

LOCAL MEMORANDUM OF UNDERSTANDING/IMPASSE PROCEDURES

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In this issue I will go over the process for negotiating the Local Memorandum of Understanding and the Impasse Procedures governing that process. I originally wrote about this topic earlier this year, but there has since been a Memorandum of Understanding signed by the parties on April 9, 2020 to extend the timeframes that were established in the 2019 National Agreement due to the impact of the COVID pandemic.

The National Agreement under Article 30 allows for local negotiation of 20 specific items provided that no local memorandum of understanding may be inconsistent with or vary the terms of the National Agreement.

These items include the following:

- a. Additional or longer wash-up periods
- b. Guidelines for the curtailment or termination of postal operations to conform to orders of local authorities or as local conditions warrant because of emergency conditions
- c. Formulation of local leave program
- d. The duration of the choice vacation period
- e. The determination of the beginning day of an employee's vacation period
- f. Whether employees at their option may request two selections during the choice vacation period, in units of either 5 or 10 days
- g. Whether jury duty and attendance at National or State Conventions should be charged to the choice vacation period
- h. Determination of the maximum percentage of employees who shall receive leave each week of the choice vacation period
- i. The issuance of official notices to each employee of the vacation schedule approved for such employee
- j. Determination of the date and means of notifying employees of the beginning of the new leave year
- k. The procedures for submission of applications for annual leave during other than the choice vacation period
- l. Whether "Overtime Desired" lists in Article 8 shall be by section and/or tour
- m. The number of light duty assignments to be reserved for temporary or permanent light duty assignment
- n. The method to be used in reserving light duty assignments so that no regularly assigned member of the regular work force will be adversely affected.
- o. The identification of assignments that are to be considered light duty
- p. The identification of assignments comprising a section, when it is proposed to reassign within an installation, employees excessed to the needs of a section
- q. The assignment of employee parking spaces
- r. The determination as to whether annual leave to attend Union activities requested prior to determination of the choice vacation schedule is to be part of the total choice vacation plan
- s. Those other items which are subject to local negotiations as provided in the following Articles:
 - Article 12, Section .3B5
 - Article 12, Section .3C
 - Article 12, Section .3E3g
 - Article 12, Section .4
 - Article 12, Section .6C4a
 - Article 13, Section .3
- t. Local implementation of this Agreement relating to seniority, reassignments and posting.

The April 9, 2020 MOU that extended the period for negotiating the Local Memorandum of Understanding now identifies the time-frames for negotiations of the Local Memorandum of Understanding as a thirty (30) consecutive day bargaining period during the sixty (60) day period commencing on September 2, 2020 and ending on October 31, 2020. The default bargaining period, if the parties cannot agree to the exact thirty (30) day period, is October 2, 2020 through October 31, 2020.

Either party can open negotiations with notification to the other party on or before September 15, 2020. Thereafter, the key time-frames to remember regarding Local negotiations are as follows:

1. The deadline for notification of intent to open negotiations is September 15, 2020. If neither party provides written notification of its intent to invoke local implementation procedures by September 15, 2020, presently effective Memoranda of Understanding that are not inconsistent or in conflict with the 2019 National Agreement shall remain in effect during the term of the Agreement. The 2019 National Agreement will be in effect from September 21, 2019 through September 20, 2022.

2. Initial proposals must be exchanged by the parties within the first twenty one (21) days of the thirty (30) consecutive day local implementation period.

3. In the event that any issue(s) remain in dispute at the end of the thirty (30) consecutive day implementation period, each party shall identify such issue(s) in writing. Initialed copies of this written statement and copies of all proposals and counterproposals pertinent to the issue(s) in dispute shall be appealed within fifteen (15) days after October 31, 2020 to all of the following:

- LR Service Center
- Installation Head
- Local Union President
- NPMHU Regional Representative

4. The appropriate management official at the Area office and the Regional Union representative shall attempt to resolve the matters in dispute within seventy five (75) days of October 31, 2020. The appropriate management official at the

Area office and the Regional Union representative will have full authority to resolve all issues at dispute.

5. If the parties at the Area/Regional level are unable to reach agreement by the end of the seventy five (75) day period, the issues may be appealed to final and binding arbitration within twenty one (21) days of the seventy five (75) day period. The issues may be appealed by either the Union or the Postal Service's Vice President of Labor Relations. An appeal by the Union is done by the National Office.

6. Once the case is appealed to arbitration, it will be returned to the Local Union for processing. The appeal will be given priority scheduling on the District Regular Contract Docket, meaning that that it will be moved to the top of the arbitration docket for contract/non-disciplinary cases.

If you have any questions, please talk to your Local Union officials for more information.

MAILS ACCESS

I also want to remind everyone how you can register and access our MAILS System.

To access MAILS, go to our website at <https://www.npmhu.org>.

- Go to Member Resources,
- Click on Mails and Shop Steward Resources, and
- Register as a new user.

This will give you access to thousands of arbitration awards, and hundreds of other crucial documents, including the current and past National Agreements, the current and past Contract Interpretation Manual, USPS Handbooks and Manuals, all prior CAD Reports, and documents concerning jurisdictional issues under RI-399. As often has been said, knowledge is power.

