



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
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Initiate National Dispute

April 20, 2009

Via Facsimile and First Class Mail

National Executive Board

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President

Cliff "C. J." Guffey
Executive Vice President

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Eastern Region Coordinator

Elizabeth "Liz" Powell
Northeast Region Coordinator

William "Bill" Sullivan
Southern Region Coordinator

Omar M. Gonzalez
Western Region Coordinator

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

Re: APWU No. HQTG20096, USPS Failure and Refusal to Furnish
APWU Notice of Proposed Changes to PS Form 1723

Dear Mr. Tulino:

In accordance with the provisions of Article 15, Section 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts involved in this dispute are as follows: By letter dated March 26, 2009, the APWU informed the Postal Service we recently learned from the field that the Postal Service revised PS Form 1723, Assignment Order. There was no record that the APWU was provided notification pursuant to Article 19 of the National Agreement. The APWU requested verification that the union was notified of the revisions and in the absence of such verification that the change be rescinded and that proper notification be provided pursuant to Article 19. By letter dated March 30, 2009, the Postal Service stated that "As you know, the notification requirements of Article 19 of the 2006 National Agreement apply only to proposed changes to handbooks, manuals and published regulations "that directly relate to wages, hours, or working conditions" of those bargaining unit employees covered by the Agreement." The Postal service also stated that "So that we may reply to your request, please identify the specific change(s) made to PS Form 1723 that the union contends required notification pursuant to Article 19."

It is the APWU position that Form 1723 is utilized in regard to the day-to-day enforcement, administration and/or interpretation of the collective bargaining agreement, and has been the subject of numerous disputes at both the field and national level. As you know, the purpose of Form 1723 is to record management-directed assignment changes of employees involving (1) temporary assignments to perform duties other than those in employee's official job description, including higher level and training assignments; (2) scheduled hours and/or days

off when schedule change is not posted; and (3) requires that a new form be prepared for each accounting period.

Form 1723 is the controlling document used in determining when a bargaining employee is detailed to a temporary assignment other than his/her own official duty assignment, including to a 204-B (acting supervisor) or other non-bargaining assignments. Form 1723 is also the controlling document used to determine whether an employee detailed to a temporary 204-B non-bargaining assignment is being assigned back and forth between assignments to circumvent applicable craft provisions. In regard to the enforcement and application of the Agreement, historically, the union has been entitled to receive a copy of Form(s) 1723 each accounting period, showing the beginning and ending of all such details. However, it appears that the Postal Service unilaterally deleted the frequency requirement that a new form be prepared each accounting period and replaced it with the following "Form is valid up to 6 months (180 days). A new form is required for assignment exceeding 180 days, or subject to local management discretion."

It is the APWU position that the recent revisions (December 2008) that were unilaterally made to PS Form 1723 directly relate to wages, hours and/or working conditions within the meaning of Article 19 of the National Agreement. Therefore, the Postal Service is required to provide the Union with proper notice under Article 19.

In accordance with the notification requirements of Article 19, the Postal Service is required to furnish to the APWU the following information regarding notices of proposed changes in handbooks, manuals, and published regulations of the Postal Service that directly relate to wages, hours, and working conditions, as they apply to employees covered by the National Agreement, before such changes can be issued:

The employer shall furnish the Union with the following information about each proposed change: a narrative explanation of the purpose and the impact on employees, and any documentation concerning the proposed change from the manager who requested the change, addressing its purpose and effect.

However, the Postal Service failed and refused to furnish the APWU with each proposed change, a narrative explanation of its purpose and impact on employees, and any documentation concerning the proposed change from the manager(s) who requested the change addressing its purpose and effect.

It is the APWU position that the Union is entitled to be furnished with the above-referenced information as a "matter of contractual obligation and requirement" pursuant to the notification provisions of Article 19 of the National Agreement, and not as a matter of general interest. In addition, the Postal Service is required to furnish this information at least sixty (60) days before it can issue any proposed changes that directly relate to wages, hours or working conditions as they apply to employees covered by the National Agreement. Furthermore, the Postal Service is obligated to justify why such a change is necessary if it is to satisfy Article 19's requirement that the changes be fair, reasonable, and equitable.

Upon receipt and review of the narrative explanation of the proposed change(s) and its purpose and impact on employees, and any documentation concerning the proposed change(s) from the manager(s) who requested the change(s) addressing its purpose and effect, if the Union elects to request a meeting, the meeting must be attended by the manager(s) who are knowledgeable about the purpose of the proposed change and its impact on employees.

Finally, it is also the Union's position that any attempt to issue any proposed changes without furnishing the APWU with the above-referenced notification information required pursuant to Article 19, at least sixty (60) days prior to being issued, constitutes a clear case of willful violation of the notification provisions of our collective bargaining agreement.

Please contact me to discuss this dispute at a mutually scheduled time.

Sincerely,

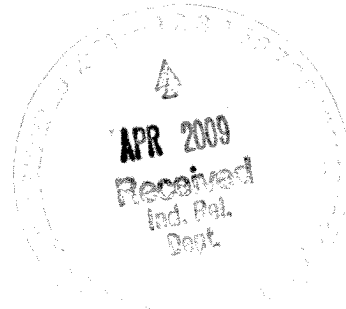

Greg Bell, Director
Industrial Relations

APWU #: HQTG20096
Dispute Date: 04/20/2009

Case Officer: Greg Bell
Contract Article(s):

cc Resident Officers
File

GB/bw



March 30, 2009

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

Dear Greg:

This is in response to your March 26 correspondence regarding PS Form 1723, *Assignment Order*.

You indicate that PS Form 1723 was revised and ask for "verification that the union was notified of this change." In the absence of such verification you request "that the change be rescinded and that the union be provided proper notification and an opportunity to review the changes for consistency with Article 19" (of the National Agreement).

As you know, the notification requirements of Article 19 of the 2006 National Agreement apply only to proposed changes to handbooks, manuals and published regulations "that directly relate to wages, hours, or working conditions" of those bargaining unit employees covered by the Agreement.

So that we may reply to your request, please identify the specific change(s) made to PS Form 1723 that the union contends required notification pursuant to Article 19.

Sincerely,



Alan S. Moore
Manager
Labor Relations Policy and Programs



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Greg Bell, Director
Industrial Relations
1300 L Street, NW
Washington, DC 20005
(202) 842-4273 (Office)
(202) 371-0992 (Fax)

March 26, 2009

Sent via Facsimile and US Mail

Mr. Alan Moore, Manager
USPS Labor Relations Policies and Programs
475 L'Enfant Plaza SW, Room 9318
Washington, DC 20260

Re: PS Form 1723, Assignment Order

Dear Mr. Moore:

It has recently been brought to my attention that the Postal Service has revised PS Form 1723, Assignment Order. I have no record of the APWU receiving a notification of this revised form.

As you know, Article 19 requires that the union be provided notification of any change to handbooks, manuals or published regulations that directly relate to wages, hours or working conditions.

Please provide verification that the union was notified of this change. If the union was not notified, I am requesting that the change be rescinded and that the union be provided proper notification and an opportunity to review the changes for consistency with Article 19.

Your prompt attention to this matter is appreciated.

Sincerely,


Greg Bell, Director
Industrial Relations

GB:LB:pjr
Opeiu#2,afl-cio



Assignment Order

Instructions - (Please Provide a Copy to the Employee)

Purpose Complete this form to record management-directed assignment changes involving:

- a. Temporary assignments to perform duties other than those in employee's official job description, including higher level and training assignments.
- b. Scheduled hours and/or days off when schedule change is not posted.

Frequency Form is valid up to 6 months (180 days). A new form is required for assignments exceeding 180 days, or subject to local management discretion.

Approvals Assignments and changes must be approved by immediate supervisor or the manager.

Signatures If employee is unable to sign the form, the supervisor must indicate how the employee was notified in the employee signature space. Details of notification are to be provided in the form's Employee Notification Box.

Current Assignment

To: (Name)				Position Title			
Home Installation				Employee ID			
Employee Official Tour				Scheduled Days Off			
Begin Tour	<input type="text"/>	End Tour	<input type="text"/>	<input type="checkbox"/> Saturday	<input type="checkbox"/> Monday	<input type="checkbox"/> Wednesday	<input type="checkbox"/> Friday
Lunch Out	<input type="text"/>	Lunch Return	<input type="text"/>	<input type="checkbox"/> Sunday	<input type="checkbox"/> Tuesday	<input type="checkbox"/> Thursday	
Des/Act Code	LDC	OPER-LU	Rate Schedule	Level	Pay Location	FLSA <input type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt	

New Directed Assignment

Position Title				FLSA Worksheet (If temporary assignment includes hours outside of (paid) FLSA work week, enter FLSA work week and send copy to FLSA coordinator) <input type="checkbox"/> Friday <input type="checkbox"/> Saturday			
Des/Act Code	LDC	OPER-LU	Rate Schedule	Level	Pay Location	FLSA Exempt to Nonexempt Position <input type="checkbox"/> Yes <input type="checkbox"/> No	
Reason for Assignment (If other, explain)				Employee Type			
<input type="checkbox"/> Annual Leave <input type="checkbox"/> Vacancy <input type="checkbox"/> Sick Leave <input type="checkbox"/> Detail <input type="checkbox"/> Scheduled Day Off				<input type="checkbox"/> Bargaining Unit Employee - Notify by Wednesday of week preceding change (Not required for clerk craft if detailed to a nonbargaining position) <input type="checkbox"/> Nonbargaining Employee - Provide 4 days notice			
Location (Give exact worksite, if route, give number)				Higher Level Authorization Method			
Finance Number				<input type="checkbox"/> Auto Higher Level <input type="checkbox"/> Daily Authorization <input type="checkbox"/> Temporary Job Assignment <input type="checkbox"/> Timecard 1230-C			
Employee Assigned Tour				Scheduled Days Off			
Begin Tour	<input type="text"/>	End Tour	<input type="text"/>	<input type="checkbox"/> Saturday	<input type="checkbox"/> Monday	<input type="checkbox"/> Wednesday	<input type="checkbox"/> Friday
Lunch Out	<input type="text"/>	Lunch Return	<input type="text"/>	<input type="checkbox"/> Sunday	<input type="checkbox"/> Tuesday	<input type="checkbox"/> Thursday	
Assignment Start Date		Assignment End Date		Start Date for RSC E or V to E or V Higher Level (5 days after assignment start date)		Date (MM/DD/YYYY)	
Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Time <input type="checkbox"/> AM <input type="checkbox"/> PM					
Supervisor Name (Print)				Supervisor Signature		Date (MM/DD/YYYY)	
Employee Signature				Date (MM/DD/YYYY)		Comments on Employee Notification	
Date Employee Was Notified (MM/DD/YYYY)							



Assignment Order

* If temporary assignment includes hours outside of (paid) FLSA workweek, enter FLSA workweek and send copy to FLSA coordinator.
 **For qualified LSM/FSM operator who works intermittently on higher level, enter "None."

To: (Name)		Position Title			Employee ID			PP	PSDS Entry	YR	
					Home Installation			Day	Init.	Hrs.	
▼ Employee Regular Tour ▼		Off Days			FLSA	Des/Act	LDC	Rate	Level	Pay Loc.	
Begin Tour	Lunch-Retrn.	Sat.	Sun.	Mon.	E/N	Code	Sched.				
Lunch-Out	End Work	Tues.	Wed.	Th.							
		Fri.									
▼ You Are Assigned and Directed to Perform the Duties as Follows: ▼											
Position Title		FLSA Workweek*			FLSA	Des/Act	LDC	Rate	Level	Pay Loc.	
		F	S				E/N	Code	Sched.		
					Location (Give exact worksite. If route, give number.)			Finance No.			
▼ Assignment Tour ▼		Off Days									
Begin Tour	Lunch Retn.	Sat.	Sun.	Mon.							
Lunch-Out	End Work	Tues.	Wed.	Th.							
		Fri.									
▼ Beginning of Assignment ▼					▼ Approximate Ending of Assignment ▼						
Date	Time	AM	PM	Date**	Time	AM	PM				
Reasons for Assignment				Check if Applicable							
<input type="checkbox"/> Other (Explain):				<input type="checkbox"/> Bargaining Unit Employee Notified by Wednesday of Week Preceding Change (Not Required for clerk craft if detailed to a nonbargaining position.)							
<input type="checkbox"/> Vacancy				<input type="checkbox"/> Nonbargaining Employee Given 7 Days Notice							
<input type="checkbox"/> Annual Leave											
<input type="checkbox"/> Sick Leave											
<input type="checkbox"/> Detail											
Supervisor's Signature		Date		Employee's Signature			Date			<input type="checkbox"/> Continued on Reverse	

Instructions

1. **Purpose.** Complete this form to record management-directed assignment changes involving:
 - a. Temporary assignments to perform duties other than those in employee's official job description, including higher level and training assignments.
 - b. Scheduled hours and/or days off when schedule change is not posted.
2. **Frequency.** Prepare a new form for each accounting period.
3. **Approvals.** Assignments and changes may be approved by immediate supervisor.
4. **Signatures.** If employee is unable to sign form, the supervisor should indicate and also identify how the employee was notified in the employee signature space.

PP Day	PSDS		YR
	Entry	Hrs.	
Sat 01			
Sun 02			
Mon 03			
Tue 04			
Wed 05			
Thur 06			
Fri 07			
Sat 08			
Sun 09			
Mon 10			
Tue 11			
Wed 12			
Thur 13			
Fri 14			