

# The bargaining process begins and ends with you

**W**ith the 2019-2023 National Agreement set to expire at midnight on May 20, NALC opened negotiations with the Postal Service in our 16th round of collective bargaining a few months before that, on Feb. 22. Negotiating the terms of our contract is the single most important thing NALC does. The contract, known as the National Agreement, is the “law of the workplace” for letter carriers. It guarantees your wages, hours and working conditions. “Working conditions” covers a wide range of job-related topics, such as seniority, promotions, job security, and more. If you are a new NALC member, you may not be aware of how the negotiations process works or how you fit into it. This article will explain the basics of the negotiations process and how every member plays a part.

Many of the bargaining proposals being discussed by the national parties started with ideas from rank-and-file letter carriers like you. That’s the power of the *NALC Constitution*.

The *NALC Constitution* sets the governance structure for the national organization, including national officers and local branches. It also contains provisions related to state letter carrier associations, the U.S. Letter Carriers Mutual Benefit Association and the NALC Health Benefit Plan. The *Constitution* requires the union to hold a national convention of elected delegates from all NALC branches every two years. The convention is the union’s supreme governing body, and every NALC member in good standing is eligible to run for election to be a national convention delegate. Convention delegates are the voice of the local branches. During the national convention, delegates can amend the

*Constitution*, discuss key issues and set national policy for the union.

Also during the biennial convention, delegates consider resolutions submitted by NALC branches or state associations for potential adoption. Article 12 of the *Constitution* allows every branch in good standing or state association to submit resolutions to the convention. Resolutions that are approved by the convention body can then be used by NALC in negotiations with the Postal Service on future National Agreements. During this round of collective bargaining, NALC will discuss and negotiate with the Postal Service on many items that NALC members have submitted as resolutions during past conventions.

If you have a suggestion for future changes to the National Agreement or improvements for city carriers in the workplace, introduce the idea at your branch meeting. Your branch can then submit the idea as a resolution to be considered for approval at the next biennial convention, in August 2024 in Boston. Through your branch, all members of NALC can let their voices be heard.

As part of the preparation process for collective bargaining, the 28-member NALC Executive Council meets to discuss approved convention resolutions, goals and strategies for negotiations. Internal NALC subcommittees are established to assist the Executive Council develop proposals for changes to the National Agreement that will be presented to the Postal Service. These subcommittees are made up of Executive Council members along with NALC Headquarters legal, professional and letter carrier staff. Likewise, USPS representatives meet internally and create their own proposals for NALC

to consider during negotiations. The NALC proposals developed from convention resolutions often include suggested changes to contract language, changes to handbook and manual provisions, or ideas for improving working conditions. Additionally, during the negotiation process, the parties discuss various memorandums of understanding (MOUs). MOUs are agreements on a specific issue or topic that are made outside of the formal contract and signed by both parties. Many times, these MOUs are included in the National Agreement, but remain separate provisions. Conversations on these MOUs revolve around continuation of existing MOUs or the potential creation of new ones.

Since March, NALC and USPS have met often to discuss potential changes to the terms and conditions of the National Agreement. This month begins intensive, ongoing meetings at the national level to try to reach a tentative agreement. The parties will meet frequently for several weeks in an attempt to hammer out the particulars related to wages, hours, working conditions and to discuss all the proposals submitted from both sides.

If the parties at the national level agree to the terms and conditions contained in the tentative agreement, it will not become effective until the membership—you—completes the ratification process contained in the *NALC Constitution*.

Article 16 of the *NALC Constitution* governs the process for ratification of the tentative agreement. This ratification is conducted by mail-in balloting, in which each regular member of the NALC as defined in Article 2, Section 1 (a)—excluding retirees, Office of Workers’ Compensation Programs departees



and non-letter carrier regular members—gets the opportunity to vote. To be eligible to receive a ballot, members must be on the NALC membership roster as of 90 days prior to the date that the tentative agreement was reached. This ballot allows each qualified member to vote for or against the ratification of the proposed agreement. The tentative agreement requires majority approval by the membership in the ratification process to become effective. The ballots are tabulated under the supervision of a ballot committee composed of 15 members appointed by the national president to oversee the process. The results are certified by the committee and reported to the membership via one or both of NALC's official publications—*The Postal Record* or the *NALC Bulletin*. Once the membership approves the tentative agreement, it becomes the “law of the workplace” for city carriers for the covered period.

If the parties cannot reach a tentative agreement for ratification by the membership, the next step is a legally mandated 60-day mediation period. The parties will use the mediation period to continue negotiations while simultaneously seeking to agree on a neutral arbitrator in the event that the parties remain at impasse after 60 days. Should contract negotiations and mediation fail, each party presents its case to a three-member arbitration panel—one member named by each party and a third, neutral member selected jointly as board chairman. That neutral arbitrator would then serve as chairman of an arbitration board that also would include one management arbitrator and one union arbitrator.

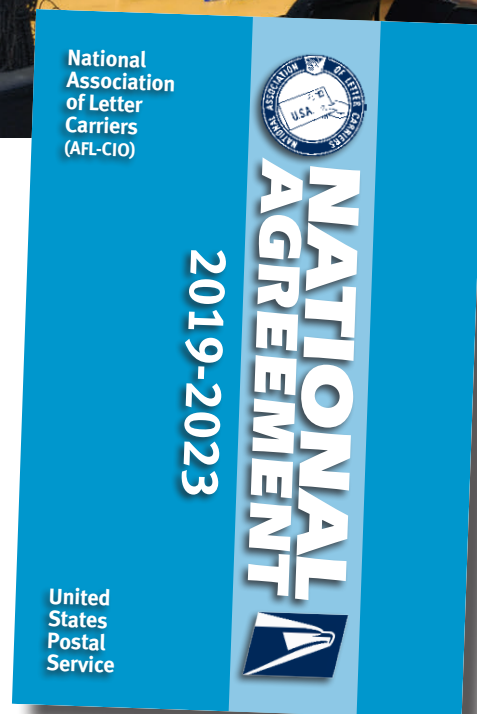
Typically, the parties exchange lists of proposed neutral arbitrators, focusing on any common candidates, and

work out our own process for selecting the chairman of the arbitration board. If for any reason we can't reach agreement on a mutually acceptable neutral arbitrator, we will consult with the Federal Mediation and Conciliation Service (FMCS), as required by law. The FMCS, which is an agency established to help resolve collective-bargaining disputes, would then appoint a neutral arbitrator for the parties. Issues that remain in dispute after the mediation period will be addressed through the interest arbitration process.

Interest arbitration is different than the kind of “rights arbitration” our union undertakes to enforce our agreements. Interest arbitration determines the content of our collective-bargaining agreement, not what the agreement means—or whether it has been violated, as with rights arbitration. But the key thing to know is: Once an arbitration board issues its decision (which is called an “award”), the decision is final and binding. That means that the arbitration board, after hearing testimony and reviewing evidence from both sides, sets the terms and conditions of our next National Agreement. Under the law, there can be no ratification vote, and the opportunity for an appeal to the federal judiciary is virtually non-existent.

Since the first contract negotiations between NALC and the Postal Service in 1971, nine contracts have been negotiated by the parties and ratified by the membership, and six contracts have been awarded by an arbitration panel. For the current round of collective bargaining, we are hopeful a 10th National Agreement can be negotiated by the parties.

While it is always better to come to a mutual, win-win agreement in collec-



tive bargaining, sometimes we simply cannot accept management's proposals—or we cannot give up on some of our own. If necessary, we will fight on during the mediation period—and then again in arbitration. If we don't reach an agreement during the mediation period, we then proceed to arbitration hearings and hope to win a new contract as soon as possible.

NALC is a democratic union, and the message to all letter carriers is: “You are the union.” From the letter carrier national convention delegates who guide NALC's national bargaining positions to local letter carriers who guide their branch leadership in local negotiations, and to every regular member having a say in whether a tentative agreement should be accepted or rejected, letter carriers have a voice in the negotiation and ratification process. Negotiating our contract all starts with you and your branch. Let your voice be heard and be a part of the negotiations by getting involved and attending your branch meeting. **PR**