

August 17, 1988

Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4107

Dear Mr. Burrus:

This is in response to the issues you raised in your letter of December 18, 1987, and Step 4 grievance (H7C-NA-C 21, dated June 29, 1988) concerning the maintenance of employee disciplinary records, as well as the Step 4 grievance (H4C-5R-C 43882) challenging the management practice of including in past element listings of disciplinary actions the original action issued and the final action resulting from modification of the original action.


In full and final settlement of all disputes on these issues it is agreed that:

1. All records of totally overturned disciplinary actions will be removed from the supervisor's personnel records as well as from the employee's Official Personnel Folder.
2. If a disciplinary action has been modified, the original action may be modified by pen and ink changes so as to obscure the original disciplinary action in the employee's Official Personnel Folder and supervisor's personnel records, or the original action may be deleted from the records and the discipline record reissued as modified.

3. In the past element listings in disciplinary actions, only the final action resulting from a modified disciplinary action will be included, except when modification is the result of a "last chance" settlement, or if discipline is to be reduced to a lesser penalty after an intervening period of time and/or certain conditions are met.


Please indicate your agreement by signing and returning a copy of this letter.

Sincerely,


Stephen W. Furgeson
General Manager
Grievance and Arbitration
Division

DATE

8/17/88


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

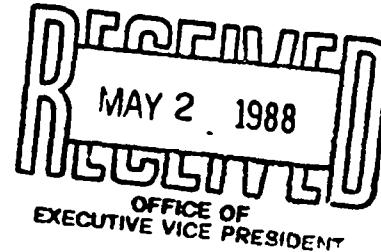
DATE

8/17/88



UNITED STATES POSTAL SERVICE
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

April 29, 1988



Mr. William Burrus
Executive Vice President
American Postal Workers Union,
AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4107

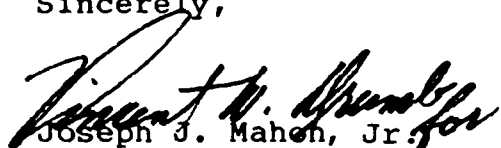
Dear Mr. Burrus:

This is in further response to your March 18 letter regarding the applicability of certain memoranda which had appeared in prior USPS-APWU/NALC National Agreements.

We concur that the two memoranda you specifically identify, i.e., the Memorandum of Understanding regarding the Discipline Tracking System and the Letter of Intent relating to Maximization are still in effect. As Bruce Evans discussed with you, such concurrence concerning these two memoranda would not address either parties' position as to application or interpretation.

As an aside, the Letter of Intent you have referenced was not printed in the USPS version of the 1984 Agreement.

Sincerely,


Joseph J. Mahon, Jr.
Assistant Postmaster General

AFL-CIO

American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

December 18, 1987

Douglas C. Holbrook
Secretary-Treasurer
(202) 842-4215

Dear Mr. Downes:

Pursuant to our discussion at the Task Force meeting of December 16, 1987, this is intended to set forth the issue that appears to be in dispute within the regions throughout the country. Regional and local Human Resource managers have taken a contrary position than that intended by the parties in agreeing to resolution of the issues raised in my correspondence of June 8, 1982, responded to in Jim Gildea's letter of November 26, 1982 and incorporated into the 1984 National Agreement through the Memorandum on the Discipline Tracking System.

Management has taken the position that these agreements refer only to the official Form 50 and does not apply to separate disciplinary records kept by supervisors. This is not consistent with the Union's intent in agreeing to resolution of the initial dispute and subsequent negotiations of the Discipline Tracking System.

It has been the Union's intent and interpretation that the only record of disciplinary action that will be maintained in the official OPF and other records maintained for other than statistical purposes will be the final disciplinary action imposed on an employee.

Please review and advise my office.

Sincerely,

William Burrus
William Burrus
Executive Vice President

William Downes
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

WB:rb

- National Executive Board
- Moe Biler, President
- William Burrus
Executive Vice President
- Douglas C. Holbrook
Secretary-Treasurer
- Thomas A. New
Industrial Relations Director
- Kenneth D. Wilson
Director, Clerk Division
- Edward J. Wlodaw
Director, Maintenance Division
- Donald A. Ross
Director, MVS Division
- George N. McKethen
Director, SDM Division
- Norman L. Steward
Director, Mail Handler Division

- Regional Coordinators
- Raydel R. Moore
Western Region
- James P. Williams
Central Region
- Philip C. Flemming, Jr.
Eastern Region
- Romualdo "Willie" Sanchez
Northeastern Region
- Archie Salisbury
Southern Region



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

March 18, 1988

William Burrus
Executive Vice President
(202) 842-4246

Dear Mr. Mahon:

Following the 1987 National negotiations the parties agreed on the format and content of the printed agreement. Phil Tabbita was the APWU representative in discussions leading to agreement on the final product. It was agreed in the discussions that several memorandums that appeared in prior contracts would not be included in the 1982 printed agreement even though the parties did not negotiate the elimination of the prior agreements. I am advised that the specific understanding reached was that the parties jointly recognized the continued application of the removed memorandums.

The applicability of these memorandums have surfaced as a dispute between our respective representatives at local and regional levels, including contentions in arbitration that their omission from the contract supports a position that their terms are no longer applicable.

The letter of intent appearing on page 208 of the 1984 Agreement and the Memorandum of Understanding regarding Discipline Tracking System appearing on page 181 are the major areas of concern. Each of these agreements refer to specific implementation of agreements and it was decided that the terms had been complied with and it was unnecessary to continue them as addendums to the contract.

National Executive Board
Moe Blier, President

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Executive Vice President

Douglas C. Holbrook
Secretary-Treasurer

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Industrial Relations Director

Kenneth D. Wilson
Director, Clerk Division

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Northeastern Region

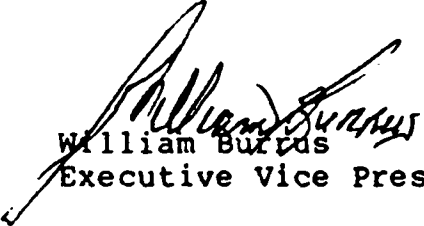
Anche Salisbury
Southern Region

Page 2 - Joseph Mahon

Each of these agreements also contain ongoing commitments that the parties have not agreed to revoke. The American Postal Workers Union maintains that those agreements embodied in the excised (Memorandum and Letter of Intent) are still in effect and are agreements between the parties.

This letter is to inquire as to the position of the Postal Service on the applicability of these provisions.

Sincerely,



William Burds
Executive Vice President

Joseph Mahon
Asst. Postmaster General
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

WB:rb

Francis J. Conners
Executive Vice President

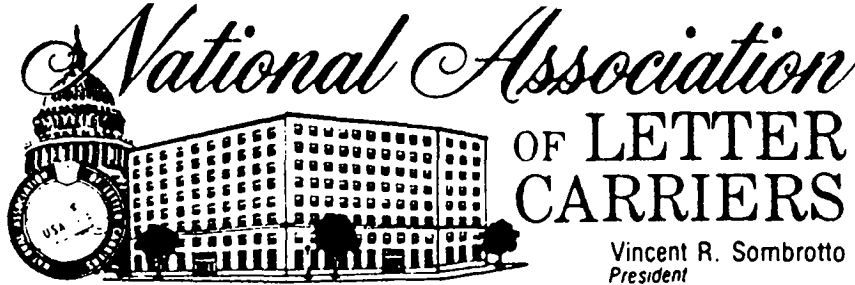
Lawrence G. Hutchins
Vice President

Edward P. O'Connell
Secretary-Treasurer

Halline Overby
Asst. Secretary-Treasurer

Brian D. Farris
Director, City Delivery

George Davis, Jr.
Director, Safety & Health



Vincent R. Sombrotto
President

1/
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Director, Life Insurance

Robert Vincenzi
Director, Health Insurance

Walter E. Couillard
Director of Retired Members

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James Worsham

Michael J. O'Connor

100 Indiana Avenue, N.W. Washington, D.C. 20001
Telephone: (202) 393-4695

January 10, 1989

Mr. Moe Biller, President
APWU
1300 L Street, N.W., 6th Floor
Washington, D.C. 20005

RE: H4N-5G-C-7167
C. Nietzel
Bakersfield, CA

Dear Moe:

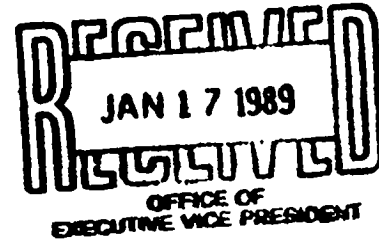
Enclosed is a prearbitration settlement of the above referenced grievance which was scheduled for January 11, 1988 and which you had notified the Postal Service that you planned to intervene.

Sincerely,

LAWRENCE G. HUTCHINS
Vice President

LGH/ss
opeiu #2
encl.

cc: President V.Sombrotto





UNITED STATES POSTAL SERVICE
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

Mr. Lawrence G. Hutchins
Vice President
National Association of
Letter Carriers, AFL-CIO
100 Indiana Avenue, N.W.
Washington, DC 20001-2197

Re: C. Nietzel
Bakersfield, CA
H4N-5G-D 7167

Dear Mr. Hutchins:

On December 14, 1988, a meeting was held with the NALC Director of City Delivery, Brian Farris, to discuss the above-captioned grievance at the fourth step of our contractual grievance procedure.

The issue in this grievance is the extent to which prior discipline may be utilized under the terms of Article 16.10 of the National Agreement.

We agreed that a notice of discipline which is subsequently fully rescinded, whether by settlement, arbitration award, or independent management action, shall be deemed not to have been "initiated" for purposes of Article 16, Section 10, and may not be cited or considered in any subsequent disciplinary action.

Accordingly, we agreed to remand this case to the parties at Step 3 for further processing, including arbitration if necessary.

Please sign and return the enclosed copy of this letter as your acknowledgment of agreement to remand this case.

Mr. Lawrence G. Hutchins

2

Time limits were extended by mutual consent.

Sincerely,



Arthur S. Wilkinson
Grievance & Arbitration
Division



Lawrence G. Hutchins
Vice President
National Association of Letter
Carriers, AFL-CIO

(Date) 1/5/89

This is to advise that the American Postal Workers Union interprets the "make whole" provisions of the contract as including step deferrals when overturned on appeal. In the event that the Postal Service disagrees with the Union's interpretation, I request a rationalization and interpretation of contractual provisions relied upon.

Sincerely,

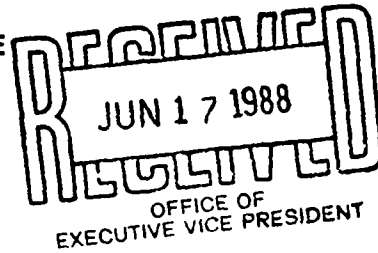
William Burrus
Executive Vice President

Tom Fritsch
Labor Relations
U.S. Postal Service Headquarters
475 L'Enfant Plaza, SW
Washington, D.C. 20260-1100

WB:rb



UNITED STATES POSTAL SERVICE
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100



June 16, 1988

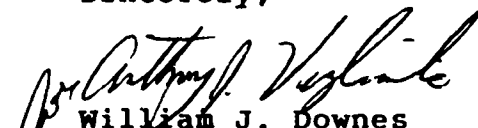
Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4107

Dear Mr. Burrus:

This letter will confirm our telephone conversation of June 10. During our conversation, we agreed that in accordance with condition number 1 of the Purge of Warning Letters Memorandum, a Letter of Warning must have been issued prior to the effective date of the National Agreement. Therefore, a Letter of Warning which was issued prior to September 10, 1987, (the operational date for purposes of the MOU) and which complied with all other applicable conditions, could ultimately be purged from an employee's personnel folder in the year 1988.

The dissemination to our field installations of the Memorandum of Understanding and the recent letter regarding our discussion of number 3 in the Memorandum of Understanding, served as our instruction to the field on this issue.

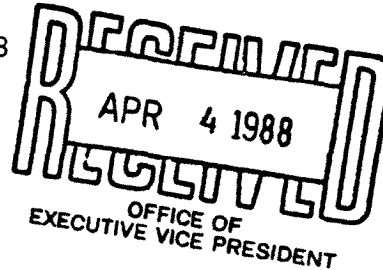
Sincerely,


William J. Downes
Director
Office of Contract Administration



UNITED STATES POSTAL SERVICE
Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

April 1, 1988



Mr. William Burrus
Executive Vice President
American Postal Workers Union,
AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4107

Dear Mr. Burrus:

This is in regard to our discussions concerning the MOU on Purging of Warning Letters agreed to during the 1987 National Negotiations.

As discussed, I agree that if a disciplinary action is modified by the parties or an arbitrator resulting in a letter of warning, such letters of warning will not be considered to have been issued in lieu of a suspension or a removal action pursuant to Item 3 of the MOU.

Sincerely,

Michael J. Harrison / For
Bruce D. Evans
General Manager
Negotiations Planning and
Analysis Division



UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260

November 26, 1982

Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
817 14th Street, NW
Washington, DC 20005

Dear Mr. Burrus:

This is in further response to your letter of September 29, and to a subsequent meeting that you had with Bob Yoder and Frank Jacquette of my staff, regarding the use of PS Form 50 in disciplinary actions.

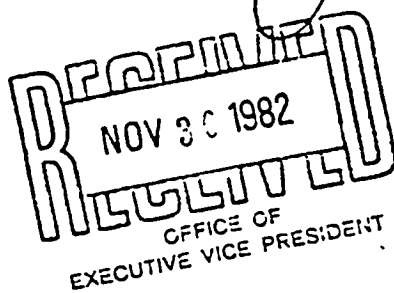
The Postal Service is prepared to physically remove Form 50 from the Official Personnel Folder (OPF) in situations where suspension actions are overturned on appeal.

This is an interim measure pending the development and adoption of a proposal to eliminate the necessity of issuing Form 50's to record suspension actions.

We feel that this proposal satisfactorily addresses those issues raised in your correspondence of September 29. Please advise Frank Jacquette (245-4731) of your views on this matter.

Sincerely,

James C. Gildea
Assistant Postmaster General
Labor Relations Department





American Postal Workers Union, AFL-CIO

817 Fourteenth Street, N.W., Washington, D.C. 20005 • (202) 842-4250

WILLIAM H. BURRUS
General Executive Vice President

september 29, 1982

Mr. James C. Gildea
Assistant Postmaster General
Labor Relations Department
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

Dear Mr. Gildea:

This is in response to your most recent correspondence regarding the retention of Form 50's. The issue I raised in my letter of June 8, 1982 has not been addressed in your recent correspondence.

The language of the National Agreement is specific in providing for "restitution" in discipline and discharge cases, subject to the grievance/arbitration procedure. The union interprets the intent of this language and the authority of postal officials and the arbitrator to include the authority to expunge the record. Employees have not been made whole if a record continues to exist showing the unsubstantiated charge.

The American Postal Workers Union interprets the intent of "to make whole" as including the removal from the employees record all references to the action taken. In the event the Postal Service disagrees with the union's interpretation please respond so that we may take the necessary action.

I am available to discuss this issue with appropriate officials and may be reached at 842-4250.

Sincerely,

William Burrus
William Burrus,

Executive Vice President

USPS
WB:mc

NATIONAL EXECUTIVE BOARD • MOE BILLER, General President

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General Executive Vice President
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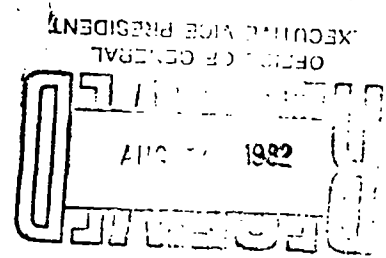
JOHN RICHARDS
Director, Industrial Relations
KEN LEINER
Vice President, Mail Handler Craft

REGIONAL COORDINATORS
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Western Region
JAMES P. WILLIAMS
Central Region

PHILIP C. FLEMING, JR.
Eastern Region
NEAL VACCARO
Northeastern Region
ARCHIE SALESKI
Southern Region



UNITED STATES POSTAL SERVICE
475 L'Enfant Plaza, SW
Washington, DC 20260



August 13, 1982

Mr. William Burrus
General Executive Vice President
American Postal Workers
Union, AFL-CIO
817 Fourteenth Street, N.W.
Washington, DC 20005

Dear Mr. Burrus:

This is in reference to your letter of August 6, and to our previous correspondence, concerning the retention of Form 50 in an employee's personnel record despite the issuance of an arbiter's award overturning disciplinary action that was taken against the employee.

The retention of Form 50 in such circumstances was, in fact, pending arbitration as stated in my June 15 response to your earlier letter on this topic. The case involved was withdrawn from arbitration pursuant to a letter dated June 21 from Mr. Kenneth D. Wilson, Administrative Aide, Clerk Craft.

I assume that the "personnel record" referred to in your letters is the Official Personnel Folder (OPF) which is established and maintained as the official repository for prescribed records and forms in accordance with instructions contained in Chapter 6 of Handbook P-11, Personnel Operations. The authority to withdraw OPF copies of Form 50 in unique or extraordinary circumstances rests with the Regional Directors, Employee and Labor Relations, and with the Postal Service Records Officer as stated in 614.921 of Handbook P-11.

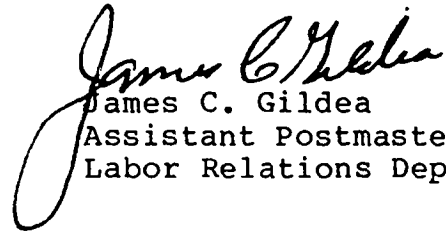
Accordingly, I suggest that your Regional Coordinators contact the Regional Directors, as appropriate, when situations develop which they believe would warrant

Mr. William Burrus

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withdrawal of a Form 50. Should an individual employee want to request the correction, amendment, or withdrawal of a Form 50, the instructions in 353.43 of the Administrative Support Manual should be followed.

Sincerely,


James C. Gildea
Assistant Postmaster General
Labor Relations Department

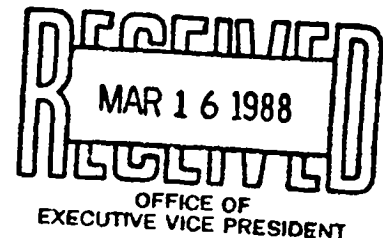


UNITED STATES POSTAL SERVICE
 Labor Relations Department
 475 L'Enfant Plaza, SW
 Washington, DC 20260-4100

March 15, 1988

Mr. William Burrus
 Executive Vice President
 American Postal Workers
 Union, AFL-CIO
 1300 L Street, NW
 Washington, DC 20005-3399

Mr. Francis J. Connors
 Vice President
 National Association of Letter
 Carriers, AFL-CIO
 100 Indiana Avenue, NW
 Washington, DC 20001-2197



Gentlemen:

This is in regard to our discussion regarding the purging of cancelled step deferments from Form 50 records.

This is to advise you that when a Form 50 is processed to initiate a step deferral and when such deferral is subsequently cancelled, appropriate action will be taken to ensure that reference to the cancelled action does not appear in the employee's Official Personnel Folder or in the history section of subsequent Form 50s. Appropriate instructions will be furnished to field installations no later than May 1, 1988.

If you have any questions regarding the foregoing, please contact Frank Jacquette (268-3823) at your convenience.

Sincerely,


 William J. Downes, Director
 Office of Contract Administration



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

William Burrus
Executive Vice President
(202) 842-4246

October 9, 1987

National Executive Board
Moe Biller, President

William Burrus
Executive Vice President

Douglas C. Holbrook
Secretary-Treasurer

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Industrial Relations Director

Kenneth D. Wilson
Director, Clerk Division

Ed I. Wevoda
Director, Maintenance Division

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Director, MVS Division

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Raydell R. Moore
Western Region

James P. Williams
Central Region

Philip C. Fleming, Jr.
Eastern Region

Romualdo "Willie" Sanchez
Northeastern Region

Archie Salisbury
Southern Region

Dear Mr. Fritsch:

Through exchange of correspondence culminating in USPS letter of January 15, 1983 the parties reached agreement that when suspension actions are overturned or modified on appeal the subject Form 50 will be removed from the official OPF. In the 1984 negotiations agreement was reached to eliminate the use of Form 50's when recording disciplinary action to effectuate the policy of restricting access to the modified disciplinary action.

It is my understanding that step increase deferments continue to be recorded on Form 50's and in those circumstances where such deferments are overturned or withdrawn on appeal, reference to the improper action is maintained on the Form 50.

My original correspondence of June 28, 1982 addressed the intent of making an employee "whole" in the disposition or improper action. The purging of all references to improper step increase deferrals would be included in making an employee whole. Under the Privacy Act employees are entitled to insist that such references be purged upon request.

This is to advise that the American Postal Workers Union interprets the "make whole" provisions of the contract as including step deferrals when overturned on appeal. In the event that the Postal Service disagrees with the Union's interpretation, I request a rationalization and interpretation of contractual provisions relied upon.

Sincerely,

William Burrus
Executive Vice President

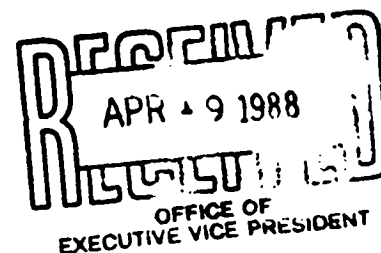
Tom Fritsch
Labor Relations
U.S. Postal Service Headquarters
475 L'Enfant Plaza, SW
Washington, D.C. 20260-1100

WB:rb



UNITED STATES POSTAL SERVICE
 Labor Relations Department
 475 L'Enfant Plaza, SW
 Washington, DC 20260-4100

April 18, 1988



Mr. William Burrus
 Executive Vice President
 American Postal Workers
 Union, AFL-CIO
 1300 L Street, NW
 Washington, DC 20005-4107

Mr. Francis J. Conners
 Vice President
 National Association of Letter
 Carriers, AFL-CIO
 100 Indiana Avenue, NW
 Washington, DC 20001-2197

Gentlemen:

This is in reference to your discussion regarding the purging of canceled step deferments from Form 50 records.

This is to advise you that when a Form 50 is processed to initiate a step deferral and when such deferral is subsequently canceled, appropriate action will be taken to ensure that reference to the canceled action does not appear in the employee's Official Personnel Folder or in the history section of subsequent Form 50s.

Field personnel will be provided with appropriate instructions on how to purge the information from the employee's history file no later than May 1.

If you have any questions regarding the foregoing, please contact Frank Jacquette (268-3823) at your convenience.

Sincerely,

William J. Downes, Director
 Office of Contract Administration