

American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

November 8, 2010

William Burrus
President
(202) 842-4246

Dear Local President:

In our efforts to preserve the APWU bargaining unit work in small offices, the union filed grievances alleging violations of the Garrett and Das' decisions. Because there are more than 20,000 offices level 18 and below and the union does not have a local presence in many of them, it was not possible to initiate Step 1 grievances in each office. Therefore, we attempted to initiate grievances from the national level governing each office. Arbitrator Das decided that such grievances cannot be filed from the national level, so we have modified our strategy.

National Executive Board

William Burrus
President

Cliff Guffey
Executive Vice President

Elizabeth "Liz" Powell
Secretary-Treasurer

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Director, Industrial Relations

James "Jim" McCarthy
Director, Clerk Division

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Director, Support Services Division

Sharyn M. Stone
Coordinator, Central Region

Mike Gallagher
Coordinator, Eastern Region

John H. Dirzius
Coordinator, Northeast Region

William E. "Bill" Sullivan
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

A copy of instructions to the Regional Coordinators is enclosed and you will note that in those cases where a Level 18 office or below is merged with an Area Local, the local representative is designated to discuss the grievance. For all non-represented offices, the Regional Coordinator or his designee is designated as the union representative.

The Regional Coordinators are authorized to certify and assign an arbitration advocate to discuss the grievance. If the Postmaster wishes to communicate via email he/she is invited to contact the designated union email on this subject: workhours@apwu.org.

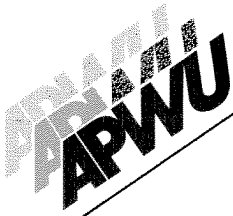
Local unions that represent Level 18 or below offices that are not included in these grievances may decide whether or not the Local wishes to initiate separate grievances.

This information is forwarded to you that you are aware of the filing of these grievances and understand the strategy behind this course of action. We must preserve bargaining unit work in small offices.

In union solidarity,


William Burrus
President

WB:RB/aw
Attachment (1)



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

November 8, 2010

For Immediate Attention

William Burrus
President
(202) 842-4246

Dear Regional Coordinator:

In the union's grievance protesting the transfer of bargaining unit work, Arbitrator Das has ruled that the union cannot file grievances at the national level contesting local facts so it is necessary that we adjust our strategy accordingly. It is assumed that any final resolution of this issue will depend on the specific facts in each level 18 and below office. Therefore, the union must initiate Step 1 grievances in each office.

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The national union also filed a Step 4 interpretive grievance that Arbitrator Das has determined can precede. It is expected that management will argue in arbitration that there is no interpretive dispute so to achieve a remedy the union must file Step 1 fact grievances.

In a previous draft, I explored the filing of Step 1 grievances from Washington, but Step 1 of the grievance procedure references "discussions" in several instances in the processing of a Step 1 grievance. Also, it would be expected that management would file an additional Step 4 interpretive grievance contesting the union's right to file Step 1 grievances in written form.

We must file individual grievances in each office. I attaching a file identifying each level 18 office, and below, by state and ask that you use this listing for assignments.

This will be a monumental task, but I believe that through coordination with the State presidents we should be able to initiate as many as 5,000 local grievances within a short period of time.

There are more than 20,000 level 18, and below offices; most do not have an APWU union presence so the Step 1 grievances must be filed by a union designee from outside the office. Article 17.2.C provides that you may certify "in writing" an individual from outside the office to perform the services of a steward. I request that you use the arbitration advocate list and state officers who may not be certified as advocates and send their names to the appropriate management official certifying them to file the grievances.

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I have attached a file including the name and address of each level 18 office and below. Assignments should be made using this list. The initial focus should be on level 18 offices that have the most craft employees.

To provide consistency in the filings, I am attaching the wording of a Step 1 grievance. As previously covered, the contract references discussions at step 1 so only presenting a grievance form may not be procedurally correct. The contract requires the Step 1 decision to be made "orally" so the union representative should request if it would be mutually agreeable to have the postmaster render the decision by phone. Every effort should be made to have the decision at the time of the discussion to negate the necessity of a second trip.

No extensions should be agreed to, and if the grievance is denied within five days of the denial, the postmaster should initial the Step 2 grievance form. If the grievance is denied, the union representative should request in writing the name and address of the USPS step 2 designee.

The specific procedures of step 1 and step 2 should be followed because management wants to raise interpretive procedural issues to avoid addressing the facts and remedy. Management's official position is that they do not disagree with the interpretations rendered by Garrett and Das but any deviation from the step 1, step 2 or step 3 procedures will raise new and separate interpretive issues.

If as expected, management takes the position that the transfer of bargaining unit work is not an interpretive issue they will not be able to appeal the locally filed grievances to step 4 as interpretive.

A Business Agent should be designated in each Grievance Arbitration Processing Center to designate the representative grievance for appeal to step 3 and for discussion.

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The objective is to initiate step 1 grievances in each office where violations have taken place and have them survive interpretive challenge. We are working with a **time issue** of November 2, 2010, the date of receipt of the Das' decision. To avoid the possibility of the 14 day time period for filing a grievance, I want as many grievances as possible in the system before the 16th of November. The union claims that this is a continuing violation not barred by time limits but to be safe we will have to have a concentrated push to file as many Article 1 grievances as possible before next Tuesday. You should hold a teleconference with your state presidents as soon as possible and begin the process.

Please forward the names of the members who you authorize to engage in this condensed effort to file grievances. The national union will pay for activities through November 16. Expenses incurred after that date will be absorbed by locals and states.

Article 17.2.C provides that you may certify a Union representative to perform the duties of a steward in offices of 20 or fewer employees where the union has not certified a steward. You are granted the authority to assign an arbitration advocate to travel to the site and discuss the grievance.

You are requested to encourage the postmaster to discuss the grievance via email. ***I will need a listing of authorized members and advocates whom you approve to process these grievances to provide to Accounting for payment.***

After Step 2 you are entitled by Article 15.2 Step 3(e) to select a representative grievance for appeal to arbitration. The national union will designate the representative grievance.

The record is clear that management has systematically transferred bargaining unit work to non bargaining unit employees. The union will file an interpretive dispute that Arbitrator Das has authorized in his decision but if we proceed only on the interpretive issue, management is expected to declare that there is no interpretive dispute and without fact driven disagreements, there is nothing to decide.

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You are requested to encourage postmasters to respond via email to avoid the expense of certifying an advocate and incurring the delay of servicing over 20,000 offices. If you are forced to certify advocates you should use the process utilized in your Region to designate union representatives to serve as a steward. The contract requires that such certification be in writing. Any extension of time should also be in writing; but be used only in unusual circumstances. My objective is to receive Step 2 decisions quickly.

The regional representative's grievances are placed at the head of the arbitration docket. The national union we will assign national attorneys to arbitrate the cases.

Please forward all communications regarding this program to workhours@aopwu.org that we can have the information in the computer system and sort it appropriately.

In union solidarity,

A handwritten signature in black ink that reads "William Burrus". The signature is written in a cursive style with some capital letters.

William Burrus
President

Please see enclosures

Step 1

Postmasters at Level 18 Offices and below

The Union is initiating a class action Step 1 grievance alleging that APWU bargaining unit work in your office has been transferred to non bargaining unit employees **on a continuing basis** in violation of the Garrett and Das' decisions. As remedy, we request that the work be returned and the bargaining unit employees be made whole.

If a Local union represents APWU represented employees in your office you should discuss this grievance at Step 1 with the certified representative.

If you have any questions about this grievance you may contact the union through the designated Steward or the APWU Regional Coordinator at:

Central Region – ssstone@apwu.org or (312) 786-0370
Western Region - ogonzalez@apwu.org or (650) 685-7402
Northeast Region - jdirzuis@apwu.org or (516) 678-1327
Eastern Region - mgallagher@apwu.org or (856) 740-0633
Southern Region - pvogel@apwu.org or (281) 821-9000

The Union is requesting information regarding the clerk craft hours in your office. You may provide the requested information electronically to workhours@apwu.org or mail to the office of the APWU Regional Coordinator:

The requested information includes:

- **Name and title of USPS official**
- **Name, address and Finance No of office**
- **Total number of APWU represented employees by category (Clerk – Custodian)**
- **Number of bargaining unit work hours per week in Pay Period 1 in FY 2005 and Pay Period 1 FY 2011**
- **If such work hours have been reduced and you are claiming justification (mail volume decline, revenue loss etc.) pursuant to the national arbitration decisions please include such justification in your response and the date you made the union aware**
- **Date and time you will be available to discuss this grievance**
- **Your decision to grant or deny grievance**

If this grievance is denied at Step 1, it is requested that the union be informed of management's designee outside the installation who will serve as the Step 2 official.

The contractual provisions require discussion and appeal within the agreed upon time periods. The union intends to abide by those provisions.