



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

June 24, 2010

Michael O. Foster
Assistant Director
MVS Division
1300 L Street, NW
Washington, DC 20005
(202) 842-4240 (Office)
(202) 842-8517 (Fax)

National Executive Board

William Burrus
President

Cliff Guffey
Executive Vice President

Elizabeth "Liz" Powell
Secretary-Treasurer

Greg Bell
Director, Industrial Relations

James "Jim" McCarthy
Director, Clerk Division

Steven G. Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Bill Manley
Director, Support Services Division

Sharyn M. Stone
Coordinator, Central Region

Mike Gallagher
Coordinator, Eastern Region

John H. Dirzls
Coordinator, Northeast Region

William E. "Bill" Sullivan
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

SENT CERTIFIED MAIL – RETURNED RECEIPT & VIA FAX (7007 2560 0003 2184 5956)

John Dockins, Manager
Contract Administration, Labor Relations
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, DC 20260

RE: IR09-70, Ad-Hoc Driver Safety Instructors, Ad-Hoc Road Test Scorers and Road Test Examiners

Dear John:

This letter is in response to your letter to me dated June 9, 2010 and in additional response to your letters dated April 27, 2010, and May 19, 2010. The information the Postal Service provided to the APWU, attached to your April 27, 2010, letter to me, was incomplete, not fully responsive to the numerous information requests made by the Union prior to your April 27, 2010, response, and otherwise inaccurate. So that it is clear, what follows is without prejudice to any position(s) taken or to be taken by the APWU in support of the charge it filed in NLRB Case No. 5-CA-35727.

First and foremost, the information the Postal Service provided on April 27 purported only to give the number of Ad-Hoc DSIs, RTEs, and RTSs, by district and by the Labor Organization representing those employees. The Postal Service provided no information to indicate to which craft those Ad-Hoc DSIs, RTEs, and RTSs belonged.

The APWU requested, prior to your April 27, 2010, response, and still seeks today, that information showing the number of Ad-Hoc DSI(s), Ad-Hoc RTE(s), and Ad-Hoc RTS(s) by district, and by Craft, without regard to which Labor Union represents those employees. As I am sure you must know, the APWU represents Postal employees belonging to four distinct crafts, the Motor Vehicle Craft, the Clerk Craft, the Maintenance Craft, and the Support Services Craft. Other labor organizations represent employees belonging to the Letter Carrier Craft, the Mail-Handler Craft, and the Rural Letter Carrier Craft. Your April 27, 2010, response was not fully responsive because it included no information to

Mr. John Dockins

June 24, 2010

Page 2

RE: IR09-70, Ad-Hoc Driver, Safety Instructors, Ad-Hoc Road Test Scorers and Road Test Examiners

show to which Crafts the Ad-Hoc DSIs, Ad-Hoc RTEs, and Ad-Hoc RTSs, the Postal Service listed, belonged. This request for "Craft" information was not, and is not now, a request that the APWU be told what labor organization represents the Ad-Hoc DSIs, Ad-Hoc RTEs, and Ad-Hoc RTSs employed by the Postal Service. The APWU sought and still requests this Craft information because this information is needed, in part, to help determine whether to file grievances under the terms of the National Agreement, and for the further processing of grievances already pending in the grievance arbitration process.

Second, certain of the information the Postal Service provided the APWU on April 27, 2010, seems clearly inaccurate. For instance, the spreadsheet that the Postal Service provided to the APWU on April 27 indicates that there are no Ad-Hoc DSIs, Ad-Hoc RTSs, or Ad-Hoc RTEs in the Greater Boston District. The APWU believes that this information is clearly inaccurate since the Greater Boston District is one of our largest districts, and the APWU knows, for a fact, that there are at least some Ad-Hoc DSIs, Ad-Hoc RTEs, and Ad-Hoc RTEs employed in that district. Further, the Postal Service's April 27 spreadsheet indicates that Chicago (GLA) has no Ad-Hocs; New York (NEA) has only one (1) Ad-Hoc DSI; Northern Virginia (CM) has only one (1) Ad-Hoc DSI; Triboro (NEA) has no Ad-Hocs; and Westchester (NEA) has no Ad-Hocs.

The APWU still needs, and reiterates its request for, information showing the number of Ad-Hoc DSI(s), Ad-Hoc RTS(s), and Ad-Hoc RTE(s), by district and by Craft and without regard to which the specific employee belongs or which Labor Union represents that employee.

Sincerely,



Michael O. Foster

Assistant Director

Motor Vehicle Service Division

MOF:ndp//opeiu#2//afl-cio

cc: William Burrus, President

APWU

AFL-CIO

1300 L Street, NW, Washington, DC 20005

Voice: (202) 842-4240

Fax: (202) 216-2609

From: **Michael O. Foster, Assistant Director**
Motor Vehicle Division

Date: June 24, 2010

To: John Dockins

FAX Number: 202/268-6946

Number of Pages 3
(inc. transmittal page):

Message:

Letter dated 6/24/10 re: IR09-70, Ad-Hoc Driver Safety Instructors, Ad-Hoc Road Test Scorers and Road Test Examiners.

ndh opeiu #2//afl-cio

=====

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us. Thank you.

=====

Transmission Report

Date/Time 06-24-2010 10:02:54 a.m. Transmit Header Text
Local ID 1 2028428517 Local Name 1 Clerk/MVS Dept.
Local ID 2 Local Name 2

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

APWU AFL-CIO 1300 L Street, NW, Washington, DC 20005	
Voice: (202) 842-4240	Fax: (202) 216-2609
From: Michael O. Foster, Assistant Director Motor Vehicle Division	
Date: June 24, 2010	To: John Dockins
FAX Number: 202/268-6946	
Number of Pages 3 (inc. transmittal page):	
Message: Letter dated 6/24/10 re: IR09-70, Ad-Hoc Driver Safety Instructors, Ad-Hoc Road Test Scorers and Road Test Examiners.	
<small>ndh opeu #2/afi-cio</small>	
<small>The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us. Thank you.</small>	

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	590	202 268 6946	10:01:43 a.m. 06-24-2010	00:00:35	3/3	1	EC	HS	CP28800

Abbreviations:

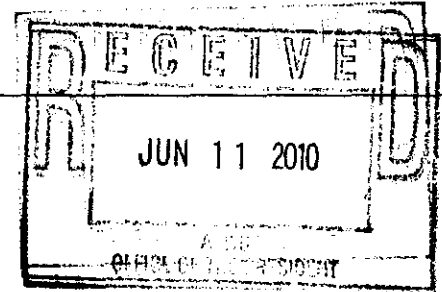
HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct



June 9, 2010

Mr. Michael O. Foster
Assistant Director
Motor Vehicle Services Division
American Postal Workers
Union (APWU), AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

Certified Mail Tracking Number:
7099 3400 0009 0516 7235

Dear Mr. Foster:

Re: IR09-70, Ad-Hoc Driver Safety Instructors, Ad-Hoc Road Test Scorers and Road Test Examiners

This letter is in response to your June 4 correspondence regarding IR09-70, Ad-Hoc Driver Safety Instructors, Ad-Hoc Road Test Scorers and Road Test Examiners. As information, please be advised that the Postal Service was not aware of the APWU's filing of the National Labor Relations Board (NLRB) charge, dated April 24, when it was preparing and finalizing its response dated April 27.

Your June 4 response to the Postal Service's May 19 letter does not address our concern regarding your claim to the NLRB that the information provided on April 27 was not fully responsive to the APWU's information request. Your statement that you have "identified the incomplete information and the inconsistencies" for the NLRB and that "we can therefore obtain this information from the NLRB", implies that you are able to identify what you seek, but are unwilling to identify that same information for the Postal Service. Thus, it appears that you are not operating in good faith with the Postal Service. The more-productive approach in this matter would be to identify the missing information and inform the Postal Service so that it may be provided.

Therefore, I reiterate what was previously stated in my May 19 letter: If the APWU is seeking something different from what was provided in the Postal Service's April 27 response, please advise in writing what further information the APWU is requesting. In response, per established procedure, the Postal Service will provide a cost-estimate for compiling the additional requested information. Once the APWU has confirmed that it is willing to pay those expenses, where necessary, the Postal Service will proceed with compiling the additional information.

As previously stated, the APWU owes the Postal Service \$1,488.00 for the information provided under IR09-70. Therefore, please submit payment in the amount of \$1,488.00, payable to the U.S. Postal Service Disbursing Office.

In the interim, if there are any questions, please contact Jacqueline (Jackie) Adona of my staff at (202) 268-3800.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Dockins".

for John W. Dockins
Manager
Contract Administration (APWU)

cc: Mr. Burrus



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

June 4, 2010

Michael O. Foster
Assistant Director
MVS Division
1300 L Street, NW
Washington, DC 20005
(202) 842-4240 (Office)
(202) 842-8517 (Fax)

SENT CERTIFIED MAIL – RETURNED RECEIPT & VIA FAX (7007 2560 0003 2184 5093)

John Dockins, Manager
Contract Administration, Labor Relations
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, DC 20260

National Executive Board

William Burrus
President

Cliff Guffey
Executive Vice President

Elizabeth "Liz" Powell
Secretary-Treasurer

Greg Bell
Director, Industrial Relations

James "Jim" McCarthy
Director, Clerk Division

Steven G. Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Bill Manley
Director, Support Services Division

Sharyn M. Stone
Coordinator, Central Region

Mike Gallagher
Coordinator, Eastern Region

John H. Dirzls
Coordinator, Northeast Region

William E. "Bill" Sullivan
Coordinator, Southern Region

Omar M. Gonzalez
Coordinator, Western Region

Dear John:

I am in receipt of your correspondence dated May 19, 2010, received in this office on May 24, 2010 regarding IR09-70, Ad-Hoc DSI, Ad-Hoc Road Test Scorer and Ad-Hoc Road Test Examiner.

In this correspondence, you refer to an April 27, 2010 submission concerning the above-mentioned information request.

Your letter dated April 27, 2010 re: IR09-70, which was received at APWU Headquarters on April 28, 2010 was addressed to William Burrus, President, APWU. Although I am listed on the letter as copied, I have yet to receive a copy from your office.

As you further know the APWU had filed on an NLRB complaint on the requested information on April 24, 2010 which was prior to the USPS April 27, 2010 submission on IR09-70.

The Union through its conversations with the NLRB has identified the incomplete information and the inconsistencies from the information provided and it is our understanding that the NLRB has identified these concerns to you. As the union becomes aware of other inconsistencies in the information requested in IR09-70 in addition to the ones provided to the NLRB we will inform your office

Since you addressed the April 27, 2010 submission to President Burrus, I will forward your May 19 correspondence to President Burrus also.

Sincerely,

Michael O. Foster
Assistant Director
Motor Vehicle Service Division

MOF:ndp//opeiu#2//afl-cio

cc: William Burrus, President



May 19, 2010

Received
MAY 24 2010
M.V.S. DIV.

Mr. Michael O. Foster
Assistant Director
Motor Vehicle Division
American Postal Workers
Union, AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

Dear Mr. Foster:

This letter is in follow-up to our previous correspondence regarding IR09-70, Ad-Hoc DSI, Ad-Hoc Road Test Scorer and Ad-Hoc Road Test Examiner.

We have not heard from you since our April 27, 2010, submission of what we believe to be the information responsive to your request. It has, however, come to our attention, through the NLRB, that you are now claiming that the information provided in response to IR09-70 was allegedly not fully responsive to the American Postal Workers Union, AFL-CIO (APWU) information request. Our records indicate that after extensive discussion and correspondence exchanged regarding exactly what information the APWU was seeking, the Postal Service informed the APWU what specific information was being provided and the cost for providing the information. The APWU never stated that the Postal Service's understanding of what the APWU was seeking through its request was incorrect. Therefore, the Postal Service proceeded to provide the information that was requested by the APWU.

At this point, if the APWU is seeking something different from what was provided in the Postal Service's April 27, 2010 response, please advise in writing what further information the APWU is requesting and the Postal Service will provide a cost estimate for compiling the additional requested information. Once we again have the APWU's assurance that it will reimburse the Postal Service for its costs associated with compiling the additional information, we will seek and provide the information requested. Also, as you have been informed, the APWU owes the Postal Service \$1,488.00 for the information provided under IR09-70. Therefore, please submit payment in the amount of \$1,488.00, payable to the U.S. Postal Service Disbursing Office.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Dockins".

John W. Dockins
Manager

Contract Administration (APWU)

American Postal Workers Union, AFL-CIO

Memorandum

Telephone
(202) 842-4246

1300 L Street, NW
Washington, DC 20005



From the Office of WILLIAM BURRUS
President

May 4, 2010

TO: **Michael Foster**

SUBJECT: **IR09-70 - Ad Hoc Drivers Safety Instructor, Ad-Hoc Road Test Scorer,
and Ad-Hoc Road Test Examiners
(Notification No. GCCV20100181)**

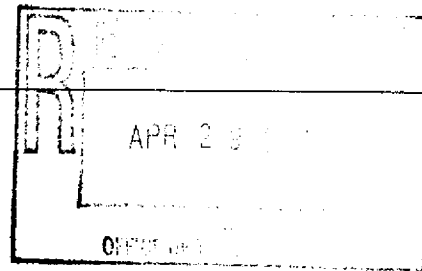
Please find attached a copy of a letter dated 4/27/2010 from John Dockins, regarding the above reference matter.

You are designated as the APWU contact person in this matter. Contact the USPS representative as soon as possible for discussion, if appropriate. Please provide notification of your review to me by 6/4/2010.

Please note: Your secretary should update the Notification Tracking Module in Step 4 CAS as necessary.

Attachment

WB:ibb
opeiu #2/afl-cio



April 27, 2010

Mr. William Burrus
President
American Postal Workers
Union (APWU), AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

Certified Mail Tracking Number:
7099 3400 0009 0516 3633

Dear Bill:

Re: IR09-70, Ad-Hoc Driver Safety Instructor, Ad-Hoc Road Test Scorer, and Ad-Hoc Road Test Examiners

Per your request, enclosed with this letter is data concerning the number of Ad-Hoc Driver Safety Instructors, Ad-Hoc Road Test Scorers, and Ad-Hoc Road Test Examiners.

Please be advised that the information provided was tallied by the districts into the various crafts. The scorers for each district were determined by cross-referencing the lists provided by the district with several databases. The data was provided to Postal Service Headquarters from the areas the first week of January for finalization which was completed March 2010. In the interim, there have been changes due to appointments, retirements, and deactivations of ad-hocs. An active roster in real-time cannot be provided at this time since no single data source contains all of the requested elements, and the time it takes to cross-reference assorted data sources almost guarantees some change in personnel action. Additionally, ad-hocs are used on an as-needed basis, and districts may retain ad-hocs for a period of time, even though they are dormant in terms of activity or utilization.

In accordance with Article 31, Section 3 of the Collective Bargaining Agreement; Handbook AS-353, Guide to Privacy of the Freedom of Information Act, and Records Management, Section 4-6.5, *How to Assess Fees*; and per Mike Foster's e-mails of December 9, 2009, and January 5 of this year, assuring that the APWU would pay the appropriate fees to process IR09-70, the cost of researching and providing the information is as follows:

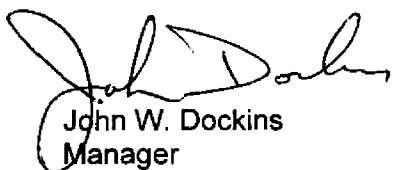
- 80 districts (research and provide data) @ 30 minutes each = 2,400 divided by 60 minutes = 40 hours (total district time) x \$32 per hour = **\$1,280.00**
- 9 areas (review and consolidate data) @ 30 minutes each = 270 divided by 60 minutes = 4.5 hours x \$32 per hours = **\$144.00**

- Headquarters development of national level information for submission to National American Postal Workers Union = 4 hours x \$32 per hour = **\$128.00**
- Less \$64.00 (first two hours free) = \$1,280.00 + \$144.00 + \$128.00 - \$64.00 = **\$1,488.00**

Please submit to my office payment in the amount of \$1,488.00, payable to the U.S. Postal Service Disbursing Office.

If there are any questions, please contact Labor Relations Specialist Jacqueline Adona at (202) 268-3800.

Sincerely,



John W. Dockins
Manager
Contract Administration (APWU)

Enclosure

cc: Mike Foster (w/enclosure)

Date Request Received in SEPM: 1/6/2010

Date when last of data was received from field: 2/25/2010

APWU Request - Number of Ad-Hoc DSI's, Ad Hoc *RTSs and Ad-Hoc RTEs by District and by Graft

Area	District	ADHOC DSI's				ADHOC DSI SCORERS				ADHOC RTEs					
		TOTAL	APWU	NALC	NRLCA	NPMHU	APWU	NALC	NLRCA	NPMHU	TOTAL	APWU	NALC	NLRCA	NPMHU
	SWA Fort Worth	11	2	9	0	0	1	3	0	0	0	0	0	0	0
	SEA Alabama	14	7	6	1	0	2	2	0	0	0	0	0	0	0
	WA Alaska	3	1	2	0	0	0	1	0	0	4	2	2	0	0
	NEA Albany	5	3	1	1	0	1	0	0	0	0	0	0	0	0
	SWA Albuquerque	9	0	7	2	0	0	2	0	0	0	0	0	0	0
	EA Appalachian	15	2	5	8	0	1	1	2	0	3	0	1	2	0
	WA Arizona	13	2	9	2	0	0	1	0	0	3	1	1	1	0
	SWA Arkansas	7	3	4	0	0	1	1	0	0	2	0	2	0	0
	SEA Atlanta	6	0	2	4	0	0	1	2	0	0	0	0	0	0
	CM Baltimore	2	2	0	0	0	2	0	0	0	1	1	0	0	0
	PAC Bay Valley	6	3	3	0	0	1	1	0	0	0	0	0	0	0
	WA Big Sky	7	2	4	1	0	1	2	0	0	2	1	0	1	0
	CM Capital	8	4	4	0	0	2	2	0	0	0	0	0	0	0
	NEA Caribbean	3	1	1	0	1	0	1	0	0	0	0	0	0	1
	GLA Central Illinois	7	1	6	0	0	2	2	0	0	0	0	0	0	0
	EA Central Pennsylvania	12	1	8	3	0	0	2	0	0	0	0	0	0	0
	WA Central Plains	10	3	7	0	0	1	2	0	0	8	1	7	0	0
	GLA Chicago	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	EA Cincinnati	11	6	5	0	0	1	1	0	0	0	0	0	0	0
	WA Colorado/Wyoming	20	8	9	1	2	2	2	1	0	0	0	0	0	0
	EA Columbus	8	3	2	1	2	1	1	0	0	0	0	0	0	0
	NEA Connecticut Valley	3	0	2	1	0	0	1	0	0	3	0	3	0	0
	WA Dakotas	6	1	3	1	1	0	2	0	0	3	0	1	2	0
	SWA Dallas	19	5	13	1	0	3	3	0	0	0	0	0	0	0
	GLA Detroit	4	4	0	0	0	2	0	0	0	0	0	0	0	0
	GLA Gateway	30	8	16	6	0	3	3	1	0	1	0	1	0	0
	NEA Greater Boston	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	GLA Greater Indiana	10	3	5	2	0	1	1	1	0	0	0	0	0	0
	GLA Greater Michigan	8	3	3	2	0	2	2	1	0	0	0	0	0	0
	CM Greater South Caroli	6	2	1	3	0	1	1	1	0	0	0	0	0	0
	CM Greensboro	5	1	3	1	0	1	1	0	0	4	2	2	0	0
	WA Hawkeye	24	11	9	4	0	3	3	0	0	0	0	0	0	0
	PAC Honolulu	12	4	7	1	0	1	1	0	0	0	0	0	0	0
	SWA Houston	7	3	4	0	0	1	2	0	0	0	0	0	0	0

APWU Request - Number of Ad-Hoc DSI's, Ad Hoc *RTSs and Ad-Hoc RTEs by District and by Craft

[illegible]

Date Request Received in SEPM: 1/6/2010

Date when last of data was received from field: 2/25/2010

APWU Request - Number of Ad-Hoc DSI's, Ad Hoc *RTSs and Ad-Hoc RTEs by District and by Craft

NEA	Westchester	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EA	Western New York	3	0	2	1	0	0	0	0	0	0	4	1	3	0	0	0	0	0	0
EA	Western Pennsylvania	5	3	1	1	1	0	1	1	0	0	1	0	0	0	0	0	0	0	1