

NATIONAL LEVEL ARBITRATION

1. Case Nos. Q15C-4Q-C 17697250 and 18033553 (Hatch Act Changes to LWOP Rules and Regulations)

This interpretive case was initiated by the American Postal Workers Union (APWU) at the national level. NALC and the National Postal Mail Handlers Union (NPMHU) intervened in support of the APWU. The dispute concerned the Postal Service's unilateral implementation of changes to the Employee and Labor Relations Manual (ELM) subchapter 514 and the Form 3971. The changes would prohibit employees from taking union business Leave Without Pay (LWOP) in order to participate in partisan political activity. According to the Postal Service, the changes were required to remedy a finding by the Office of Special Counsel that the postal managers had violated the Hatch Act by allowing letter carriers to take union business leave to engage in partisan political activity during the 2016 election. The unions argued that management violated the National Agreement by making these changes without bargaining and by failing to comply with the procedures for changing handbooks and manuals provided by Article 19.

The case was heard by Arbitrator Stephen Goldberg on May 2, 2018. The parties submitted post-hearing briefs on July 2. On Aug. 6, Arbitrator Goldberg issued his award, sustaining the grievance. The arbitrator found that the Postal Service violated Articles 5, 10.2 and 19 by issuing the disputed regulations unilaterally, and ordered that the regulations be rescinded.

The Postal Service subsequently filed a lawsuit in the federal district court in Washington, DC, seeking to vacate the Goldberg award. On May 2, 2019, NALC initiated a new national-level interpretive dispute, asserting that the Postal Service was not entitled to defer

compliance with Goldberg award until the lawsuit was resolved. On Feb. 19, 2020, NALC and USPS entered into an interim settlement of this dispute recognizing that letter carriers who wish to take LWOP for the purpose of being released to work on a partisan political campaign may request LWOP in accordance with Section 514.4(a) of the ELM (See M-01908).

2. Case No. Q06N-4QC18427350 (Pay Consolidation/Excessing Dispute)

This national-level, interpretive dispute presented the question whether employees from other crafts in pay grades equivalent to the former City Carrier Grade 1 (CC-1) could continue to be reassigned under Article 12 of the National Agreement to the letter carrier craft following the letter carrier pay consolidation negotiated in the 2016 round of collective bargaining.

Article 12 of the NALC-USPS National Agreement allows the Postal Service to reassign employees from other crafts to vacant letter carrier positions in certain specified circumstances—but only to letter carrier positions in a pay level equivalent to or lower than the employee's existing pay level. In the 2016 round of collective bargaining, NALC and the Postal Service agreed to a memorandum of understanding (MOU) providing that, effective Nov. 24, 2018, all city letter carrier positions would be consolidated into City Carrier Grade 2. NALC took the position that because the CC-1 grade no longer exists, employees from other crafts in pay grades equivalent to CC-1—i.e., Grade 6 in the Postal Service pay schedule (PS-6)—should no longer be reassigned into letter carrier positions under Article 12.

Hearings before National Arbitrator Shyam Das took place on Dec. 18, 2018, and May 20, 2019. The American

Postal Workers Union (APWU) and the Mailhandlers intervened in support of the Postal Service's position. Arbitrator Das issued his award on Nov. 5, 2019. The arbitrator recognized that the memorandum "provided Carriers with the increased compensation they would have received if granted an upgrade." Nonetheless, he rejected NALC's position that this change meant that employees from other crafts in grade equivalent to the former City Carrier Grade 1 could no longer be excessed into the letter carrier craft under Article 12 of the National Agreement.

3. Case No. Q16N-4Q-C 19225372 (Consolidated Casing Initiative)

This national-level, interpretive dispute, originating in the Annandale, VA, Post Office, and ultimately affecting approximately 66 post offices, concerned USPS' Consolidated Casing Initiative (CCI). The nationwide CCI test essentially split the city carrier craft into two jobs: "caser/carriers" who were responsible for casing mail on multiple routes, and "street carriers" who did no casing and virtually no office work.

NALC's position was that the CCI was an obvious breach of the National Agreement. It fundamentally changed carrier working conditions in contravention of Article 5, and it entailed a wholesale adjustment of carrier routes without compliance with Handbook M-39. NALC also disputed the Postal Service's argument that the CCI was authorized by Article 34 or Article 41.3.M.

Hearings before National Arbitrator Shyam Das took place on Nov. 22 and Dec. 18, 2019. The parties submitted post-hearing briefs on March 9, 2020. Prior to the issuance of the arbitrator's decision, the parties reached a comprehensive settlement, which resolved the dispute. (See M-01923 and M-01936).