

Consolidation of USPS Network Begins

The long-expected USPS network consolidation has begun in bits and pieces, with individual offices being notified of changes to their mail processing operations. Recently, the union received notification from the USPS of the planned consolidation of “some operations” at 10 offices one week, followed by a dozen more several weeks later.

“The APWU will respond with all available resources,” APWU President William Burrus said in a Nov. 17 Update to local and state presidents. “A group of resident officers has been empaneled to coordinate the APWU response, including activating and updating APWU plans that were developed and distributed to local and state presidents in 2003.”

Local efforts also will be crucial in fighting this battle, he said. “Any attempt to deter management from closing facilities or consolidating operations will require a grass-roots effort” by members of affected locals, in concert with other postal unions and labor organizations, as well as with community organizations, Burrus wrote in an Oct. 24 letter to presidents of affected locals.

In 2002, Burrus informed APWU members that plant consolidation represented one of the most important challenges facing the union. “Concern about the effect consolidations would have on our members was a major factor in our decision to extend the 2000-2003 Collective

Bargaining Agreement until Nov. 20, 2005,” he said on Nov. 17. (This past summer, members again overwhelmingly ratified an extension, until Nov. 20, 2006.)

The two-year contract extension required management to share its consolidation plan with the APWU by December 2002, and protected members from excessing beyond 50 miles through May of 2003. However, despite repeated union requests over the two-year period of the contract extension, the USPS never presented a consolidation plan.

“It is now clear that USPS management plans to alter the national network through a series of piecemeal changes. It is expected that in the coming months the Postal Service will inform the union of additional offices identified for change,” Burrus said. “These changes will include merging many mail processing operations, leaving some communities with only retail and delivery services.”

In a strongly-worded letter to the USPS on Nov. 18, Burrus expressed the union’s concern regarding management’s failure to provide the union with complete information about its consolidation plans, and demanded that all affected employees be made whole for any reassignments made in violation of the parties’ agreements.

For additional information, visit www.apwu.org.

USPS Granted Rehearing on FMLA Ruling

A U.S. Appeals Court has granted a Postal Service petition for a rehearing in a landmark court decision that invalidated return-to-work requirements for employees with absences of more than 21 days. The appeals court action vacates the July 19, 2005, ruling that had been hailed as a major victory in the fight to preserve workers’ rights under the Family and Medical Leave Act (FMLA).

The USPS petition, filed Sept. 2 in the U.S. Court of Appeals for the Seventh Circuit, requested “reconsideration and rehearing,” contending that a three-judge panel “erred” in its decision overturning the return-to-work policy.

The three-judge panel had annulled the requirement that employees provide detailed medical documentation or submit to a medical examination by a physician selected by the Postal Service before returning to work from approved FMLA absences.

The July ruling concluded that the Postal Service’s procedures were unlawful because they required a more onerous burden to return to work than was allowed under the

FMLA statute, which required only a simple medical certification of fitness for duty from the employee’s own medical services provider. (*Rodney Harrell v. USPS*, No. 03-4204).

The U.S. Department of Labor has joined the Postal Service’s request for rehearing, arguing that both the law and the Department of Labor’s implementing regulations support their interpretation of the return-to-work rules.

The decision to vacate the July 19 ruling means that the same three-judge panel that heard the case initially will rehear the case. The Court asked the parties, including the Secretary of the Department of Labor, to file briefs and to be prepared to argue on the narrow issue of whether the Department of Labor’s regulations are sufficiently specific to warrant judicial deference to them. Briefs are due on Dec. 1; oral arguments will be presented on Dec. 9.

“It is the APWU’s belief that the clear, consistent language of the Family and Medical Leave Act supports the panel’s ruling,” said APWU President William Burrus. The APWU’s attorneys are representing the plaintiff in this case.