

The Dispute Resolution Process— 20 years old and counting, Part 2



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In 1997, NALC and USPS arbitrated more than 3,000 grievances, which is an average of about one hearing every day in each of the 15 NALC regions. That was more than three times the number of hearings held just four years earlier. There were still 25,000-plus cases waiting for a hearing, and every day, dozens more were being added to the list. In some regions, the backlog was estimated to be at least 25 years.

At the urging of Congress, NALC and USPS jointly developed an alternative process to resolve disputes and agreed to a one-year test in 19 USPS districts around the country. In March of 1998, union and management representatives from each of those districts were trained in the new process, and a month later, they went online.

Even before the end of the test period, the parties knew that the Dispute Resolution Process (DRP), as it had come to be known, was a resounding success. The number of new cases being appealed to arbitration had fallen dramatically in the test sites. Most grievances were being settled at the local level and, of those that weren't, approximately 80 percent were resolved at Step B. Expedited arbitration of letters of warning and suspensions of 14 days or less, which had accounted for almost half of all hearings, had all but disappeared. Management was much more willing to settle these cases because the suspension time had been deferred, not served. This worked so well that the parties agreed to make suspensions of 14 days or less "paper" suspensions throughout the country, including the non-test districts.

The parties also agreed to expand the DRP to the remaining 56 districts. Because the process was so successful in reducing the number of grievances, it was agreed that in many locations, the Step B teams could handle the workload from more than just one district, so some were combined. The rest of the country was online by the summer of 2001, and the process itself was incorporated into the new National Agreement signed later that year. And the results nationwide were just as dramatic as in the test sites.

Some may question the DRP's value to letter carriers, but the statistics show otherwise. Since 2001, the dispute resolution teams have handled more than 515,000 cases, an average of about 30,000 per year, and they have resolved 79 percent of them. Of those resolved, 82.4 percent of discipline cases and 72.5 percent of contractual cases have been decided in the union's favor—which means that a violation was found and the union got all or part of the remedy it sought. This has had the effect of drastically reducing the number of cases the union has appealed to arbitration. Expedited arbitration of letters of warning and suspensions

disappeared almost immediately, dropping from 1,344 in 1997 to 136 in 2002; in 2016, there were just 13. Regular arbitrations (nearly everything else) have been reduced, too, from 1,741 in 1997 to 540 in 2016. This has drastically reduced the backlog so letter carriers no longer have to wait years for the outcome of a grievance. In many regions, cases are arbitrated within a few months of being appealed. This has been very beneficial for those unfortunate carriers who have been terminated and are sitting at home without pay waiting for their day in court.

The DRP has had another positive impact that I'm not sure was entirely expected. The overall quality of the grievance files coming out of the branches has greatly improved under the DRP. Stewards now have the *Joint Contract Administration Manual (JCAM)* to help them support their contentions in a grievance. When they do have to appeal a case to Step B, they get a decision back that explains in detail why the case was won or lost, and they can use this information when preparing future grievances. The Step B team also has the authority to remand a grievance to the local parties if they think that the file did not have enough information for the team to make an informed decision. This gives the steward an opportunity to gather the requested information and reattempt to settle the case locally. If they don't, at least the file that is re-appealed is much more complete.

The process has also freed national business agents, regional administrative assistants and local business agents from spending huge amounts of time preparing for, meeting on and processing thousands of Step 3 appeals each month, because all of that work is now done by the Step B teams. NBA offices now can devote time to joint programs like the Carrier Academy and alternative route adjustment programs like CDRAAP. They also have more time for things like organizing, CCA training, officer and steward training, and political action, as well as to assist members with OWCP issues, retirement concerns and workplace problems. They also can get more involved in community outreach programs like MDA, the NALC Food Drive, Carrier Alert and the Combined Federal Campaign. All of these help to build and strengthen NALC.

As with any process, the DRP is only as good as the people who are involved and their commitment to it. Since the first teams were trained in 1998, more than 1,600 union and management representatives have been trained to serve on a Step B team. Because the parties have invested a lot into the process, the bar is set fairly high, and nearly 20 percent of those trained are not certified. That said, it is understood that, at times and in some locations, there have been individuals at various levels of the process who have not lived up to what the parties jointly expect. Nevertheless, the overwhelming evidence shows that the process is alive and well and doing what it was intended to do.

Happy 20th birthday, DRP. May you have many more.