



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

Initiate National Dispute

July 17, 2009

William Burrus
President
(202) 842-4246

Sent Via Facsimile First Class Mail

Mr. Doug A. Tulino
Vice President, Labor Relations
U.S. Postal Service, Room 9100
475 L'Enfant Plaza
Washington, D.C. 20260

National Executive Board

William Burrus
President

Cliff Guffey
Executive Vice President

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Coordinator, Northeast Region

William E. "Bill" Sullivan
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

Re: Step 4 Grievance Closure of Retail Stations and Branches
APWU Case No HQTG200913

Dear Mr. Tulino:

In accordance with the provisions of Article 15, Sections 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. The APWU hereby initiates a dispute at Step 4 under Article 15.4.D of the National Agreement. This dispute concerns the Postal Service Stations and Branches Optimization Initiative. Both the substance and the procedure of this Initiative are in violation of the National Agreement. Because this Initiative is ongoing and threatens irreparable harm due to violations of the rights of APWU represented employees, the APWU demands that you suspend implementation of this initiative and meet with us pursuant to Article 15 to discuss this grievance. The APWU is also sending an information request under Article 31 that is related to this dispute. That request, too, is urgent; but we do not wish to delay our first meeting on this grievance to await the requested information. Please contact APWU Executive Vice President Cliff Guffey to schedule a meeting as soon as possible.

First, we observe that the Postal Service must comply with the parties' Memorandum of Understanding on Retail Operations Within Installations. Under that Memorandum, all existing retail operations must remain in place during the life of the 2006 National Agreement. In its filing with the Postal Regulatory Commission in N2009-1, the Postal Service has indicated that it intends to complete this initiative by October 2010. The 2006 National Agreement does not expire until midnight on November 20, 2010.

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By this initiative, the Postal Service intends to close retail stations and branches throughout the country. As a result of this initiative, apart from its effect on the public, the number of jobs available to postal workers will be reduced; many postal worker positions will become excess; and many postal workers in APWU bargaining units will lose their assignments and have to relocate to new workplaces.

By preparing this Initiative and announcing it to the APWU after it had been prepared, the Postal Service has violated Article 17.5.A.4 which requires that the national level Joint Labor-Management Committee meet to “[p]rovide an opportunity to jointly discuss new Postal Service initiatives during their development, inasmuch as those initiatives might impact on employees or as they might relate to employee working conditions.”

The Postal Service also is in violation of Article 19 by not providing to the Union copies of all handbooks and manuals issued by the Postal Service to direct its managers in the performance of this Initiative. Based on information available to the Union, we have concluded that the Postal Service must be providing direction and guidance to its field managers that is similar to the information provided by the PO-408 Handbook. Even if this direction and guidance has not been collected into a single handbook or manual denoted as such, it is no less subject to Article 19 because it directly relates to the working conditions of employees under the National Agreement.

Insofar as the Postal Service intends to use Contract Postal Units as a strategic part of this Initiative to provide an alternative means of delivering postal services where stations and branches are being closed, that strategy will have a significant impact on bargaining unit work within the meaning of Article 32.1.B. The Postal Service is obligated to comply with the requirements of that Article before it proceeds with any such initiative.

Please contact Cliff Guffey immediately to arrange a meeting to discuss this matter.

Sincerely,



William Burrus
President

WB/lbb
opeiu#2, afl-cio

APWU #: HQTG200913

Dispute Date: 7/17/2009

Case Officer: Cliff Guffey

Contract Article(s): ;

cc: Greg Bell

File