



American Postal Workers Union, AFL-CIO

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Via Facsimile and First Class Mail

Mr. Doug A. Tulino, Vice President
Labor Relations
The United States Postal Service
475 L'Enfant Plaza SW, Room 9014
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Dear Mr. Tulino:

This is a follow up to my letter of October 6, 2009, concerning APWU bargaining-unit employees who may have been reassigned to city letter carrier positions for which they did not meet the minimum qualifications, and who may have been subsequently disciplined for failing to meet those qualifications. To date, I have not received a response from the Postal Service. However, the purpose of this letter is to further articulate the APWU's position and to highlight other relevant regulations related to this issue.

When an APWU bargaining unit employee is subject to involuntary reassignment (excessing) to another craft's position pursuant to Article 12, the Postal Service has an obligation to first determine whether the employee meets the qualification requirements of the identified position to which such employee is to be reassigned, before the employee is reassigned to the position. The employee must successfully complete all the driving requirements in the losing installation prior to being reassigned.

It is unconscionable that management would even consider disciplining or separating our dedicated career employees – as opposed to reassigning such employees to a position in an installation where bargaining-unit positions are being withheld or captured to accommodate such impacted employees as provided for in accordance with applicable provision of Article 12 of the National Agreement.

Moreover, separating employees impacted by involuntary reassignment clearly is contrary to the Postal Service obligation to keep dislocation and inconvenience to such career employees to a minimum.

PMG Jack Potter has always recognized the hard work and dedication of our career postal workers. In his recent October 11, 2009, letter and video to postal workers (https://liteblue.usps.gov/news/link/2009/nl_1001extra.htm),

PMG Potter once again praised the hard work of postal workers in making the difference in the success of the Postal Service. His remarks included the following:

“In many ways, fiscal year 2009 will be remembered as one of the most challenging we’ve ever faced. At the same time, it will be seen as one of the most successful.

“That success is because of you. You did a tremendous job. Service has never been better — during a year when the service standards have been raised. You helped us reduce costs by over \$6 billion, more than anyone could have expected. You stayed focused on the things that matter most. People are noticing.

...

“... Customer satisfaction scores started strong and finished the year at record levels. And they rated the Postal Service one of the three most-trusted companies in America — the only delivery company in the top 10.

As we struggle with a harsh economy, we’re taking advantage of new tools to help keep customers in the mail and bring in new business. For larger mailers, we’re offering sales, with encouraging results. For consumers and smaller businesses, Priority Mail Flat Rate Boxes meet a real need, and we’re supporting that with strong advertising. But it was your support — talking it up, selling it, and backing it up with great service — that made the difference.

...

“Thank you for all you do to serve the American public.”

I doubt very much that PMG Potter is aware that this is how his managers are rewarding dedicated employees for their service rendered in helping to make fiscal year 2009 “one of the most successful” for the Postal Service. A copy of this letter will be forwarded to PMG Potter.

As you know, involuntary reassignment is common practice in the Postal Service. Currently there are mass involuntary reassignments taking place, and bargaining unit positions are being withheld or captured beyond 100 miles (in many cases within 400 or 500 miles) to accommodate impacted bargaining-unit employees. If an employee who is being considered for and/or reassigned to a city letter carrier position does not meet all of the driving qualification requirements for such position, that employee is not eligible for reassignment to a city letter carrier position.¹ The employee would then simply be subject to involuntary reassignment to a bargaining-unit position for which the employee does meet the qualification requirements – in an installation where positions are being withheld /captured to accommodate such impacted employees – and not disciplined or fired.

As previously stated, an individual (career and non-career) must first pass the “Initial Road Test” (Examination 804) *prior* to being hired (non-career) or reassigned (career) to a rural or city carrier position. An eligible rating indicates that an individual has demonstrated that he

¹ Notwithstanding provisions of Article 12 of the National Agreement referenced in my letter of October 6th, Article 12.5.B.9 of the National Agreement, also provides: Whenever in this Agreement provision is made for reassignments, it is understood that any full-time or part-time flexible employee reassigned must meet the qualification requirements of the position to which reassigned.

or she has the minimum basic driving skills expected and required in order to be hired or reassigned to such positions. A career employee who does not pass the *Initial Road Test* for city letter carrier positions is not eligible for consideration to be reassigned to a city letter position (see EL-804, Safe Driver Program, Exhibit 245 – Requirement to Pass the Initial Road Test). It should also be noted that career postal employees are only to be given the required Initial Road Test if they have met other test requirements for a letter carrier position.²

There are at least two (2) other tests requirements that an employee who is being considered for a reassignment or promotion for a carrier position may be require to pass. One is the End-of-Classroom Test (Exam 805), and the other is the End-of-Training Road Test (Exam 806).

Letter carriers are also considered as “incidental drivers” (see EL-804, Section 322.1). Incidental drivers who use left-hand-drive (LHD) passenger vehicles (private or leased or owned by the Postal Service) on official Postal Service business are not required to complete initial driver training. Whereas, incidental drivers who occasionally operate right-hand-drive (RHD) vehicles must complete all components of initial driver training, including the end-of-classroom test (Exam 805), and the end-of-training road test (Exam 806).³ If an individual fails to pass the end-of-classroom test (Exam 805), he or she is disqualified and is not eligible to drive for the Postal Service (see EL-804, Section 333.31) – but is not subject to discipline or separation. If an individual fails to pass the end-of-training road test (Exam 806) on a specific type of Postal Service RHD vehicle, he or she will not be granted Postal Service privileges for that type of vehicle (see EL-804, Section 336.4) – but is not subject to discipline or separation.

It is the APWU’s position that an employee reassigned into the carrier craft must have passed the qualification requirements prior to being reassigned. Reassigning an APWU bargaining unit employee into a letter carrier position who has not met the qualification requirements, and then firing that employee for “Failure to Meet the Requirements of the Position,” is improper and violates applicable provisions of the parties’ collective bargaining agreement.

It is requested that corrective action be taken as soon as possible to inform appropriate postal officials that APWU bargaining-unit employees must meet the qualification requirements (i.e., pass all required tests) prior to being reassigned into a letter carrier position. It is also requested that any APWU bargaining-unit employee who was adversely affected by being reassigned to letter carrier positions prior to meeting the qualification requirements for such

² Handbook EL-312 provides in relevant part the following:

- ...External applicants applying for jobs that require the Initial Road Test must be administered the test only if they:
- a. Have been determined to be suitable and eligible for employment;
 - b. Meet other test requirements; and
 - c. Have a driving history that meets the requirements for safe driving.

Applicants for reassignment, change to lower level, or promotion who are not currently in carrier positions but are applying for carrier positions (see 517.62) do not receive screening of driving history for meeting safe driving requirements until that are within range of consideration for reassignment, change to lower level, or promotion.

³ Employees must pass Exam 806 to obtain Postal Service driving privileges for RHD vehicles (see EL-804, Section 336.3).

position be placed back into the APWU bargaining unit. The APWU also requests confirmation of what corrective action the Postal Service has taken.

If the Postal Service disagrees that an APWU bargaining-unit employee who does not meet the qualification requirements for a letter carrier position is not eligible and therefore may not be reassigned to such position, it is requested that the Postal Service explain its position, and provide any supporting postal regulations or contractual provisions.

In addition, if the Postal Service disagrees that it is inappropriate to first reassign an APWU bargaining unit employee into a letter carrier position who has not met the above-referenced qualification requirements, and then subject the employee to removal for "Failure to Meet the Requirements of the Position," it is requested that the Postal Service explain its position, and provide any supporting postal regulations or contractual provisions.

The improper reassignment of APWU bargaining-unit employees into letter carrier positions could result in irreparable harm to such employees and unnecessary liability to the Postal Service. It is requested that you or your designee provide a response within seven (7) days from receipt of this letter indicating whether the Postal Service intends to respond and/or supply the requested information, and if so, when. If the Postal Service does not intend to provide a response and/or the requested information, it is requested that an explanation be provided as to why not. If I do not receive a response, I will assume that the Postal Service has decided not to respond. Your cooperation in this matter would be greatly appreciated. I look forward to a prompt reply.

Sincerely,


Greg Bell, Director
Industrial Relations

GB/LB:jm
OPEIU#2
AFL-CIO

cc: PMG Jack Potter