

Arbitration report



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We currently have six cases pending at the national level. They are:

- **6X-034-22013489-N:** NALC brought this case to the national level. This case concerns whether the Postal Service may issue discipline to a NALC representative for alleged failure to comply with the provisions of Article 15 while acting as a NALC representative in the dispute-resolution process.

- **Q11N-4Q-J-16655901:** USPS brought this case to the national level. This case arose when collection boxes were converted from city delivery to rural delivery. The Postal Service framed the interpretive issue as whether a jurisdictional dispute initiated by NALC that concerns work assigned or being

assigned to rural letter carriers may be appealed to arbitration pursuant to Article 15.4 of the USPS/NALC collective-bargaining agreement.

- **Q06N-4Q-C-12180373:** NALC brought this case to the national level. This interpretive dispute arose from a disagreement over when the Oct. 22, 2008, MOU Re: Assignment of City Delivery expired. The Postal Service took the position that this MOU expired at midnight on Nov. 20, 2011. NALC believes that the Assignment of City Delivery MOU did not expire until the Das Award was issued on Jan. 10, 2013.
- **Q06N-4Q-C-09038600:** NALC brought this case to the national level. This interpretive dispute arose from issues related to implementation of, and compliance with, the Memorandum of Understanding (MOU) Re: Article 32 Committee and the MOU Re: Subcontracting. These MOUs were implemented on Sept. 11, 2007, and placed additional prohibitions on contracting out our work.
- **Q06N-4Q-C-11377406:** NALC brought this case to the national level. This case was a product of a test conducted by USPS, referred to as the caser-streeter program. The test involved restructured city letter carrier assignments—separating a delivery unit’s office casing and associated duties from street duties for a six-month period in about 60 sites around the country. The interpretive issue concerning the program is whether the Postal Service may suspend compliance with the National Agreement under the guise of conducting a test. This test was similar, but not identical, to the recent consolidated casing test.
- **Q16N-4Q-C-18169375:** NALC brought this case to the national level. The interpretive issue in this case concerns whether or not the unilaterally created Safety Ambassador Program in its current form creates changes in wages, hours or working conditions that are not fair, reasonable or equitable, and are inconsistent and in conflict with Article 14 of the National Agree-

ment. The Safety Ambassador Program was advertised by the Postal Service as being based on the locally developed Safety Captain Program, which had been in place for many years in offices all over the country. The Safety Captain Program took a peer-on-peer approach to safety awareness. This joint program was built on two principles:

1. NALC chose the safety captains, and
2. No observations made and/or recorded by safety captains could be used for disciplinary purposes.

Unfortunately, the Postal Service failed to adhere to these principles when it created its Safety Ambassador Program, resulting in this case.

This is the fewest number of interpretive disputes we have had pending at the national level during my career.

NALC and USPS have jointly selected National Level Arbitrator Dennis Nolan to hear our national level disputes for the term of our 2019-2023 National Agreement. We have also agreed to accept three dates that Arbitrator Nolan offered for the first half of this year for potential national arbitration dates. We have not agreed on which cases will be scheduled as of the writing of this column.

Regional-level arbitration

When it comes to regional arbitration, the goal of the parties is to have all disputes scheduled for hearing within 120 days of appeal to arbitration. We currently have 3,753 cases pending regional arbitration. Of the pending cases, 2,836 of them are not scheduled for a hearing, with 1,453 of those being older than 120 days from the date of appeal to arbitration.

The lion’s share (two-thirds of the pending cases and three-quarters of the current backlog) come from the new West-Pac Area of the Postal Service. Despite the pandemic, much of the rest of the country is meeting the goal of scheduling grievances for hearing within 120 days of appeal to arbitration. It is to be hoped that the parties will be able to use the provisions of the Memorandum of Agreement Re: Arbitration Scheduling Procedure (M-01939) to make some real progress this year toward addressing the current arbitration backlogs that exist around the country.

LMOU impasse arbitration

We are almost at the end of the 2019-2023 local negotiations process. As previously reported, both parties combined appealed 201 LMOU items from 62 cities around the country to impasse arbitration on Aug. 30, 2021. We currently have 78 items in 25 cities that have not been resolved. All of the remaining unresolved LMOU items have either already been heard and are awaiting a decision, or are scheduled for a hearing before the end of March.

I want to take this opportunity to thank all the national business agents, regional administrative assistants, regional grievance assistants and arbitration advocates for your efforts to represent letter carriers in arbitration. Finally, I want to wish all of you and your families a happy new year!