

Recent national-level grievances



**Brian
Renfroe**

Agreement.

NALC's position is that this initiative is inconsistent with, and not authorized by, Article 34 of the National Agreement. Article 5 of the National Agreement prohibits the employer from taking unilateral action affecting wages, hours, and other terms and conditions of employment. We believe this test fundamentally redefines the terms and conditions of letter carrier duty assignments, notwithstanding the lack of any agreement with NALC.

The 2016 National Agreement includes the Memorandum of Understanding Re: City Delivery Task Force, which includes a process for the parties to "Jointly explore the modification of current case configurations and work methods to identify more efficient techniques for handling residual and sequenced mail volumes." Outside of formal contract negotiations, the joint process authorized by this memorandum is currently the only mechanism to design and implement a test of the consolidated casing concept.

We currently have a number of NALC observers from around the country in Annandale, VA, monitoring the initiative on a daily basis. These observers will assist the branches involved in future phases.

CCA cap non-compliance

NALC has also filed a national-level grievance regarding the Postal Service's continuing non-compliance with the contractual caps on the employment of city carrier assistants (CCAs). Article 7, Section 2 of the National Agreement and the Memorandum of Understanding Re: Sunday Delivery—City Carrier Assistant Staffing limit the number of CCAs the Postal Service may employ in each USPS District.

NALC recently filed three national-level grievances, as you have likely read in this month's *Postal Record*. Below is a further explanation of the issues in each of these grievances.

Consolidated casing initiative

The first grievance involves the Postal Service's unilateral implementation of the consolidated casing initiative in the Annandale, VA, Post Office. This initiative began May 18 and is scheduled to expand to more than 200 locations nationally this summer. The Postal Service gave us notice that this test would be conducted under the provisions of Article 34 of the National

A national-level grievance on the same issue was resolved last July by requiring thousands of conversions from CCA to career status in all size offices. These conversions were effective Sept. 15, 2018.

Since the implementation of that settlement, the Postal Service has continued to be non-compliant with the contractual caps on CCAs.

"The Postal Service has continued to be non-compliant with the contractual caps on CCAs."

Non-compliance with national arbitration award

The third recent grievance arises from management's failure to implement Arbitrator Stephen Goldberg's award, issued Aug. 6, 2018.

The Postal Service gave us notice of changes to Exhibit 514.4 of the *Employee and Labor Relations Manual (ELM)* and PS Form 3971 that would exclude partisan political activity as a reason for union leave without pay. The changes were a result of an investigation and subsequent recommendations by the Office of Special Counsel, which is charged with enforcing the Hatch Act.

The American Postal Workers Union (APWU) filed a national-level grievance taking the position that the changes affect wages, hours or working conditions of the employees covered by our collective-bargaining agreements, and therefore, USPS is required to propose these changes to the *ELM* consistent with the provisions of Article 19 of the National Agreement. NALC intervened in the national arbitration hearing in front of Arbitrator Goldberg and was a full party to the case.

Arbitrator Goldberg ordered the Postal Service to rescind the changes it had made in Exhibit 514.4 of the *ELM* and PS Form 3971. The Postal Service has filed a lawsuit in federal court against the APWU to vacate the award. That suit is still pending. The Postal Service has not complied with Arbitrator Goldberg's award, presumably due to the pending suit. It is NALC's position that, in the absence of a court order, any deferral of compliance with the award is clearly inconsistent with the requirements of Article 15 of the National Agreement.

We have had initial meetings on these grievances with representatives from the Postal Service. We will continue to meet and discuss settlement of each of these issues. If we are unable to reach agreement, they will be scheduled for national arbitration hearings.