

The way it is...

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Many Arbitration Cases Hinge On Settling Jurisdiction Issue

The American Postal Workers Union continues to take part in hearings on the jurisdictional dispute with the U.S. Postal Service concerning work this Union believes is improperly awarded in the assignment of certain mail processing duties to the Mail Handler Craft. These awards were published in the November 1979 issue of the *American Postal Worker* which contained a reprint of the USPS Regional Instruction #399.

Because of the unavailability of an arbitrator on consecutive days over a lengthy period of time, we are being forced to present our case only on those days that Arbitrator Gamser has available. The next two days of formal hearings will be April 10, and 11 at Washington, D. C. It is possible that this Union will complete its presentation of evidence in support of our position by the end of the hearing on Friday, April 11th.

RECORD DOCUMENTED

During the six days of hearings already completed, the American Postal Workers Union entered numerous documents into the record and presented testimony given by four representatives of the Union. The evidence was presented by two staff members and by two General Presidents of local unions.

We plan to offer additional evidence by utilizing the knowledge of some five or six additional field representatives. Each of the witnesses now scheduled to appear on behalf of our Union will be

an official of one of our larger locals.

Testimony offered to date has included an explanation of the historical background involved in this dispute and has been supported by statistical data designed to acquaint the arbitrator with the potential impact on the Clerk Craft if revisions are not made to Regional Instruction 399. The thrust of our presentation involves the improper designation of the Mail Handler Craft as the primary craft for Operations 010 and 020, the assignment of the Mail Handler Craft as the primary craft in ledgeloading and sweeping and the assignment of the Mail Handler Craft to any distribution function. At the present time, Regional Instruction #399 designates the Mail Handler Craft as the primary craft in the manual distribution of outgoing parcel post in post offices and the distribution of outside or non-machineable parcels in the Bulk Mail Centers.

LIUNA INTERVENES

As expected, the Mail Handler Division of the Labors International Union of North America has intervened in this arbitration case. We have no knowledge of the length of time that the USPS and the Mail Handler Division of LIUNA will require for the presentation of their cases. Unfortunately, this drawn out presentation will probably require at least four or more additional days of hearings after your Union completes the presentation of its case.

The Postal Service has agreed that the arbitrator will have the authority to restore positions to the Clerk Craft, retroactive to the effective date of dislocation due to Regional Instruction #399, in any operation or work area which the arbitrator may find was improperly awarded to the Mail Handler Craft.

In return, the American Postal Workers Union agreed not to pursue the question of the contractual right of the Postal Service to enter into such an agreement with the Mail Handler Craft, notwithstanding the strong and persistent objections of this Union. To have argued about the contractual legality of a document already promulgated would only have delayed hearings on the merits of the case itself. This waiver applies only to Regional Instruction #399 and it does not waive the rights of this Union to challenge any other jurisdictional issuance.

MANY CASES INVOLVED

The resolution of this case will eventually permit decisions on the hundreds of arbitration cases which have been held pending this particular hearing.

The Mail Handler Craft is aggressively seeking prompt assignment of mail handlers to operations as outlined in Regional Instruction #399. This Union must be equally aggressive at the local level in insisting that Clerk Craft employees be assigned to all work in those operations which the Clerk Craft has been designated as the primary craft.

Prior to the resumption of formal hearings, arrangements will be made for the Arbitrator and representatives of the Parties involved to visit one post office and one Bulk Mail Center so that Arbitrator Gamser may be personally familiar with the operations and duties involved. This familiarization visit is planned for March 28 although the Parties have not yet agreed as to the post office and BMC to be observed.

Future articles in your magazine will keep you advised of developments in this case.