



NATIONAL POSTAL MAIL HANDLERS UNION

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2016 Contract Update #1

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Collective Bargaining Under the PRA

You are reading the first Contract Update produced and distributed by the NPMHU during the course of 2016 negotiations. These updates, along with the Union’s magazine and monthly bulletins, will keep mail handlers throughout the country informed and involved in the issues raised during this round of bargaining.

The framework for collective bargaining between the U.S. Postal Service and its major unions – including the NPMHU – is governed by the Postal Reorganization Act of 1970. It is useful to review the provisions of this law so that mail handlers know what to expect in this round of negotiations.

Bargaining begins when one party to the contract serves a written notice to the other of an attempt to modify the current agreement. Under Article 39 of our National Agreement, this notice must be served “not less than 90 nor more than 120 days” before contract expiration. As a result, the parties have only a short period of time – essentially from February until contract expiration on May 20 – in which to agree on the changes proposed by both sides to the existing contract. During that time, the parties are required to adhere to procedures that they mutually adopt before the start of bargaining.

If the bargaining process results in a tentative agreement between the parties, that agreement is subject to a ratification vote by the membership of the NPMHU. As required by the NPMHU National Constitution, the vote would be by mail ballot. It would be run in accordance with procedures agreed upon by the National Executive Board. Presuming that a tentative agreement is reached in late May, the mail ballots would likely be distributed in June.

If the parties fail to reach a tentative agreement, the PRA allows for several alternative courses of action and encourages the parties to mutually decide upon which to pursue. One option, and the one most often followed by the parties, is to agree to dispute resolution procedures on their own. In this regard, the NPMHU and the Postal Service already have agreed in ground rules for this year’s bargaining to have their respective lawyers discuss the adoption of dispute resolution procedures in the days leading up to May 20. If the parties cannot agree on procedures to govern the resolution of their

dispute, then they must defer to the provisions of the PRA, which mandates a particular procedure.

The PRA-dictated procedure contains several steps, and can be summarized as follows: First, the Federal Mediation and Conciliation Service (FMCS) would establish a 3-person fact finding panel. Two of the members would be selected by the respective parties from a list of 15 names given to them by the FMCS. The third person would be selected by the other two or, if they cannot agree, by the Director of the FMCS. The fact finding panel then would have 45 days in which to investigate the bargaining dispute and issue a report of its findings.

If an agreement still has not been reached after the fact finding, the PRA requires the establishment of an arbitration board within 90 days of contract expiration. This board generally consists of three members – one appointed by the Union, one appointed by the Postal Service, and a third (neutral) member. This neutral member is appointed either by agreement of the two other members or, if they cannot agree, by the Director of the FMCS.

After the arbitration board is selected, it holds a hearing in which both parties are given the chance to present evidence. The board is required to make a decision 45 days after its appointment. This means an arbitration award would not be issued until at least 135 days after the contract expires – in this case, no earlier than October 2016. However, in past rounds of bargaining, the parties often have extended these deadlines for many months in order to continue bargaining or wait for related proceedings to be completed.

Most importantly, the PRA states that the ultimate arbitration decision is “conclusive” and “binding,” meaning both parties must accept it. That is one reason why the NPMHU National Constitution requires the National President to convene a meeting of the Local Unions and receive their advice before agreeing to enter the arbitration process.

As the NPMHU and the Postal Service bargain over the coming months, please watch your bulletin boards for the latest information.

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