



Please Post

## American Postal Workers Union, AFL-CIO

Idowu Balogun, Assist. Dir. A

Steven G. Raymer, Director

Terry B. Martinez, Assist. Dir. B

### Significant Article 19 Award

Your Maintenance Craft HQ Officers, Steve Raymer, Idowu Balogun (case officer) and Terry Martinez are please to share with you the October 19, 2015 National award from Arbitrator Ira Jaffe. While the issue is regarding the Service's change in BMCs (NDCs) for Maintenance staffing from BMC-Gold to e-WHEP, the Arbitrator does lay out some significant language for pending and future APWU Article 19 disputes. Please check the APWU web site for the full award.

#### AWARD

**The Postal Service violated Article 19 when it implemented MMO 112-10 (including prior Draft MMOs mm09134ad and mmo9134af) without first complying with the requirements of Article 19 regarding the information that must accompany notice of proposed changes to handbook, manual or published regulations provisions that directly relate to wages, hours or working conditions of bargaining unit employees and without first complying with the requirements of Article 19 regarding who must attend the Article 19 meetings.**

**The Postal Service is directed to cease and desist from using MMO 112-10 (eWHEP), and to return to using MMO 022-04 (BMC Gold), to prepare Maintenance Staffing packages for the NDCs, unless and until the Postal Service complies in full with the requirements imposed by Article 19.**

**The Article 19 claims are sustained to the extent consistent with the foregoing Opinion and Award.**

It is important to note that while the Arbitrator determined he would not direct a specific monetary award (for reasons cited in his award), he did note that separate local grievances would cover the local issues on changes resulting in whole or in part from management's implementation of MMO 112-10.

This award reinforced a 2006 step 4 settlement signed by Maintenance Craft Director Raymer which specifically provided that "all MMOs concerning staffing and/or Preventive Maintenance Guidelines are Article 19 documents." Arbitrator Jaffe specifically rejected the Service's attempt to convince him that staffing guidelines do not "directly relate" to wages, hours or working conditions.

We also prevailed on the point that procedural requirements in Article 19 include that a Union requested meeting will be attended by managers who are knowledgeable about the purpose of the proposed changes and its impact on employees. Repeatedly, the award hammers the Service for failing to introduce significant and detailed, first-hand information on the changes and impact or direct documentation for the managers requesting the change and an oral explanation at the Article 19 meeting(s).

Management's violation was determined to be a significant and continuing failure to comply with Article 19 and cannot be dismissed as harmless error. The remedy directed the rescission of MMO 112-10 (e-WHEP) and a return to the Maintenance staffing guidelines set forth in MMO 022-04 (BMC-Gold).

Please Post