



NATIONAL POSTAL MAIL HANDLERS UNION

John F. Hegarty – National President Mark A. Gardner – Secretary-Treasurer

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IMPASSE DECLARED, DISPUTE RESOLUTION PROCEDURES FORTHCOMING

As previously announced, National negotiations between the National Postal Mail Handlers Union and the U.S. Postal Service over the terms of the 2011 National Agreement stalled late last week, on January 20, 2012. At that point, representatives of the Postal Service made clear that they would not agree to extend the expiration date for the current National Agreement for a fourth time, and thus the parties had no choice but to declare impasse in the negotiations.

Although progress was made during bargaining on certain issues, including Articles 12 on seniority and reassignments and Article 15 governing the grievance-arbitration procedure, the parties remain at loggerheads on issues concerning wages under Article 9, health insurance under Article 21, employee complement under Article 7, and subcontracting under Article 32. The Postal Service also has been working in Congress to undermine the bargaining process, seeking legislative changes in the Federal Employees Health Benefit Program, as well as changes in the binding arbitration provisions that ultimately control collective bargaining.

At this writing, the parties at the National level are still discussing how they will proceed from this point forward, pursuant to their joint authority to establish dispute resolution procedures. In the meantime, the terms of the 2006 National Agreement will remain in effect until the completion of those procedures.

The statute that governs postal negotiations sets out a flexible process for ultimately determining the terms and conditions that will become part of the 2011 National Agreement. Under that statute, if the “parties fail to reach agreement,” they are authorized “to adopt a procedure providing for a binding resolution” of the dispute.

This is the step in the process that is currently applicable.

If the parties are ultimately unable to reach agreement on a dispute resolution process, then the statute sets out a default procedure. First, the Director of the Federal Mediation and Conciliation Service appoints a mediator of nationwide reputation and professional stature, who is also a member of the National Academy of Arbitrators. The parties are required to cooperate with the mediator in an effort to reach an agreement, and are required to meet and negotiate in good faith at such times and places that the mediator, in consultation with the parties, directs.

Thereafter, if no agreement is reached with the assistance of the mediator, an arbitration board is established “consisting of 3 members, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected.” If the members chosen by the parties fail to agree on the third person, the selection of the third person shall be made from a list of names provided by FMCS. This list would consist of at least nine names of arbitrators of nationwide reputation, who also are members of the National Academy of Arbitrators, and whom the Director has determined are available and willing to serve.

The arbitration board must give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims. Decisions of the arbitration panel are conclusive and binding upon the parties.

As dispute resolution procedures are developed by the National parties, they will be announced. Please be sure to check the NPMHU website and your bulletin boards for the latest information.

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