

APWU Asks District Court To Put Consolidation on Hold

The APWU filed a complaint in U.S. District Court on April 21, charging that the Postal Service violated the Postal Reorganization Act in implementing its “network realignment” plan, known as Evolutionary Network Development (END). The complaint seeks a judgment that management violated the 1970 law, as well as an injunction against future violations.

The court filing alleges that the Postal Service violated Section 3661 of the Postal Reorganization Act, which requires the USPS to seek an advisory opinion from the Postal Rate Commission (PRC) “within a reasonable time prior to the effective date” of a proposal that would change the nature of postal services on a “nationwide or substantially nationwide basis.”

The Postal Service began implementing END in the fall of 2005, when it announced the consolidation of “some operations” at 10 facilities. Throughout the four-month period since then, management has announced approximately 40 additional consolidation “feasibility studies,” although the USPS did not seek advisory opinion about the program from the PRC until Feb. 14, 2006.

“The Postal Service has failed to share its plans with the American people,” said APWU President William Burrus. “And they have failed to adhere to the requirements of the law. The END program is just the latest in a series of actions that indicate that management is working on the behalf of its largest commercial customers, at the expense of citizens.”

Four key members of Congress expressed similar criticisms of the network consolidation plan in a March 27 letter to the Government Accountability Office (GAO). The letter to U.S. Comptroller General David M. Walker articulated “concerns about the way the USPS is carrying out” the realignment. It was signed by Senators Susan Collins (R-ME)

and Joe Lieberman (D-CT), and Representatives Tom Davis (R-VA) and Henry Waxman (D-CA),

The legislators cited a 2005 GAO study and noted that, “The GAO report recommended that the Service establish criteria, inform stakeholders as decisions are made, and

The 1970 law requires the USPS to seek an opinion *before* making changes that would have a ‘substantially nationwide’ effect on service.

evaluate and measure the outcomes of realigning these plants, including the costs and savings that result.”

“We are not convinced that USPS is following the recommendations made” the letter said. The GAO study concluded that “the strategy for realigning its mail-processing infrastructure lacks clarity, criteria, and accountability.”

A few days before the congressional letter was made public, the PRC rejected a USPS motion for expedited review of its consolidation plans.

“We hailed the March 24 ruling as a victory for citizens whose postal services will be negatively affected,” Burrus said. “We opposed the fast-track timetable, which the USPS proposed on the same day that it presented its overall plan to the PRC.”

Once served with the complaint, the USPS must respond within 60 days. The Postal Service will likely file a Motion to Dismiss before answering the complaint, but the APWU feels confident that a motion of this sort will be unsuccessful.

Basic Arbitration Training Conference

To provide union members with an in-depth knowledge of the techniques needed to effectively prepare a case for arbitration, the APWU Research & Education Department will be conducting a week of training in Cleveland in June.

The curriculum for the June 18-25 “Basic Arbitration Training Conference” includes case preparation, identifying and framing issues, rules of evidence, exhibits and stipu-

lations, opening and closing statements, and direct and cross examinations. In addition to daily classes, there will be both group and individual homework assignments that will require evening work.

Participants must register by May 19. For registration forms and information about costs and eligibility, click on the “Basic Arbitration” link in the Calendar section of the APWU home page (www.apwu.org).