

# Postal Worker West

ISSUED BY

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## Contract Going Into the Hands of An Arbitrator

**WASHINGTON DC**– The collective bargaining process resulted in a tentative agreement which was vetoed by the duly appointed National Rank & File Bargaining Advisory Committee.

After months of negotiations, which at times slowed to a crawl, the parties at the national level reached a tentative Collective Bargaining Agreement covering hundreds of thousands of postal workers. However, under the National Union's Constitution & By-Laws the union's negotiators do not have the final say on whether a contract goes into effect, the members do.

Negotiations were finalized in the shadows of the White House Executive Order's Postal Task Force Report which calls for the elimination of the rights of postal workers to bargain over wages, which some say made negotiations even more difficult.

### Vetoes & Votes

Although the National negotiators are granted full authority to negotiate the terms of any CBA, the Union's negotiators must complete as many questions and answers as possible on new or changed contract language prior to giving the "tentative" CBA to a Rank & File Bargaining Advisory Committee for consideration.

The Rank & File Committee (R&FC) members, do not work for the National Union and have FULL veto power over the proposed National Agreement. By majority vote the R&FC voted against acceptance of the proposed agreement and that the tentative agreement will not be sent out for a referendum vote. The rejection is constitutionally a mandate to the National Negotiators to reopen negotiations. An attempt was made to do so but USPS and the National Union reached an impasse. There is no actual process for a written report of the R&FC to be issued to the entire membership.



### What Happens Now

In accordance with the Postal Reorganization Act, which established the U.S. Postal Service and the collective bargaining process, the destiny of the CBA will fall into the hands of a neutral arbitrator.

The parties may enter into a cooling off period and may exercise the right to seek mediation through the Federal Mediation Process. If that process does not result in a mutual agreement the parties will meet to select a panel of three arbitrators, one for each side and a neutral chairperson (who is actually the one deciding the outcome).

The process will likely go through early spring after which the issues will go to **interest** arbitration. "While we should never be afraid to take our fight to an administrative arbitration hearing," Regional Coordinator Omar Gonzalez said, "the problem is the history of arbitration has shown we almost always lose some of our interests when the decision is placed in the hands of an outsider". [ see related article on page 2 ]

**THE CONTRACT FIGHT IS NOT OVER– SUPPORT THE UNION !**

## What Is At Stake?

The issues that seemed to have triggered the rejection of the CBA by the Rank & File Bargaining Advisory Committee may or may not be the issues that will be decided in arbitration.

At press time there was no written report of what caused the majority of the Rank & File Committee to reject the tentative CBA which was being called a two year "Extension of the 2015" CBA. Some unconfirmed reports indicate the MS 47 TL-5 Maintenance MOUs Line H Exceptions caused heart burn. Others described the clerk amendments to the Global Settlement on Postmasters performing craft work in certain office as an issue. For the most part MVS did not have contended amendments. Social media chatter is all over the place with no concrete determination of what specifics caused the rejection.

The tentative CBA did provide salary increases and COLA but it is not clear if these provisions caused the Rank & File Committee any grief. The tentative agreement also retained lay-off protections and the 50 mile radius limit on involuntary reassignments.

### Who's Interest?

When the parties eventually go to arbitration it will be what is legally called "interest arbitration". In the postal service there is a tribunal of arbitrators. Each side selects their own arbitrator and the parties mutually select a so called "impartial arbitrator" who basically serves as an umpire of sorts. That impartial arbitrator evaluates the parties' last best final proposals and then comes up with an award the arbitrator deems is appropriate for a new contract. He/she can adopt one or the other parties' proposals, mesh proposals together or come up with a different type of compromise provision.

Postal workers do not have the right to strike. So the arbitration hearings will have both sides presenting arguments and evidence to attempt at convincing the impartial arbitrator to adopt their proposals and countering the other party's proposals. The award of the arbitrator is final and becomes binding on the parties.

How all this will play out with the looming White House Task Force recommendations remains to be seen. *(continued on page 4)*

## 2019 Promises More Work Floor Disruptions

The advent of so called "Dynamic Scheduling", coupled with recent revelations that management only saved 5% of their projected savings from previous consolidations, promises to trigger more abolishments, excessing and schedule changes.

For the last two years management has imposed computerized scheduling programs that caused havoc for employees nationwide in addition to Area Mail Processing and other staffing processes. Despite altering delivery standards in search of so called productivity gains, the projected \$1.6 billion dollars in savings did not materialize. A recent OIG report indicated that only 1/20th of those projected savings may have been realized.

"While management may attempt to fault the so called "changing business environment" their operational window process productivity goals just aren't working," said Regional Coordinator Omar Gonzalez.

### Gearing Up Now For The Fight To Come

Local Unions and the membership need to prepare now for the onslaught of changes to bidded reporting times, rest days and sectional excessing.

The previous Operational Window Changes and alterations to delivery standards resulted in the consolidation of seventeen (17) mail processing facilities and affected twenty one (21) more facilities. Management also implemented Function 1 Dashboard programs that decimated bid assignments and caused most tours to realign.

Members need to be educated on the big picture over the fight to restore delivery standards, the impact of delivery standards on operations and their jobs. "Just as important as educating members how contract provisions work when it comes to reposting bids, is their need to know that the new Chairman of the USPS Board of Governors has pledged to take a hard look at delivery standards and their frequency," said the Regional Coordinator.

"Dynamic Scheduling and so called 'nimble scheduling' is management speak for massive realignments, schedule changes, abolishments and excessing," added Gonzalez. "Add to that the major crack down on attendance and leave usage, overtime mishandling, and actual understaffing and you will have major work floor disruptions that too many of the affected members will blame the union for," warned Omar. "Of course the Union is not at fault but the Locals must prepare to fight which includes educating members on what's ahead and not wait until notices are issued by the bosses"



## RATS

The four legged ones are anything but cute. They spread disease and should not be tolerated in any post office or facility.

Federal safety standards [OSHA 1915.88(j)(2)] provides that where vermin are detected management is obligated to implement effective control. A PS 1767 (Safety Hazard Report) should be filed if rats are detected. If the issue is not properly addressed or is ignored a Safety Grievance is to be filed and the Local JLM Safety Committee notified. If the problem persists an OSHA complaint should be filed. Go to [usdol.osha.gov](http://usdol.osha.gov) and file their form via fax or mail. OSHA 1910.141 has protections against contaminated food services.

# “...LOVES ME NOT !”

## TASK FORCE REPORT SIDE STEPS PRIVATIZATION- OR DOES IT?



On the eve of the National Day of Mourning the White House released the over due report and recommendations ordered under Executive Order in April 2018. Because of the timing, the report got very little press or media coverage.

The Wall Street Journal, among other media, warned that the proposed changes could raise prices for many mailers not just Amazon (many believed the Executive Order was a result of a purported feud with that company's CEO). Other news organizations, like CNN, reported the Task Force did not call for full privatization of the Postal Service. But is privatization really excluded from the White House plans? The privatization of the Postal Service has been recommended in a previous report issued as a result of an Executive Order. In essence it calls for fattening up the Postal Service in order to sell it. So, to privatize or not to privatize?

### No Congress Needed

The current report titled– *United States Postal Service: A Sustainable Path Forward* spells out fifteen (15) changes that the White House claims can be done “administratively” **without** Congress. One of which is to provide a “targeted” definition of essential postal services. Also, it says that administratively, access to the postal system **MUST** only be sufficient to implement the new definitions and standards of delivery. The report calls for requirements to increase prices, reduce service costs, or **exit** the business for any mail products that are not deemed an essential service and don't cover their direct costs.

Yea, but does that all mean privatization? Consider that a supposed “*strategic option*” the White House says can be done now administratively is to evaluate USPS operations that could be expanded to third parties such as (mail) processing. Also, allow private companies and corporations to pay a fee to be able to deliver to mailboxes. And since USPS charges less to deliver packages in certain areas more should be charged by the postal service so that it does not drive (competitors) out of the market. So, to privatize or not to privatize?

### Postal Jobs Will Suffer

All of these if and when implemented will affect your postal employment, especially if you are in the Clerk, MVS and Maintenance crafts here are some examples: If mail processing is “contracted out” the plants will be phased out and consolidated with very little or no need for processing clerks. If processing is phased out and sub-contracted that will effect the maintenance craft since much fewer mechanics and Electronic Techs will be needed to keep skeleton postal processing plants open. Private processing plants will likely not use postal trucks to deliver processed mail to stations and branches reducing the need for drivers and auto mechanics. Where will all these impacted employees go? Privatization or not?

### What About Congress

In the White House Task Force report nine recommendations require legislative policy action such as eliminating collective bargaining over postal worker compensation. Also, to have postal workers pay more into FERS and eventually go from federal retirement to a 401K type of system. So not to privatize or to privatize?

It is like pulling petals off of a daisy in the old game– “*He Loves Me He Loves Me Not*” except this is NOT a game, your government employment and your family's livelihood is at stake. **Take heed and get ready!**

REPRINT FROM COORDINATOR'S REPORT THE UNIONIZER EAST BAY AREA LOCAL

## What Is At Stake ....continued from page 2

Can the lay-off protections be revoked or weakened? Can the right to negotiate wages and benefits be altered? Will the 50 mile radius restriction for excessing return to 100 miles and beyond? Time will tell no doubt. The National Union leadership has declared it is prepared for arbitration which is expected to begin in the Spring with a possible award expected mid to late summer or later.

### Roads Less Traveled But Traveled None-the-Less

Collective Bargaining in the Postal Service is relatively new with the unions securing the right to negotiate over wages, benefits and working conditions in 1971 after a wild cat strike against management and the unions. Richard Nixon signed the Postal Reorganization Act into law giving postal workers rights to negotiate contracts similar (but not exactly the same) as private sector workers. The Post Office and seven unions reached their first CBA on July 20, 1971 giving postal workers wage increases, COLA, the grievance procedure and protections against lay-offs.

After the merger and birth of the National Union the very first Convention of new Union in 1972 established the Rank and File Bargaining Advisory Committee (aka Rank & File Committee) and made future CBAs subject to ratification of the membership. The second CBA was agreed to and accepted by the Rank & File Committee with about 85% of the membership voting yes resulting in life insurance being 100% paid by USPS. The 1975 CBA was a meditated 3 year settlement reached through the Federal Mediation and Conciliation Service.

The next round of negotiations in 1978 were anything but harmonious. The PMG was intent on proving postal workers were underworked and overpaid. The three major postal unions formed a negotiating team and were overshadowed by the intervention of the U.S. President urging wage restraints and management threatening to fire any strikers. Even so a tentative agreement was reached and the NEB was briefed at about 5am on the last day of the CBA.

That tentative agreement was rejected by the Rank and File Committee but the Committee also directed the leadership to send it out for a vote. That resulted in a local suing the union over a violation of the National Constitution. The law suit was rejected by the Court.

### Four New Year Resolutions You Can Definitely Keep

As a postal worker in 2019 these are four resolutions to make and keep!

1. Protect your sick leave, use it as intended and grieve when management violates your leave benefits.
2. Report Unsafe Conditions at work. Do not allow management to violate your right to a safe and clean work place.
3. Attend at least one local union meeting where the issues are debated
4. Contact congress when the Union asks you to so you help protect your job!



1978 CBA rejection was saddled with wild cat strikes on both coasts.  
Photo from Fire On The Mountain

More than 94,000 members voted to reject the 1978 CBA. The negotiators returned to the table but were rejected by management. USPS insisted on mediation and arbitration which eventually gave postal workers the so called "Healy Award", named after the arbitrator who capped the COLA and changed lay off protections where postal workers now had to earn the protec-

tions over six (6) years. Information indicates that a vote was taken on the changed CBA which was overwhelming approved.

### That Was Then

In 1978 there were 49 members of the Rank & File Committee. Then, as in now, each member of the National Executive Board appointed one member to serve on the Committee. Now there are only 13 members on the Rank & File Committee who are independent activists from various parts of the country.

There have also been extensions of the CBA such as the 2003-05 Extension and arbitrated CBAs such as the 2015 CBA. "The rejection of the 2018 tentative extended contract by the Rank & File Committee is part of the constitutional framework that makes our union one of the most democratic labor organizations," said Regional Coordinator Omar Gonzalez. Pressed for his position on the rejected CBA in light of the vote of his appointee, Gonzalez also said, "Look no one should believe it is easy negotiating a multi billion dollar contract with an indifferent management hell bent on taking away benefits and protections."

"I have served on the Rank & File Committee several times. It is an awesome responsibility. Should 13 members be able to decide the outcome of the CBA for several thousand postal workers who will not see, read or vote on the tentative CBA? That is our union constitution and under the law unless the parties reach a settlement in mediation the outcome of the 2018 negotiations will be decided by an arbitrator. What we need is to stay united and to do our very best in arbitration," added the Coordinator. We need member support now more than ever!"

