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M E M O R A N D U M

TO: Tom Neill  
Ken Wilson  
Bob Tunstall  
Jim Connors *CWJ back Monday*  
Phil Tabbita

FROM: Darryl Anderson *DJ Anderson*

DATE: October 22, 1987

RE: RI399 Meeting on October 22, 1987

Because I believe I took the fullest set of notes at our meeting with USPS representatives, I am transmitting a typewritten copy of my notes for your review. They are marked "draft" and I ask that you fill in any omissions you notice, and make any corrections you think should be made. Based on our discussion, it appears that litigation is likely.

Those in attendance for the Postal Service were: Bill Downes, Ed Ward, Nick Barranca, Jim Riley and Frank Jacquette. (References to speakers are by their initials.)

TN: Referred to the September 29, 1987 letter from Fritsch to Biller and Sombrotto.

BD: Interjected that it is not an Article 19 letter.

KW: Question what you have told the MHs regarding the distinction between distribution and separation?

BD: There has been joint training with Mail Handlers, provided to Mail Handlers and managers together. We said that the Memorandum with the APWU did not "wipe out" the MH Letter of Intent. Both will be issued, and they are not contradictory. They are an effort to get people to do what they should have done (i.e., accept RI399 as written).

KW: Our position is it is distribution if the employee has to look at the address.

BD: That is not our position.

NB: USPS explained to Jim Wolf in 1979 that workers must look at the address to make a split between local and out of town. How else can it be done?

KW: (My notes are unclear)

NB: Interjecting--the definition in the RI399 says and make basic local and out of town splits. The 010.4 definition of "cull" was explained to Jim Wolf, that includes looking at addresses. You can't do it otherwise.

KW: How many splits can I make. (For example . . .)

NB: The original intent was not just local versus everything else. Jim Wolf's concern was with relocation of pouch racks to 010 and other opening units to make

distribution there. We cannot define with specificity the number (e.g., 7) because all offices are different.

KW: 010 is not the issue.

NB: But the language in 110 etc. came from the understanding reached concerning 010. If the work is "incidental" to opening and culling, it's a basic split. (e.g., if 1/10 of the work done in the opening unit is distribution, it would be inefficient to assign a clerk to do that 1/10. If the primary purpose is to make sorts, it's a distribution operation; opening and dumping is incidental, so its a clerk operation.)

PT: Where do basic splits stop and distribution begin?

BD: Examples are the best way to illustrate the difference.

NB: For example, in Baltimore, assuming a pouch has ~~opened~~ ~~four~~ ~~locations~~ opened four locations in the area in an opening unit which makes a separation between machinable and nonmachinable, and makes basic splits using three-digit zip codes for city mail, Baltimore SCF, Frederick, machinable versus nonmachinable, a gurney for a film processing company with its own zip code. This is all basic splits.

Then, suppose an engineer decides to reconfigure the operation setting up separations into trays, containers, and gurneys. This could still include separating into machinable and nonmachinable, but all five digits would be used, and there would be holdouts for various associate offices and communities. This would amount to relocating a

pouching operation in the opening unit and would turn the operation into a distribution operation.

PT: What about a situation where, for example, there are a dozen or so five-digit firm directs, does it make it a distribution operation.

NB: At some point, yes.

PT: Use of all five digits\_would be primarily for firm holdouts . . . .

NB: Not necessarily, for example a box unit may be held out by five digits. To hold out one or two employers by five digits makes sense (my notes not entirely clear on this point - whether reference was to only one or two employers as an example of what makes sense.)

PT: If a city had only ten zip codes, would you make ten five-digit separations.

NB: It would make sense, probably with the incoming primary distribution at that point.

PT: If breaking out ten five-digit zips replaces primary distribution . . .

KW: Omaha example of pouches with holdouts for specific cities, with the number of pouches approximately 48, we say it's distribution.

NB: Agrees.

BD: We told the Mail Handlers this will work two ways, not just in favor of MHs. We told them we "saw" a "wash" overall.

PT: E.G. (notes are unclear)

NB: We call it distribution.

PT: Mail Handlers could do local, basic and out-of-town splits to assist downstream operations--allow more efficient distribution down stream, even if that requires reading zip codes?

NB: Right . . .

PT: If separations replace downstream distribution, it would not be proper.

BD: Key is that operation is set up for efficiency and after that decide which craft should do it.

PT: Key is more efficient later distribution versus replacing distribution?

NB: Right, but subsequent distribution to carrier route doesn't turn earlier distribution into basic split.

TN: The earlier reference to the possibility that 1/10 distribution would be incidental must be wrong, the APWU Memorandum says all distribution is clerk craft work.

BD: (Disagrees) That is right out of our RI399--the key is efficiency.

EW: That's within the context of RI399, and the basic rules for craft assignment.

PT refers to the possibility of the USPS studying the effect of the Letter of Intent and Memorandum of Understanding.

BD: Is unaware of any intention to do that, he believes Moe called Fritsch back and said not to do it.

PT: A way to minimize controversy if the USPS does a survey which shows no overall effect.

BD: Most of this problem arose because of pressure from APWU in the Northeast Region, putting pressure to get MH work.

NB: Refers to addresses noted in MH letter of intent because arbitrators had been saying reference to addresses makes it distribution.

Several APWU representatives: that is our position.

PT: If the test isn't use of addresses, we need another . . .

NB: Yes--the primary purpose of the operation. That test goes back to 1978.

TN: Question if you have training films on this or intend to have them?

BD: No.

PT: When the instructions issue, will there be something else with them?

BD: Only that it is a result of negotiations.

NB: We'll say it is only a clarification, not to change things.

BD: The three parties should go together where there are disputes, and either settle it or arbitrate tripartite.

KW: They would be changed anyway afterward.

BW: True, but not to affect craft jurisdiction; the key is the most efficient way to set up an operation.

TN: Would the Postal Service agree to a three-party meeting and trip to try to settle these disputes, even if APWU is not willing to tripartite arbitrate? [No immediate response]

TN: If there is distribution being done, there should be a clerk in the operation.

BD: We will not have a clerk standing idle waiting for distribution work to arrive.

TN: If ten employees are in the unit and 1/10 the work is distribution, then there should be one clerk.

BD: Should there be a Mail Handler wherever there is dumping or culling? If so, and they share all duties in the unit, it would be a way to try approaching this. BD is willing to approach MHs on this.

TN: Wait until I approach my principal with the idea.

KW: It could be figured out that way.

BD: Agrees it could be figured out; believes MHs and clerks understand the differences between distribution and splits, and both unions are trying to grab work they know is not theirs.

JC: In Newark the Postal Service took away all clerk work except one air records processor at the AMF, as a result of the Letter of Intent.

FJ: The Northeast Region says that problem has been taken care of.

TN: When will USPS send instructions?

BD: In accordance with the time table in the Memorandum.

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After the meeting Bob Tunstall pointing out that Section 233.4 of the ELM which concerns evaluating mixed assignments, provides that assignments where more than 50% of the work is the higher of two levels, or where the higher level work is done every day, the work should be classified as the higher of the two levels involved. The argument is that, by analogy, the clerk craft should do mixed work and Mail Handlers should not be doing "incidental" distribution.

DJA:mjm