

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UNITED STATES POSTAL SERVICE  
AND THE  
AMERICAN POSTAL WORKERS UNION, AFL-CIO

Recognizing the need for clarification of the procedures to be followed in according employees their administrative rights under Title VII, the Veterans' Preference Act, and the National Labor Relations Act, and in order to resolve litigation in the cases of U.S. Postal Service, 281 NLRB No. 32 (1986), U.S. Postal Service, 281 N.L.R.B. No. 138 (1986); and U.S. Postal Service, 281 N.L.R.B. No. 139 (1986), the parties enter into the following memorandum of understanding.

1. The parties agree that when the Postal Service meets with an individual employee to resolve an EEO complaint (formal or informal), or to afford an individual preference eligible employee the right to respond to a proposed adverse action as provided by the Veterans' Preference Act, the Postal Service is under no obligation to invite the Union to be present or to participate at such meetings. A Union official may be present and participate only if that official is the employee's personal representative.

2. The parties recognize and agree that the Postal Service and an individual employee may enter into settlement agreements to resolve EEO complaints and proposed adverse actions against preference eligible employees without the knowledge or consent of the Union. However, the Postal Service shall not adjust or attempt to adjust with the individual employee any related grievances, except, to the extent permitted by Section 9a of the

NLRA and the National Agreement, those related grievances filed by the employee which are still pending at Step 1.

3. The parties agree that, where the Postal Service and an individual employee have entered into a settlement agreement to which the Union is not a signatory, the Postal Service may assert in the grievance procedure, or before an arbitrator, only that the settlement agreement provides the employee with such relief as to render an award of further remedial relief to the employee unnecessary.

4. In light of this agreement, which renders the above-referenced cases moot, the parties agree to petition the National Labor Relations Board to vacate its decisions and orders in the above referenced cases, dismiss the underlying complaints, and withdraw any existing applications for enforcement.

5. This memorandum constitutes full and complete resolution of the above-referenced litigation.

6. This memorandum shall take effect upon the vacation of the above referenced NLRB decisions and orders and the dismissal by the Board of the underlying complaints.

  
UNITED STATES POSTAL SERVICE

10/19/87  
DATE

  
AMERICAN POSTAL WORKERS UNION,  
AFL-CIO

10/21/87  
DATE