

Bargaining heads to mediation as USPS declines to extend negotiations

On Jan. 20, the Postal Service announced that it was declining to further extend its collective-bargaining negotiations with NALC.

"I am, of course, disappointed by the Postal Service's decision," NALC President Fredric Rolando said. "We had been making steady progress in negotiations, right up to the latest deadline. Our negotiations have been innovative, professional and productive and have been conducted at the highest level.

"But now that the formal litigation process has begun—a proven process that works—we will pursue a negotiated agreement through mediation and prepare to vigorously defend our members in interest arbitration, if it reaches that step," he said.

The Postal Service's decision officially triggers an impasse, which automatically sends contract talks to mediation under the supervision of the Federal Mediation and Conciliation Service. On Feb. 13, the FMCS named attorney Joshua Javits as mediator.

If no agreement between NALC and USPS is reached within a 60-day period of mediation, the issues will be submitted for final and binding resolution before an interest arbitration panel, which under law must consider all the evidence presented by both parties.

The terms of the 2006-2011 National Agreement remain in effect while the process unfolds. Federal law forbids postal workers from going on strike.

"NALC continues to believe that a negotiated agreement is in the best interests of the parties, the businesses that rely on us, and the nation we serve," Rolando said. "We will continue to negotiate in good faith as mediation takes place under the law's dispute-resolution process, even as we prepare for binding arbitration. We will continue to work with Congress on vitally needed reforms and work with our external expert advisers to advance a new business model that will revitalize and preserve the USPS as a vital element of the nation's business and cultural infrastructure."

If the parties fail to reach an agreement through mediation, the law then calls for NALC and USPS each to name an arbitrator to a three-

person panel, with both parties working together to choose a neutral arbitrator to serve as chairman. And if both parties cannot agree on a chairman, the Federal Mediation and Conciliation Service steps in to help choose one.

Once this panel is established, the arbitration process begins as soon as both parties agree to a schedule of hearings. Both sides are then given a chance to present evidence and testimony to support their positions. Such hearings typically feature formal presentations and documentary evidence as well as outside witnesses called by each side, such as economists and other academics.

The panel renders a decision shortly after hearings conclude.

But mediation and arbitration are not *faits accomplis*. "In the judicial system, the prosecution and defense can agree on a settlement mere minutes before the jury announces its verdict and the judge delivers a sentence," Rolando said. "Similarly, there always remains a chance that we'll be able to come to an agreement with the Postal Service while this mediation and arbitration process unfolds."

The current 2006-2011 agreement is one example of such a scenario. Following a lengthy period of negotiations that lasted through the summer of 2007, talks between the NALC and the USPS had been headed to binding arbitration when the parties reached a tentative agreement that members later ratified by a 9-1 ratio. The last arbitrated contract covered 1998-2001, while the 2001-2006 agreement was successfully negotiated.

"Our desire always is to get a negotiated settlement rather than letting letter carriers' fate be placed in the hands of a third party," Rolando said. "Both the NALC and the Postal Service have to live with the terms of an agreement, which is why it's better for us to hammer one out on our own rather than introduce the uncomfortable level of uncertainty the arbitration process brings.

"But no matter what, we will see this process to its lawful conclusion," he said, "and we will use all our effort and resources to protect the pay, benefits and working conditions America's hardworking letter carriers deserve." ☒

National Agreements

For the last 40 years, agreements have been finalized both through negotiations and through arbitration.

1971-1973 — Negotiated
1973-1975 — Negotiated
1975-1978 — Negotiated
1978-1981 — Partially arbitrated
1981-1984 — Negotiated
1984-1987 — Arbitrated
1987-1990 — Negotiated
1990-1994 — Arbitrated
1994-1998 — Arbitrated
1998-2001 — Arbitrated
2001-2006 — Negotiated
2006-2011 — Negotiated