

Updates for the new year



**Lew
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I am going to use my space this month to report about what is going on with regional and national arbitration and the new FMLA explanation/overview document (M-01866).

Regional-level arbitration

As we began 2015, I reported that we had 1,825 grievances pending arbitration around the country at that time which had not been scheduled for arbitration through February of 2015. Currently, we only have 938 cases pending regional arbitration that have not been scheduled through February of 2016. The progress we made last year is due to the efforts of all the national business agents, regional administrative as-

sistants and our Step B team members around the country. I take this opportunity to thank all of you for your work.

I can report for the first time that the majority of groups around the country are routinely scheduling arbitrations within 120 days of the appeal date. However, we still have some places that have not reached this point yet. We plan to work on ways to assist those places in 2016. We are going to start with expanding both of the arbitration scheduling pilot tests I wrote about last month.

We signed an agreement on Dec. 9 to add the Albany, Dallas, Ft. Worth, Houston and Rio Grande Districts into the first test. This test uses joint scheduling of arbitration hearings to eliminate (or at least reduce) lost hearing days.

We also added the Detroit, Louisiana and Western New York Districts into the second test. This test requires the parties at the regional/area level to discuss all the grievances pending arbitration and request additional arbitration dates from arbitrators each month until they reach the point of resolving or arbitrating their impasse grievances in a timely fashion.

These pilot tests were designed to use different methods but get to the same place: to resolve or arbitrate impasse grievances as soon as possible after they are appealed to arbitration by the national business agent. I fully expect to see the early success of the arbitration scheduling pilot tests to continue and expand into the added sites.

National-level arbitration

There are 16 open cases at present. The national parties have reached agreement on which four pending cases will be scheduled for national arbitration during the first half of this year. They are:

1. **Q11N-4Q-C 15005929—Health Benefits:** This case

concerns the effective date of coverage when a letter carrier converts to career status and selects health benefits coverage as a new enrollee.

2. **Q06N-4Q-C 09106125—Article 12 Excessing:** This case concerns a disagreement on the rules for excessing employees from other crafts outside their original installation into the letter carrier craft.
3. **Q06N-4Q-C 12013405—Video Recording:** This case arose before the last round of bargaining when management unilaterally filmed letter carriers while they performed office duties.
4. **Q06N-4Q-C 81135613—Article 12.5.B.9—Qualification Requirements:** This case arose when management excessed clerks into our craft before ensuring that the excessed employees met the qualifications needed to become letter carriers and then separated them for not meeting the qualifications.

We are still waiting on two decisions for cases (forfeiting annual leave and USERRA) that have already been heard. This should leave us with 10 interpretive issues that haven't been resolved or heard by the time we officially enter bargaining. We will suspend national arbitration during bargaining. I'll keep you updated as we go.

New Family and Medical Leave Act document (M-01866)

The national parties have reached agreement on a jointly developed summary explanation/overview of the Family and Medical Leave Act of 1993 (FMLA). This document was signed on Nov. 24. It provides the mutual understanding of the national parties on issues related to leave covered by the FMLA. It also fully replaces and updates the FMLA language agreed upon and contained in previous editions of the *NALC-USPS Joint Contract Administration Manual (JCAM)*.

The FMLA law was amended several years ago. The change in the law made the *JCAM* explanation/summary overview of the FMLA inaccurate, so it was removed. In an effort to avoid this problem, we agreed to distribute this joint understanding of the FMLA as an independent document. This could change in the future, but for now we have M-01866. This document is further explained in this month's Contract Talk. M-01866 is also available for viewing or downloading on the NALC website.

We hope this explanation/summary overview of the FMLA (M-01866) will be helpful to NALC members who need to use FMLA for themselves or a qualifying family member. This document also should be useful to NALC representatives to assist in the enforcement of the FMLA rules and procedures.

I hope you and your family had a wonderful holiday season. Best wishes for a happy and healthy new year!