

Arbitration task force update



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Our task force began testing a new arbitration scheduling process in July 2015 with a Memorandum of Understanding called Re: Arbitration Scheduling Procedures Tests. Originally, there were two separate tests that we started in 10 of 67 USPS districts covering three of 15 NALC regions. The goal of the tests was to reach the point where grievances are routinely scheduled for an arbitration hearing within 120 days of an appeal to arbitration by the national business agent.

In February 2017 we agreed to combine the elements of both tests to create one test with the same goal of routinely scheduling hearings within 120 days of an appeal.

Sixty-one of 67 USPS districts in all 15 NALC regions were involved in the test. We added the last six districts in December of 2017. We recently agreed to continue this test again. The relevant text follows:

Pursuant to the *Memorandum of Understanding, Re: Arbitration Task Force*, the parties agree to conduct a test concerning arbitration scheduling designed to eliminate or reduce lost hearing dates and arbitration backlogs. During this test, the goal of the parties is to have all disputes scheduled for hearing within 120 days of appeal to arbitration.

All Districts will participate in this test.

The testing procedures are as follows:

- The National Business Agent (NBA) and Area Manager, Labor Relations (AMLR) or their designees will meet at least biweekly and attempt to resolve all new Step B impasse decisions. Resolutions will be promptly provided to the Step B team that issued the impasse decision.
- The Labor Relations Service Center (LRSC) will provide the NBA and AMLR with available hearing dates without identifying the arbitrator.
- The NBA and AMLR or their designees will exchange “avoid dates” at least 10 calendar days before the established arbitration schedule deadline each month.
- The NBA and AMLR or their designees will determine the cases (both primary and backup) that will be scheduled for each hearing date with the goal of fully using each date.
- Primary cases will be scheduled for arbitration in the order in which they were appealed, unless the parties agree otherwise.
- If there are not sufficient arbitration dates available, the NBA and AMLR will contact the LRSC to facilitate requesting additional dates from the arbitrators.
- If an individual installation(s) has a significant backlog, the parties will make every effort to use consecutive hearing dates and/or simultaneously schedule arbitrators to reduce the backlog.

- If sufficient cases are not available to fully use all available dates, the NBA and AMLR may jointly agree to delay returning some of the remaining dates for new appeals and will promptly notify the LRSC of the dates not used. In no case will the LRSC be notified of an unused date less than 45 days in advance of the proposed hearing date.

This test is effective from the date of signature until the effective date of the 2019 collective bargaining agreement unless extended by mutual agreement of the parties. However, either party may terminate this agreement earlier by providing 30 days written notice to the other party.

All of the previous tests were one-year deals. This time we agreed to leave it in effect until we have a new National Agreement. Another difference this year is that we agreed on a guidelines document to compliment and further define the intent of our agreement. The relevant text follows:

The national parties jointly developed the below protocols regarding the December 21, 2018, *MOU Re: Arbitration Scheduling Procedures Test*.

- The Area Manager, Labor Relations (AMLR) and the National Business Agent (NBA), or their designees, are required to schedule sufficient time each month to discuss and attempt to resolve all new Step B impasse decisions.
- The Labor Relations Service Center (LRSC) will send a blind schedule to the AMLR and NBA each month identifying available dates designated as expedited, regular or impasse arbitration. The LRSC will include a grievance type column to the blind schedule identifying which regular panel arbitrator dates are for discipline or contract cases. The grievance type/panel designation should be used if there are sufficient cases within the subject classification to use the dates. Otherwise, the dates generally should be used for other types of cases.
- Monday and the day after any holiday are considered “avoid dates” for arbitration. Other non-use of available arbitration dates should only be for legitimate business reasons (e.g. training, organizational meetings).
- In the event that circumstances (e.g. advocate illness) arise that result in the postponement of the hearing, the parties will ask the LRSC to solicit the arbitrator of record for an alternate date and work cooperatively to reschedule the case as soon as practicable.
- Any issues that arise after the cases are scheduled will be discussed and resolved by the AMLR and appropriate NBA, or their designees.
- In Districts where a significant backlog exists, the parties will make every effort to use consecutive hearing dates and/or simultaneously schedule arbitrators to reduce the backlog.
- Any issues related to these guidelines that cannot be resolved at the Area/Regional level should be forwarded to the national parties for resolution.

I am hopeful the addition of the guidelines document will serve to assist our area/regional offices around the country. We shall see.