that facility, but it's jackpotted into, you know, that destinating ZIP code for sortation.

I should also mention, two, out of those 19 that are in plants, we have 13 that do have delivery units that are co-located, so they do both a Function 1 and a Function 4 sortation on - - on those specific machines. And then there's the - - the six that are - - that only do Function 1 sortation on their machines. [Emphasis supplied.]

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Mr. Hanlon testified, on direct with regard to the *sortation* duties of the Facer position on the ADUS at a Function 1 – Plant Unit : *"For a plant sort, they typically would put - - other than Express Mail and registered mail, any certified or anything like that, they put right on the belt because it's going to go down to the delivery unit and then it's handled manually at the delivery units. . . And so that's primarily - - these facers are standing there for the entire run and facing and placing mail on the belt throughout the run.* [Emphasis supplied.]"

The Arbitrator finds, based on the above testimony, that there is work that is described by Mr. Hanlon, see also the testimony of Ms. Edwards, as "sortation" and that the employees performing this work engage in a rotation of positions for ergonomic reasons [see also the discussion below regarding ergonomic considerations]. The Arbitrator finds that the assignment of Clerks as the Primary Craft for this work was based on the appropriate consideration that Clerks traditionally have been assigned *sortation* work, where some degree of scheme knowledge is involved.

<u>Duties and Interaction of Facers and Stagers</u>

The Arbitrator notes that Mr. Hanlon testified, on direct, with regard to the duties of the Facer and the Stager, and how the two interact, that ". . . *the primary goal of the facer is to make sure that a package is placed in every pocket as it goes across the machine and making sure that that container is as close to the feed belt as possible to minimize that bending and twisting associated with that. So it's really - - the idea is just a hand motion, for the most, part as they're placing it on as opposed to having to move and twist to grab mail out of a*

container. . . . And then, primarily, again they - - they move to that unoccupied position if the - - and let the stager switch out the container. On occasion, they do both run out of equipment at the same time, and in that case, one would go to the unoccupied position, and the other would help the stager and switch out the container that's on - - that's in their position and replace that themselves so that they can get it back up and running with at least two people filling those slots throughout the run. . . . And the other thing, prior to the start-up, they make sure that the belt's filled with mail and ready to go. They're also the ones that are typically starting the machine up."

Mr. Hanlon testified, on direct, that ". . . *sometimes the sorter will stop, and it's normally because of a jam that's happened.* So there's a lot of sensors that are on the machine, but *if a package does get jammed in that - - and it's normally when we're going from that 22-inch-wide conveyor belt to the sort belt. There will be packages that get stuck in a little lip that's there, and so somebody has to go and pull that off. . . . So when the machine does stop, the facers need to look up.* There's a stacker light that's right next to the camera, and if all three lights on that stacker light flash, it indicates that the issue is at their end of the machine, and so they walk over. *They clear the jam, which they're almost all simple jams where they're just basically picking the package up, taking it away so the other facer will actually start up the machine.* And, again, it takes like five seconds once it signals that it's going to start up, and by *then everybody's kind of back into their positions and they start up - - start up with the sortation from there."* [Emphasis supplied.]

Mr. Hanlon testified, on direct, that the Facers have to make sure that "*they have the labels up so that it can read the bar code. They center those small and medium packages. The larger packages, they push against the backboard, that white plexiglass backboard . . . . And they have to put the narrow part of the package forward, mainly because you're going up an incline belt, and if you do it the other way and it's rectangular, it has a habit of rolling down the incline belt. So there is, you know, a specific way that they have to place on there. . . . And then they've got to cull out or separate out the tubes and the rolls and put those - - throw those across the belt into those containers as they're doing it. . . . And always, too, after the run, they're in charge to make sure that the tilters get plugged in so that they're charged up and ready to go for the next sortation."* [Emphasis supplied.]

Ergonomic Considerations

The Arbitrator notes that in her testimony, Ms. Richardson agreed, on cross-examination by the NPMHU, that it was correct that no need for ergonomic relief had been identified yet with respect to the ADUS. According to Ms. Richardson's testimony, when the USPS officials were studying the work duties on the ADUS they checked with the ergonomic experts. "We asked them to give their opinion. They didn't do a formal study or anything, but we - - we asked them for their opinion." The Arbitrator notes, however, with respect to the matter of whether ergonomic relief is appropriate with respect to the work performed on the ADUS machines, that Ms. Hanlon testified, as follows below, with regard to his understanding of the need for certain ergonomic considerations in the performance of duties on the ADUS.

The Arbitrator finds, consistent with Ms. Richardson's testimony, that no evidence demonstrates that the USPS had conducted a formal evaluation of whether, and to what extent, ergonomic relief might be required for employees working on the ADUS. The Arbitrator's references here to the testimony of Mr. Hanlon are not intended to address, nor to resolve, any issues with respect to whether and, if so, to what extent, ergonomic relief is required for any of the positions performing work on the ADUS machines. The Arbitrator notes, however, that Mr. Hanlon, in the following testimony, indicated what appears to be arrangements made at some locations for the employees working on the ADUS to rotate and switch duties occasionally as conditions, and ergonomic considerations, might warrant.

Thus, Mr. Hanlon testified, in relevant part:

> And so that's primarily - - *these facers are standing there for the entire run and facing and placing mail on the belt throughout the run.*
>
> *The other thing that they do - - so we talk about two primary employees that are facing. We have three spots that you can actually induct mail from, two from the sides and one from the end of the induction belt. And so when those facers run out of mail, they will typically just walk away from that container and go to the unoccupied position.*

> So here it kind of demonstrates, you know, *this employee finishes the container that's here. They rotate around to the end, and then another employee,* which we'll get into in a few minutes, *the stager, is actually replacing and replenishing the mail that's at that induction area.*
>
> *So they continue to switch positions between those three different positions on the induction belt. We do have them kind of have little parking spots on the ground, too, to try and make sure that they put these in an ergonomic fashion for them to face and place mail on the belt, so try and keep it as close to the belt and limit the amount of bending and twisting required to go over this.* [Emphasis supplied.]
>
> ***

The Arbitrator notes that Mr. Hanlon testified concerning why pallets were not used in delivery units and about the ergonomic considerations of the Facer position, that ". . . *it's mainly because of the mail makeup. So a lot of the plants, what they're running is smaller mail that's going on these machines. They don't work the larger packages like we do in the delivery units, and so from the - - in some senses, it's a little bit better ergonomically, because it's - - it's there. . . . They're still kind of mixed. You know, it still takes - - the facer has to take them and face them and place them up as they put them on the induction belt, but it just eliminates them having to switch out containers if they're able to put everything on that belt and bring it up to it. . . . The delivery units, we have that stuff on the pallet, and so then that - - actually, that belt gets in the way when we're working off of pallets because there's really not room for the pallets. So it works much better in a - - in a plant environment. . . . But we have some sites that, you know, they - - they prefer the tilters and - - and they're getting higher throughputs on the machine than what we do with the - - with the dumper and belt. But primarily it's - - they feel that it's a little bit better ergonomically to work off of the belt when they're just working small packages.* [Emphasis supplied.]

The Arbitrator finds that the considerations addressed by Mr. Hanlon with respect to the use of pallets and ergonomic matters are consistent with, and support, the USPS's position that there is a significant difference between the operational requirements of the ADUS machines, which result in substantially different work duties, of the Function 1 – Plant Units compared to

the operations and resulting duties in Function 4 – Delivery Units. The Arbitrator recognizes that there well may be significant questions with regard to whether, at a particular location and/or on a particular shift, the USPS has established a proper basis for departing from the default craft assignments set forth in the Craft Determination letter, even if there is a *single asterisk* appended to that work function. In the Arbitrator's judgment, there is insufficient evidence in the instant record to warrant the Arbitrator issuing a decision herein at the national level. The Arbitrator considers that any such issues concerning the departures by the USPS, at the local level, in the assignment of employees from the default craft determinations listed in the ADUS Craft Determination letter, more appropriately should be reviewed and resolved at the local level, pursuant to the RI-399 procedures.

Stagers – Function 4 Sortation – Delivery Units

The Arbitrator notes that Mr. Hanlon testified, on direct, with regard to the duties of the Stager position on the ADUS machines in Delivery units, including the use of pallets and sortation:

> . . . *So the stager is actually grabbing containers from those staging lanes that we've talked about, and they're bringing mail up to the facers. And so the facer - - or the stager is really - - primarily their duty is to make sure that the employees - - the facers never run out of mail at the induction belt.*
>
> *They also take off the shrink wrap that's on the pallets. They'll take some of the oversize off,* which I'll kind of show some pictures of that in a minute. *But they basically get everything prepared so that when the facer comes into that position, they can right away start throwing mail on the belt. So their primary duty, again, make sure the facers don't run out of mail and continue to rotate and bring up containers.*
>
> And they'll normally - - you kind of see it here. *You have one container on a tilter and one of the backup. Here you have a pallet and another pallet right behind it as a backup,* and there's the same thing here. *So always make sure that there's six containers that are*

up at the induction belt so that the facers - - it's quick and easy to switch out the containers and the facers don't run out of mail.

The other thing that stager does is they do some sortation. They will - - you can kind of see pictures here. *They actually take the - - the larger packages off the pallets, or if the facer has found a large package and they set it to the side, they take those large packages, and we have – what we use is a manual environment is DSS, which has a ring scanner, and they scan the bar code on it. They get a route number, and they'll do a separation by route groupings. So these are all scanned and - - and ready to go out with the carrier. They do the separation so that it's logical to route groupings, like I said.*

And it's a combination of things. We either then have another employee that's on manual distribution who will drop these off at the carrier's cases, because when we put in these machines, we really for the most part eliminate a manual sortation. So they either drop it at the carrier's case, or they'll stage it in an area where the carriers come up and they cherry-pick which packages are theirs.

So they do scan it, place it on here. If the route number isn't on the label - - about 40 percent of our packages come where it has the route number right on the label. The other 60 percent, they write with a black magic marker which route number it is so it's easy for the carriers to identify which packages are theirs. So they do some sorting, and this is primarily in a delivery unit.

***

They also assist with pulling off the oversized packages, and they do that scanning and sortation by logical route groupings. And, again this is primarily again for the delivery unit or the Function 4 sortation, not as much in the Function 1 sortation. They don't typically do any scanning or sortation during that time. Typically, they're helping out more in the - - on the - - the facing and placing mail on the induction belt, and we talked about that they come up and help.

> *And then the other thing that they do - - basically, all of the employees on the machine, when they end one sort plan for - - for a delivery unit sort plan, when they end one, because in most delivery units, at a minimum, they have two sort plans that they have to do each day, so they'll actually - - all of them will go help switch out the containers. They actually stage the containers right next to the machine and bring in new containers so that when the carriers come to retrieve their packages*, they're retrieving them right there. [Emphasis supplied.]
>
> ***

The Arbitrator finds, based on the above considerations, that the USPS has established that the USPS officials had a reasonable basis for concluding at the time the ADUS machines were installed and employees assigned that there were significant differences in the operational requirements of the ADUS machines as they were utilized in the Function 1 – Plant Units, as compared to the operations of the ADUS machines located in Function 4 – Delivery Units. The USPS also reasonably recognized that these operational difference, in turn, resulted in differences in the work duties for employees performing the work functions of the Stager position, as listed in the Craft Determination letter for the ADUS, at Nos. 3 and 4. The Arbitrator finds that both of these work functions appropriately were assigned by the USPS to the Clerk Craft as the designated primary craft.

Sweepers

The Arbitrator finds that these distinctions, between the operation of the ADUS machines located at Function 1 – Plant Units, as compared to the operation of the ADUS machines located at Function 4 – Delivery Units, also are applicable to the differences in the duties performed by the employees on the *Sweeper* position [as discussed below].

5.*In Function 1 (F1) [Plant Units] operations, sweeping packages (removing full containers and replacing with empty containers), includes sort plan switch out: Mail Handler Craft

6. In Function 4 (F4) [Delivery Units] operations, monitor discharge bins and pull, scan and sort medium and large no reading barcode packages into the proper discharge bin, including sort plan switch out: Clerk Craft**

7.*Transporting full containers to dispatch area: Mail Handler Craft

The Arbitrator finds, based on the testimony of Mr. Hanlon, that the USPS also has demonstrated that there are significant differences between the Function 1 – Plant Units and the Function 4 – Delivery Units regarding the operational requirements of the ADUS in each such environment and the resulting differences in the duties assigned to the employees to perform as Sweepers on the ADUS. The Arbitrator agrees with the USPS that these significant differences support the USPS's decision in the Craft Determination letter for the ADUS to conclude that because less sweeping duties are required on the ADUS in Function 4 – Delivery Units, such that the Sweeper has more time to perform the distribution work to increase efficiency, which is one of the Implementation Criteria. The Arbitrator notes the USPS's point that, once the mail in a Function 4 facility is processed, it goes directly to letter carriers who can proceed to their routes to deliver the mail.

Thus, the Arbitrator notes that Mr. Hanlon, with regard to the work duties of Sweepers on the ADUS machines at Function 1 – Plant Units versus the duties of Sweepers on the ADUS at Function 4 – Delivery Units:

> The last position that I have to cover is the sweeper, and so here we can kind of see *the sweeper works at the other end of the machine. So they work at the discharge part, so kind of where all the mail is dropping into the container. So here are those larger vinyl hampers that I talked about that mail sorts into.*
>
> And here you can kind of see *we've got lined up sortation for what's going to be sorted on that sort plan, and then the other containers for the second sort plan are just outside or just next to the machine. And so when they switch that out, they're kind of bringing two - - two out at a time and bringing two back at a time, so that's where - - typically, again, there's four for a delivery unit for this type*

of switch out. They've got two on each side, and it only takes five to ten minutes to switch out containers from one sort plan to the next.

The other thing with the . . . *sweeper, what they do is they've got to make sure that the placards are placed on the correct routes. So here it signifies the two different sort plans.* They're color coded by ZIP codes to make it a little easier for everybody to find their container, but it always sorts to the same container, so - - or same discharge bin, so it's fairly easy for the carrier to find their containers to retrieve.

And - - and *they're also, too, kind of monitoring these bins. So the only discharge bin that actually has a sensor* - - so some of the other machines, in sensors that are there, so as mail backs up the discharge bin, it's important that the facer slides that down. And the next set of pictures will kind of show a boat hook that they utilize to kind rake that mail down into the container, but they may also do a little rearranging to try and maximize the space in the containers before they switch them out.

And here's also a blown-up picture of those bin shutoff buttons that are on those arms. So, again, *they push the button to turn off the discharge bin. It becomes illuminated, so it lights up indicating that no mail will sort down that bin while they switch out a container. Once they get a new container in, then they would turn that bin back on, and they would also grab another placard and put the placard in the little holder that's on the side of the vinyl hamper.*

And this just kind of shows a little bit more what the sweeper does. *So here you can kind of see a boat hook that this sweeper, she's bringing around with her. She would use that to clear. So in a case, too, you might get a package that kind of jams in here. They just use the boat hook and kind of pull it down so that it drops in there. The other thing we talked about, primarily for a delivery unit sort, these containers don't fill up as quickly when we're using those larger blue vinyl hampers on here, so they're larger capacity.*
[Emphasis supplied.]

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The Arbitrator notes that Ms. Edwards, testified for APWU that they ran two sort plans, based on ZIP codes, for ADUS 1 and three sort plans for ADUS 2. Ms. Edwards testified that, to her knowledge, the ADUS runs on all tours. She works 12 midnight to 8:30 a.m. She testified that she did not see the ADUS run after her tour but, "I'm assuming that it picked up later, because when I came in to start my shift, there was already mail in the bags prior." According to Ms. Edwards, the Clerks removed the empty equipment, "[b]ecause the racks have wheels, so when one bag fills up, we like spin it around and then we drop that bag, we place a new bag up there, and the same rotation." With regard to how often the containers had to be replaced on a shift, Ms. Edwards testified: ". . . on one day, it might be more that were sweeping, and on a lesser day where the volume is a little lower, we might not have to sweep it as much.

The Arbitrator finds that, based on the above distinctions pointed out by Mr. Hanlon between the operational requirements on the ADUS machines at Function 1 – Plant Units as compared to the ADUS at Function 4 – Delivery Units, the USPS appropriately has demonstrated that it had a reasonable basis for the exercise of its discretion to make the particular craft determinations for the performance of duties by employees at locations which had such different operational requirements. The Arbitrator finds also that the Mail Handlers have not met their burden of demonstrating that the USPS, by assigning to the Clerks as the Primary Craft this work listed in the Craft Determination letter as Nos. 3 and 4, thereby acted in a manner which was arbitrary, capricious, unreasonable, or otherwise constituted an abuse of the discretion afforded the USPS in the RI-399 guidelines and principles to make craft determinations and related decisions under the Implementation Criteria listed in RI-399.

The Arbitrator finds that the USPS reasonably exercised its discretion to make craft determinations under RI-399 by basing these determinations, to a significant extent, on the distinctions between the Function 1 and Function 4 ADUS operations as well as the resulting differences in the work duties required to be performed in Function 1 – Plant Units as compared to the duties performed in Function 4 – Delivery Units.

The First Application by the USPS Of Work Function 5 to Function 1 – Plant Units and Work Function 6 to Function 4 – Delivery Units

The Arbitrator notes, preliminarily, that Ms. Richardson agreed, on cross by NPMHU, regarding Mr. Hanlon's testimony to the effect that there was more carrier route sortation in the Function 4 - Delivery Units, but, in plants, in the P&DCs, some of the parcels/packages that were being worked on by the ADUS machine were outgoing or originating mail. The Arbitrator notes that Ms. Richardson testified, with regard to whether the Craft Determination letter for the introduction of the ADUS machines was the first occasion when the USPS had made the distinction, with regard to RI-399 Guidelines, work function 5, being applicable to Function 1 – Plant operations, and with respect to work function 6, being applicable to Function 4 – Delivery unit operations:

> When making a distinction between the . . . where the equipment is being operated, the function of the operations where the equipment is running, yes, that is the - - I'm not aware of any previous craft determinations where we have made that sort of distinction.
>
> ***

The Arbitrator is not persuaded that the fact that this was the first time that this distinction - between operations of the ADUS in the Function 1 – Plant Units versus those in the Function 4 – Delivery Units - was relied on by the USPS in making the craft determination does not invalidate the resulting determinations. The question, in the Arbitrator's judgment, is whether this distinction between operation of the ADUS in the Function 1 Units and its operation in the Function 4 Units was significant in terms of whether these differences can be found to have resulted or caused the differences in work functions which the USPS relied upon in making these craft determinations. The Arbitrator finds, based on the evidence discussed herein of the resulting differences in work duties between these two types of operations, Plant versus Delivery, appropriately was considered by the USPS in making these craft determinations.

The *Single Asterisk* Appended by USPS To Certain Work Duties In the Craft Determination Letter for the ADUS

The Arbitrator finds that the USPS officials appropriately attached the "single asterisk" to several of the work functions set forth in the Craft Determination letter for the ADUS machines. The Arbitrator is not persuaded that the USPS has been shown to have acted unreasonably, unfairly or arbitrarily, with regard to its attachment of the "single asterisk" to several of the duties listed for assignment to the Mail Handler craft. The Arbitrator finds that the USPS's use of the "single asterisk" in this Craft Determination letter was consistent with its use in RI-399's Post Office – Primary Craft Designations, for various operations and functions, see, for example, Operation 030, Functions 1, 2, 3, 6, and 8, and Operation 040, Functions 1, 2, 3, 6, and 9, as well as in previous Craft Determinations. The Arbitrator notes that the USPS also listed, as Operations which have multiple asterisks: 043 (6); 044 (6); 045 (6); 050/055 (8); 060 (6); 070 (6); 074 (6); 075 (6); 100 (6); 105 (6); 110-129 (9); 134 (6); 150 (6); 160 (6); 168 (6); 170 (6); 175 (6); 180-189 (7); and 200 (6). The Arbitrator agrees with the point made by the USPS that the duties listed in Operation 105 – Mechanized Parcel Sorter are very similar to the ADUS and where every Mail Handler duty has an asterisk.

The Arbitrator notes the point made by the USPS to the effect that the NPMHU, in challenging the USPS's use of the *single asterisk* for four work functions listed in the Craft Determination letter for the ADUS, relies on the USPS's use of the *single asterisk* for only two work functions in the Craft Determination letter, dated July 29, 2011, for the Automated Parcel Bundle Sorter (APBS), at job functions Nos. 9 and 10. These duties and assignments for the APBS are:

9.*Pulling containers.	Mail Handler
10.*Containerizing and transporting.	Mail Handler

*Clerks will key and/or face mail for no more than 2 hours before rotating to other duties. When not keying, clerks will perform these duties. Personnel assigned to perform these duties in addition to the minimum number required to implement the rotation will be from the primary craft.

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The Arbitrator notes also that Ms. Richardson testified with regard to the USPS's use of the *single asterisk* in the Craft Determination letter for the APBS machine, dated July 29, 2011, regarding two work duties, Nos. 9 and 10, which

had been assigned to the Mail Handlers as the Primary Craft that the Clerks. According to the testimony of Ms. Richardson: ". . . when they're not keying, they will perform the duties with the asterisk, so 9 and 10 in that craft jurisdiction letter." Ms. Richardson agreed that those were the only two "single asterisks" listed in the Craft Determination letter for the APBS.

The Arbitrator notes that Ms. Richardson also testified, on cross by NPMHU, with regard to the Craft Determination letter, dated August 7, 2015, for the Small Parcel Sorting System (SPSS), concerning the job assignment at No. 4 assigned to the Mail Handlers as the Primary Craft.

4.*Sweeping packages (removing full containers and replacing with empty containers)	Mail Handler Craft

*Clerk craft employees assigned to the induction stations will do so before rotating to other duties. Clerk craft employees who rotate to another work assignment will perform sweeping duties on the SPSS. Personnel assigned to perform sweeping duties in addition to the minimum number required to implement the subject rotation system will be from the primary craft (mail handler).

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The Arbitrator notes that Ms. Richardson agreed, on cross examination, that, with regard to the duties listed in the Craft Determination letter for the SPSS machine, only No. 4, sweeping - to which Mail Handlers had been assigned as the Primary Craft - had a single asterisk, which denotes that this work can be assigned to Clerks for rotational/ergonomic relief purposes. Ms. Richardson agreed that it was correct that no need for ergonomic relief had been identified yet with respect to the ADUS. According to Ms. Richardson's testimony, when the USPS officials were studying the work duties on the ADUS they checked with the ergonomic experts. "We asked them to give their opinion. They didn't do a formal study or anything, but we - - we asked them for their opinion."

The Arbitrator agrees with the USPS's point that the SPBS and the SPSS machines relied on by the NPMHU are operated only in Plant environments, where Mail Handlers are employed and at which Mail Handler work is abundant, rather than in Delivery Units, which tend to be smaller and may not

employ any Mail Handlers. The USPS notes that, by contrast, the ADUS machines are used in both types of environments.

The Arbitrator finds, based on the above considerations, that the USPS's use of the *single asterisk* for four work functions performed by Mail Handlers listed in the Craft Determination letter for the ADUS machine has not been demonstrated by the NPMHU to have been arbitrary, capricious, unreasonable, nor did it constitute an abuse of the USPS's right to exercise discretion in making craft determinations under the RI-399 guidelines and procedures. The USPS, in making the decision to use the *single* asterisk for four Mail Handler work functions in the ADUS Craft Determination letter is found appropriately to have considered relevant information concerning the operational requirements of the ADUS in the different environments in the Function 1 – Plant Units and Function 4 – Delivery Units.

The Arbitrator notes that Ms. Richardson agreed, on cross by the NPMHU, that it was correct that no need for ergonomic relief had been identified with respect to work duties on the ADUS. According to Ms. Richardson's testimony, when the USPS officials were studying the work duties on the ADUS they checked with the ergonomic experts. "We asked them to give their opinion. They didn't do a formal study or anything, but we - - we asked them for their opinion."

The Arbitrator notes, however, with respect to the matter of the need for ergonomic relief on the ADUS, that Mr. Hanlon testified, as follows, with regard to his understanding of certain ergonomic considerations which have been made in the performance of certain duties on the ADUS. The Arbitrator finds no evidence presented to demonstrate that a formal evaluation had been conducted by the USPS to determine whether and, if so, to what extent ergonomic relief might be required on any of the work assignments on the ADUS. The Arbitrator does not intended to address, nor to resolve, any issues with respect to whether and, if so, to what extent, ergonomic relief is required in any of the work assignments on the ADUS machines. The Arbitrator notes, however, that Mr. Hanlon indicated what appears to be an arrangement of employees in the Facer and Stager positions, with or without local management's formal acknowledgement at any of these locations, to switch duties occasionally as conditions, and ergonomic considerations, might warrant. Thus, Mr. Hanlon testified, in relevant part:

And so that's primarily - - *these facers are standing there for the entire run and facing and placing mail on the belt throughout the run.*

The other thing that they do - - so we talk about two primary employees that are facing. We have three spots that you can actually induct mail from, two from the sides and one from the end of the induction belt. *And so when those facers run out of mail, they will typically just walk away from that container and go to the unoccupied position.*

So here it kind of demonstrates, you know, *this employee finishes the container that's here. They rotate around to the end, and then another employee,* which we'll get into in a few minutes, *the stager, is actually replacing and replenishing the mail that's at that induction area.* [Emphasis supplied.]

So they continue to switch positions between those three different positions on the induction belt. We do have them kind of have little parking spots on the ground, too, to try and make sure that they put these in an ergonomic fashion for them to face and place mail on the belt, so try and keep it as close to the belt and limit the amount of bending and twisting required to go over this. [Emphasis supplied.]

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The Arbitrator notes that Mr. Hanlon testified, on direct, concerning the use of pallets and ergonomic considerations that ". . . *it's mainly because of the mail makeup. So a lot of the plants, what they're running is smaller mail that's going on these machines. They don't work the larger packages like we do in the delivery units, and so from the - - in some senses, it's a little bit better ergonomically, because it's - - it's there. . . . They're still kind of mixed. You know, it still takes - - the facer has to take them and face them and place them up as they put them on the induction belt, but it just eliminates them having to switch out containers if they're able to put everything on that belt and bring it up to it. . . . The delivery units, we have that stuff on the pallet, and so then that - - actually, that belt gets in the way when we're working off of pallets because there's really not room for the pallets. So it works much better in a - - in a plant environment.*

. . . But we have some sites that, you know, they - - they prefer the tilters and - - and they're getting higher throughputs on the machine than what we do with the - - with the dumper and belt. But primarily it's - - they feel that it's a little bit better ergonomically to work off of the belt when they're just working small packages. [Emphasis supplied.]

The Arbitrator finds that the considerations addressed by Mr. Hanlon are consistent with and support the USPS's position that there are significant differences between the operational requirements of the ADUS machines, which result in different work duties, of the Function 1 – Plant Units compared to the Function 4 – Delivery Units. The Arbitrator recognizes that there well may be significant questions with regard to whether, at a particular location and/or on a particular shift, the USPS has established at such location/shift a proper basis for not following the default craft assignment for the performance of such work functions as set forth in the Craft Determination letter. The Arbitrator notes, based on the above testimony, that there are considerable differences in the assignment of work duties at Function 1 – Plant Units versus Function 4 – Delivery Units, as well as on different shifts when different levels and types of mail may have to be processed. In the Arbitrator's judgment, there is insufficient evidence in the instant record concerning the actual assignments of work at each facility, and on each shift, on which the ADUS is operating, to warrant a decision in this arbitration proceeding at the national level concerning whether a particular departure in the assignment and performance of work duties of those employees in the craft designated in the Craft Determination letter to perform such duties, more appropriately should be reviewed in a proceeding at the local level, if contested by one of the Unions, conducted pursuant to the RI-399 procedures for considering and resolving such matters.

The Double Asterisk – ADUS

The Arbitrator finds that the NPMHU has failed to meet its heavy burden of demonstrating that the USPS acted improperly, arbitrarily, or otherwise abused its discretion under the RI-399 Guidelines to make craft determinations for the ADUS by including in the Craft Determination letter the "double asterisk" footnote with respect to work function 6, which states:

6.** In Function 4 (F4) [Delivery Units] operations, discharge bins and pull, scan and sort medium and large no reading barcode packages into the proper discharge bin, including sort plan switch out: Clerk Craft

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**The containers utilized on ADUS have a higher capacity and do not need to be changed out as frequently in F4 as a F1 plant sortation requires. The employees monitoring the bins during the run can also take any of the larger no read/no barcode packages from the No Read bin and scan/sort them into the corresponding sort bin. This is integral to the efficient operation of the machine in a delivery unit environment.

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RI-399 Guidelines,
Primary Craft Designations,
Operation 100 – Outgoing Parcel Distribution
And Operation 105 – Mechanized Parcel Sorter

RI-399 Guidelines, Post Office Primary Craft Designations, Operation 100 – Outgoing Parcel Distribution, states:

1.*Transporting empty equipment.	Mail Handler
2.*Obtaining mail from staging area.	Mail Handler
3.*Dumping sacks or containers.	Mail Handler
4. Manual distribution of parcel post, without scheme knowledge.	Mail Handler
5.Manual distribution of parcel post requiring scheme knowledge.	Clerk
6.*Pulling and dispatching sacks or other containers.	Mail Handler
7.*Containerizing and transporting mail to dispatch areas.	Mail Handler
8.*Hanging sacks and inserting labels.	Mail Handler

*In offices where the tasks of obtaining empty equipment, obtaining unprocessed mail, loading ledges, sweeping and containerizing is an integral part of the distribution function, the

> entire operation is a function of the primary craft performing the distribution.
>
> ***

Ms. Richardson testified, on cross by NPMHU, with regard to RI-399 Guidelines, Post Office Primary Craft Designations, Operation 100 – Outgoing Parcel Distribution:

> . . . I don't know that I remember specifically looking at this document for operation 11 in speaking with - - with Rickey about it and in evaluating the craft determination, but we looked at it in relation to how we have identified other craft jurisdiction assignments, such as the SPSS, and I believe it was the APBS in terms of that, and so to be as consistent as possible as what we've done in the past.
>
> ***

Ms. Richardson, on cross by NPMHU, agreed that she was aware that the APWU consistently has claimed, with regard to craft determinations generally, that distribution primarily is Clerk work. Ms. Richardson agreed that, with regard to RI-399 Craft Designations, Operation 100 – Outgoing Parcel Distribution, states, in relevant part: "4. Manual distribution of parcel post, without scheme knowledge. – Mail Handler." Ms. Richardson agreed that for Craft Designation Operation 100, at No. 5, distribution with scheme knowledge was assigned to Clerks. Ms. Richardson agreed, therefore, that the assignment of distribution to Mail Handlers in No. 4 for outgoing parcel distribution was an exception to the APWU's claim that all distribution was assigned to Clerks. Ms. Richardson agreed that outgoing parcel distribution, in part, is related to the function of the ADUS machine.

The Arbitrator notes that RI-399 Guidelines, Post Office – Primary Craft Determinations, Operation 105 – Mechanized Parcel Sorter, states:

1.*Transporting empty equipment.	Mail Handler
2.*Obtaining mail from staging area.	Mail Handler
3.*Dumping sacks or containers.	Mail Handler

4. Distribution of parcel post through the use of parcel sorting machine.	Clerk
5. [No No. 5 is listed.]	
6.*Pulling and dispatching sacks or other containers.	Mail Handler
7.*Containerizing and transporting mail to dispatch areas.	Mail Handler
8.*Handling sacks and inserting labels.	Mail Handler

*In offices where the tasks of obtaining empty equipment, obtaining unprocessed mail, loading ledges, sweeping and containerizing is an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.

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The Arbitrator notes that Ms. Richardson agreed, on cross by NPMHU, that Operation 105, relates not only to parcel sortation but, also, to mechanized parcel sortation. The Arbitrator agrees that the work functions listed in Operation 105 – Mechanized Parcel Sorter closely are related to the work functions on the ADUS. The Arbitrator notes that all work functions on Operation 105 were assigned to the Mail Handlers, with the exception of work function No. 5 – Manual distribution of parcel post requiring scheme knowledge, as to which the Clerk Craft was designated the primary craft. In the Arbitrator's judgment, noting that there are differences between the type of machines referred to in Operation 105 and the more technologically advanced ADUS, is consistent with the craft designations made by the USPS for the ADUS in favor of the Mail Handlers, albeit subject to the changes in assignments pursuant to the *single asterisk* appended to each work function.

<u>The Small Parcel Craft Jurisdiction Arbitration Award – Primary Craft for Spreading The Mail to Carrier Cases; Arbitrator Dana Eischen, Dated April 24, 1998</u>

The Arbitrator notes that Ms. Richardson testified, on cross by NPMHU, that she and Mr. Dean, in making the craft determinations for the ADUS machine

in the Determination letter, had considered the Jurisdictional Arbitration Award – Primary Craft for Spreading the Mail to Carrier Cases, Arbitrator Dana Edward Eischen, dated April 24, 1998. "We did discuss the Eischen award and the application of it or whether we thought the application of it was appropriate in this situation. . . . We . . . yes. And I think you referenced a question to Rickey Dean, and that was his response." Ms. Richardson agreed that she and Mr. Dean had discussed the Eischen Award and that they had decided that it did not apply to the ADUS. The Arbitrator agrees with the USPS that the Award of Arbitrator Eischen is not controlling with regard to the craft determinations made for the ADUS machines because there is no assertion by the USPS to the effect that Mail Handlers may not be employed on the ADUS in retail/delivery units [see the discussion below of the Four-Hour Implementation Criteria].

Small Parcel Bundle Sorter (SPBS)
Craft Jurisdiction Arbitration Decision,
Arbitrator Sharnoff,
Dated September 7, 2009

Ms. Richardson testified, on cross by NPMHU, that she was not sure whether she and Mr. Dean had reviewed the Craft Jurisdiction Arbitration Decision on the Small Parcel Bundle Sorter (SPBS), Arbitrator Joseph M. Sharnoff, dated . "I don't what to say it wasn't, but I don't want to say it absolutely was, either. . . ." Ms. Richardson agreed that she and Mr. Dean, in making the craft determination assignments for the ADUS, had considered the APBS and the SPSS, but she was not sure whether they had considered Operation 100, Operation 105, or the SPBS Arbitration Decision.

RI-399 Guidelines
Section II.B. Four (4) Hour
Implementation Criteria

The Arbitrator agrees with the USPS that the USPS did not violate the RI-399 principles and guidelines by failing to afford appropriate controlling effect to the following provision set forth in RI-399 Guidelines, at Section II.B – Four (4) Hour Criteria, which states:

> If there are four (4) or more hours of continuous work consisting of one or more work functions in one or more operations designated to the same primary craft, the performance of which should be assigned to an employee of that primary craft.
>
> ***

The Arbitrator notes that Ms. Richardson testified, on cross-examination by NPMHU, with regard to the "four-hour rule," that she agreed that, while the rule is stated in terms of the four-hours being *continuous*, the rule also states that the work can "*consist[] of one or more work functions*". Ms. Richardson agreed that, in a small facility which had only three hours of Mail Handler work loading and unloading trucks, that facility would not be required to employ a Mail Handler employee. Ms. Richardson also agreed that, if that facility had two hours of Mail Handler work loading/unloading trucks and installed a machine which involved two hours of Mail Handler duties, for a total of five "continuous" hours, the facility would be required to employ a Mail Handler employee. Ms. Richardson testified, however, that if the two hours of Mail Handler work had to be done at the same time as the three hours of loading/unloading trucks, that would not constitute the required *four hours of continuous work*. Ms. Richardson agreed that the RI-399 implementation criteria refers to a "four-hour rule" and noted that the RI-399 principles also refer to "allied duties which are integral or cannot be efficiently separated from the distribution function" and that a local manager can assign something to the employee. Ms. Richardson agreed that the "four-hour rule" is one of the RI-399's implementation criteria.

The Arbitrator finds that the evidence presented at the instant Arbitration hearing does not establish that the requirements of the above "Four Hour Criteria," are met in all, or any, of the USPS facilities with ADUS machines in all of the circumstances which may occur during those shifts, or hours during a shift, when the ADUS is operated. The Arbitrator finds that the USPS has demonstrated that there are significant differences between ADUS operations in Function 1 – Plant Units and those in Function 4 – Delivery Unites [see above discussion], as well differences which may occur on certain shifts on which the ADUS is operated in a Function 1 or in a Function 4 Unit. The Arbitrator, therefore, is not persuaded that it has been demonstrated in all cases that the USPS is required by the installation and operation of an ADUS machine in any facility on any shift to employ a Mail Handler craft employee. In the Arbitrator's

judgment, the question of whether the requirements of the Four-Hour Criteria have been met, such that the employment and assignment of an employee in the Mail Handler Craft is required in a particular facility on a particular shift, necessarily is dependent upon the analysis and evaluation of the particular facts and circumstances involved in such facility on a particular shift or hours of operation on a shift, and the type and duration of the work duties required to be performed to ensure an efficient operation, which is another one of the Implementation Criteria.

The Arbitrator finds an insufficient evidentiary basis presented in the instant case for the Arbitrator to make a national determination on these issues which would be applicable to the operation of all ADUS machines in all facilities, including all Function 1 and Function 4 Units, during all hours/shifts of operation. The Arbitrator notes that there is no dispute that the Four-Hour Rule, as one of the Implementation Criteria established in RI-399, Section II.B, constitutes a necessary consideration for the USPS in making work assignments on the ADUS at each facility, on each shift, and during all hours of operation, and that the USPS's implementation of such work assignments, insofar as they depart from the primary craft designations for such duties set forth in the ADUS Craft Determination letter, are subject to consideration and review at the local level through the appropriate RI-399 procedures, if such assignment changes from the default craft designation are challenged by either Union.

CONCLUSION

The Arbitrator concludes, for the reasons set forth above, that the USPS acted appropriately and within its right to exercise discretion in making craft determinations in accordance with the RI-399 guidelines and principles, and in a manner consistent with prior Jurisdictional Arbitration Awards and other relevant considerations including the Primary Work Designations – Operations and Functions listed in RI-399, in making the determination that the Mail Handlers were the Primary Craft designated for the work functions on the ADUS, nos. 1, 2, 5 and 7, each of which is subject to the *single asterisk* [quoted in the Opinion], and that the Clerks were the Primary Craft designated for work functions nos. 3, 4, and 6, the last subject to the *double asterisk* [quoted in the Opinion]. The Arbitrator finds that the USPS, in making these craft designations appropriately utilized the *single asterisk* for each Mail Handler work function and the *double asterisk* for work function 6, based on the operational requirements and other considerations in Function 1 – Plant Units as compared

to those in Function 4 – Delivery Units. For all of the reasons set forth above in the Opinion, the claims by the American Postal Workers Union and the National Postal Mail Handlers Union are denied in all respects.

AWARD

The Arbitrator concludes, for the reasons set forth above, that the USPS acted appropriately and within its right to exercise discretion in making craft determinations in accordance with the RI-399 guidelines and principles, and in a manner consistent with prior Jurisdictional Arbitration Awards and other relevant considerations including the Primary Work Designations – Operations and Functions listed in RI-399, in making the determination that the Mail Handlers were the Primary Craft designated for the work functions on the ADUS, nos. 1, 2, 5 and 7, each of which is subject to the *single asterisk* [quoted in the Opinion], and that the Clerks were the Primary Craft designated for work functions nos. 3, 4, and 6, the last subject to the *double asterisk* [quoted in the Opinion]. The Arbitrator finds that the USPS, in making these craft designations appropriately utilized the *single asterisk* for each Mail Handler work function and the *double asterisk* for work function 6, based on the operational requirements and other considerations in Function 1 – Plant Units as compared to those in Function 4 – Delivery Units. For all of the reasons set forth above in the Opinion, the claims by the American Postal Workers Union and the National Postal Mail Handlers Union are denied in all respects.

Joseph M. Sharnoff, Arbitrator
National Jurisdictional Disputes

Dated: August 31, 2022
Oakton, Virginia