



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

694c4pc98002394

William Burrus
Executive Vice President
(202) 842-4246

August 25, 1997

Dear Pete:

This is to initiate a step 4 over the employer's right to make "inquiries, either orally or in writing, of [an] applicant or of any other person, concerning arrest records, except where the arrest actually resulted in a criminal conviction, or where the charges are still pending".

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My letter of June 26, 1997 requested the employer's interpretation of "the provisions cited above as permitting exceptions to the restrictions for obtaining arrest information and if so, what are those exceptions and their authority in published rules."

Your response of August 21, 1997 does not address the interpretative inquiry, but instead focuses on whether or not there was a violation in the case mentioned and continues by pointing out that my letter implies that the grievance involves a current postal employee while Section 313.331 deals with applicants for postal employment. While this observation is immaterial to the issue I raise, I refer you to the quoted section "applicant or of any other person". Perhaps in your haste to avoid the issue, you have overlooked that a current postal employee may be covered by "any other person".

In any event, I await the scheduling of a meeting that we can discuss the interpretive issue involved.

Sincerely,

William Burrus
William Burrus

Executive Vice President

Peter Bazylewicz, Manager
Grievance & Arbitration
475 L'Enfant Plaza, SW
Washington, DC 20260

Mr. William Burrus
Executive Vice President
American Postal Workers Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4128

Re: Q94C-4Q-C 98002394
Class Action
Washington, DC 20260-4140

Dear Bill:

On May 2, 1998, we met to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance involves arrest records of applicants for postal employment.

During our discussion, we mutually agreed that the current policy of the Postal Service regarding this subject is described in ELM 313.33, which reads as follows:

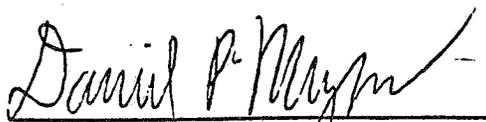
313.331. No inquiries may be made, either orally or in writing, of the applicant or of any other person, concerning arrest records, except where the arrest actually resulted in a criminal conviction, or where the charges are still pending. In addition, when inquiring as to the conviction record of any applicant for employment from any person or agency, including law enforcement agencies, postal officials must state orally, or in writing, that:

It is not the policy of the U.S. Postal Service to inquire into the arrest records of applicants for employment, where the charges arising out of an arrest have been dismissed, there has been an acquittal, the proceedings have otherwise not resulted in a conviction, or where the record of such charges does not contain or reflect an actual criminal conviction of such charges. If possible, please exclude all such charges in the requested conviction record, except those still pending.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to settle this case in its entirety.

Time limits at Step 4 were extended by mutual consent.

Sincerely,



Daniel P. Magazu
Contract Administration (APWU/NPMHU)
Labor Relations



William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO

Date: 6-9-98