

- a pre-arbitration settlement concerning the NRP or National Reassessment Program, providing that (a) “[t]he NRP has not redefined or changed the Postal Service’s obligation to provide limited duty or rehabilitation assignments for injured employees.” The parties also have agreed that ELM Section 546 “has not been amended and remains applicable to all pending grievances,” recognizing that ELM Section 546.142 refers repeatedly to “adequate work” and “adequate work available” as the governing standard, not “necessary work”; (b) “[t]he Postal Service has not developed new criteria for assigning limited duty,” and that “[i]njured employees will continue to be assigned limited duty, in accordance with the requirements of ELM 546 and 5 C.F.R, Part 353”; and (c) “[e]mployees on existing non-workers’ compensation light duty assignments made pursuant to Article 13 . . . will not normally be displaced solely to make new limited duty or rehabilitation assignments unless required by law or regulation.”
- implementation of the VERA or Voluntary Early Retirement Authority during both 2009 and 2012.

**Other Major CAD Activities:** The past four years have presented several major tests of the CAD’s oppositional skills, because of aggressive and unilateral management actions aimed at reducing the number of career Mail Handlers. The following are some of the major initiatives of the Postal Service that have been contested by the NPMHU, with the direct involvement of the CAD and others:

**(a) National Reassessment Process:** The Postal Service instituted its so-called National Reassessment Process (“NRP”) in 2007, under which it claimed to be re-evaluating all limited duty and rehabilitation positions held by Mail Handlers and other postal employees who have been injured on the job. Earlier, the National Office distributed a comprehensive memorandum to all Local Union officers and representatives, to assist the Local Unions in understanding the NRP process, and to offer ways in which to help members affected by this process. The first section of the memo set forth the NRP Process, step by step, and suggested specific action points for the Locals. The second section set forth suggestions for grieving NRP-related issues.

Although the USPS claims to have ended the NRP program, the National CAD continues to monitor any residual effects of NRP, and to assist Local Union representatives in challenging adverse actions taken against mail handlers by abusive managers, whether under NRP, the ELM, or by any other means.

As noted above, at the National level, an arbitration scheduled over the Postal Service’s use of the term “necessary work” led to a successful settlement of several NRP-related claims.

**(b) Plant Closings and Consolidations and Network Optimization:** It was in 2005 that the Postal Service began to notify both the National Union and the Locals about its plans to consolidate or close certain postal facilities, but those actions did not take hold until the past four years, as the Postal Service has claimed that it is compelled to reduce the size and scope of its network because of reduced mail volume.

During the past four years, the Postal Service proposed and sought public input, via public hearings, over several hundred AMP studies under Handbook PO-408 (Area Mail Processing Guidelines), at which hearings many NPMHU and Local Union representatives testified and/or objected to the USPS plans. The Postal Service also has proposed, both in the Federal Register and before the Postal Regulatory Commission (PRC), to change its governing service standards, thereby proposing to reduce drastically the locations and situations in which first-class mail will be delivered overnight or in two days, and substantially extending the time for processing and delivering other mail. Indeed, in December 2011, the Postal Service submitted a formal request to the PRC, which must issue an advisory opinion on the reasonableness of the Postal Service’s plans, and is expected to do so before the end of this summer. The NPMHU was a full participant in the evidentiary hearings held before the PRC, and eight National and Local Union officers and representatives testified during those proceedings. A lengthy brief setting forth the NPMHU position was recently filed, and distributed to all Local Unions.

Even before these legal proceedings, the National Union had convened emergency meetings of the National Executive Board and the entire Contract Administration Department, at which all officers and representatives were in attendance. Acting together with the National Union’s legislative and legal staff, these mail

handlers discussed a host of issues raised by the potential closings and consolidations, and developed strategies that could assist the Locals in responding to these proposals.

The result of these meetings was a comprehensive package of materials that was prepared and distributed to assist the Local Unions with responding to these proposed actions. Included were answers to questions about strategy, the proper application of the National Agreement, and suggestions for legislative and political activities as a possible response to a particular closing or consolidation. These written materials have been updated on several occasions.

It also was agreed during the NPMHU’s early strategy meetings that not every notice of a consolidation or closing is going to require the same response—every situation is different. In some cases—such as where the proposal concerns a facility that currently has no Mail Handlers, or where the Mail Handlers in that facility do not object to the consolidation—the Local Union may decide not to get involved. In other cases, the best approach may be to “wait and see.” In every case, however, communication between and among the National Office, the relevant Regional Office, and the affected Local Union(s) and Branch(es) is critical. Of even more importance, it is crucial to communicate with the affected or potentially affected members. The package of materials circulated by the National Office was designed to assist each Local Union in making the determination about what is the appropriate response in a particular situation, and to assist the Local in deciding what to do once it has made that determination. The National and Regional CAD continue to assist, on a case-by-case basis, when requested to do so by the Local Unions.

With the reality of declining mail volumes and recent changes in the mail mix, these proposals for “network rationalization” will continue. In their latest incarnation, 48 closings and consolidations are set for August 2012, and another 90 are scheduled for early 2013. Thereafter, the Postal Service is currently planning more closings and consolidations for 2014, but intervening legislative action certainly could change the plans for either 2013 or 2014.

From a contractual perspective, the NPMHU has in place many provisions in Article 12 of the National Agreement, in related memoranda, and in Local Memoranda of Understanding, all of which will have to be enforced, and the Union will remain vigilant as closings and con-