



American Postal Workers Union, AFL-CIO

January 26, 2010

Mr. Chris Jordan  
LR Manager, Western Area  
United States Postal Service  
1745 Stout Street, Suite 400  
Denver, CO 80299

RE: Article 12 LM Meeting of 1-25-10

APPEAL  
PENDING

As discussed here are the Region's minutes of the Employer's response (*in italics*) to the agenda items sent over to you on January 19, 2010 and the addendums. Please review the Region's record of your stated responses. If they are not accurate or are in need of clarification or tweaking please advise.

Omar M. Gonzalez  
Regional Coordinator

January 19, 2010

Mr. Chris Jordan  
Manager Labor Relations, Western Area USPS  
1745 Stout Street, Suite 400  
Denver, CO 80299

The following items of concern are submitted for discussion and adjudication, as well as, an effort to develop on going flow of communications to insure the principles of Article 12 are met.

1. What is the current status of the following impacts? What is the attrition and has it been applied, and the current time line for reassignment.
  - A. Nevada Impacts: *CFS consolidation is being closed out. Attrite was 18, 1 death, 2 reAssignments, 1 resignation, 1 removal and 12 employees voluntarily bid to the Las Vegas P&DC. We will send you official notice.*
  - B. Colorado Impacts: *The Denver NDC is still active. The attrite was 11 clerks and 13 maint., the current active status is due to NRP which is expected to end in February. Boulder will close out for the Clerk craft as attrition has taken care of the impacts. Maint in Boulder is in the process of closing out. Ft Collins is in the process of closing out as well. Aurora we had the January 5, 2010 Area/Regional Mtg. Littleton had 3 attrite with a timeline of March 27th.*
  - C. Montana Impacts: *There are no current impacts. Withheld jobs will be released as the Area notifies local management of the status.*
  - D. Alaska Impacts: *We are closing out Fairbanks. Kodiak will have another Function 4 which the Region is aware of. In Juneau we had 4 attrite.*
  - E. Arizona Impacts: *Denver MPA will close out. Close out means the event has ended either through no excessing, or attrition or if there was excessing we will send out notice. Chandler is closing as 10 attrited, Tempe is closing out 12 have attrited, Sun City still open pending acceptance of FSS 4 attrited, Apache Junction is pending validation it appears there will be some movement but may close out. 2 attrited and in Flagstaff this is on hold pending a review of CSV. Prescott is still open appears 2 may be excessed March 13th.*
  - F. Washington Impacts: *There are two current Seattle impacts. 21 clerks still have to be placed due to the AMC closure there are some re-referencing that has to take place expected to be finished on 2/13. Seattle P&DC impact is down to 45 clerks.*
  - G. *See B above*
  - H. Glendale REC: *This impact is on going pursuant to the REC MOU. Everyone has been assigned except for 2 Lv 6 Vet Pref. who have opted to Mesa and Payson. There is a planned phase out each pay period. Transitioning begins April 10th and each pay period thereafter until light out on May 26th. Management requests the Region's position of retaining TEs until lights out? Region will respond by Wed.*
  - I. CFS Unit Personnel: *Den Foster will send a letter to the Region that there was no external excessing due to CFS consolidations. Spokane went to Seattle Nov. 8; Portland to Seattle Dec. 5th [ Mr. Foster will validate this move ]; Billings went to Denver Oct 13; Boise to SLC Oct 18; Las Vegas to SLC/Phoenix Oct 11 & Oct 25th.*
2. The Region requests that the Post Excessing Notification include the assignment(s) the employee(s) are involuntarily reassigned to and also include the pre-excessing seniority date. *We will provide the information required by the JCIM. We understand the Union's point but we issue the seniority list at the Area/Regional Meeting.*

3. When there is simultaneous excessing occurring from more than one installation within a close geographical area the Area and Region are to meet and determine the appropriate method to be used for selection from the list. The Region requests to meet and develop the selection methodology. *We prefer to meet and discuss this as the situations occur and would appreciate it if both parties are on the lookout for these type of situations. If the Union identifies such a situation management requests that the Union notify management as well and we will meet.*

[3] Management in Vancouver is withholding a Level 7 window tech duty assignment improperly. This duty assignment should have been assigned to Clerk Holly Rapp. The Region requests that Clerk Rapp be assigned the position. *Scott Sutton will look into and take care of it.*

4. Vancouver management has not considered the issue brought forth by the Vancouver Local regarding the impact on service, street time delays, and transportations delays that will result from the relocation of machines to Mt. Hood OR. The Local has legitimate concerns. Logistics have not been worked out. List of withheld residual assignments have not been discussed with nor issued to the Local. The Region requests that the local parties meet and that local management allow for input from the Local and issue all relevant documentation.

*Dan Foster will ensure the District is contacted that the a meeting is set up for the local parties.*

5. An issue arose from the Tempe AZ impacts. A clerk was injured on the job and could not be reassigned to the carrier craft. He was to be reassigned to a custodial assignment in Glendale but management withdrew the offer. Clerk Ferguson then selected the clerical assignment at Mesa but was not allowed to do so. He inquired as to the possibility of remaining as a PTR. The Postmaster informed the clerk that the Area had turned down 36 hr PTR assignments. On behalf of the Local the Region requests that Ferguson be allowed to select the Custodial Glendale assignment.

*Tracy Ferguson opted to become and PTR and management granted the request.*

6. On the AZ REC closure the Region on behalf of the Local requests that a schedule of dates and numbers of employees needed to complete a phase be posted so that employees can exercise their seniority to select a preference on when they prefer to relocate.

*Employees have their opted preference and the response prior is that beginning in April every pay period will be a partial phase.*

A. The Region inquires if REC employees are required to use USPS realtors for their relocation situations.  
*No they are not required to use USPS realtors. Dan Foster will secure the source document and issue to the Union.*

B. What are the possibilities of allowing the TEs to relocate to SLC?

*TEs can submit a written request to their management and the SLC management who will consider the requests based on their needs for TEs.*

C. The Region requests a joint meeting with employees as the REC nears closure especially on the issue of relocation.

*There have been several meetings with the employees and on relocations. Is there specific issues? The Union will inquiry and get back to mgt.*

D. Clerk Denise Black selected Wichita for relocation purposes. She misplaced her copy of the selection form. She learned she has been designated for reassignment to Salt Lake City. On behalf of the Local the Region requests that Clerk Denise Black be granted a relocation to Wichita.

*This did not happen. Clerk Black did not preference select anything. A number of employees did not select. However, employees can switch with each other from both RECs and management will consider the requests. There should be no problem.*

7. In Fairbanks AK information indicates the office is understaffed. The Region requests a Comparative Work Hour Report and return the excessed clerk. Is Fairbanks under withholding?

*We are closing Fairbanks out and will issue a letter releasing withholding. There was only one employee and this employee was a senior in lieu of a junior volunteer. Is there still a need for a CWHR? Union will advise if there is still a need upon checking with the local.*

8. At the Denver NDC 37 lv 6 clerks were originally identified for involuntary reassignment. Since then the number has been reduced to 13 lv 6 clerks. Currently three of those clerks were awarded Level 7 duty assignments. The number therefore is down to ten (10). The Plant Manager does not agree excessing is by level. The Region requests proper adjustment.

*Denver NDC Plant manager disagrees that is his position. The Area assures it will be done properly by level.*

8A. The Post Excessing Report on the Denver NDC identifies an Ora King . King has not been identified as an employee of the NDC. McKeehan is the TTO who retired. The Region requests a Comparative Work Hour Report for this excessing event.

*Scott Sutton will modify the report and issue the CWHR.*

9. In the Pendleton OR the Postmaster is withholding but will not provide the union with a continuing need to withhold nor identify which assignments are being withheld. What is the present status of Pendleton OR?

*We are in the process of closing out this event and will send you a letter. There is only one Maint person on the eReassign list.*

A. eReassignment lists all Pendleton OR clerks as excessed. Is rReassignment accurate?

*As we stated there is only one person on eReassign.*

B. Has the Oregon Impacts for all craft closed out?

*Salern is closing out with 1 attrite*

*St. Helen is closing out but will have to check the number to attrite*

*Forest Grove is closing out but like St Helen the number of attrite has to be verified.*

*Medford will close out with no reassignments*

Amended [ addendums ]

10. In Littleton CO there are unassigned clerks. Also the LMOU is being ignored as to re-posting issues. Meanwhile, the[re is an] issue of supervisors doing craft work without clerks getting credit for the work (e.g., lobby sweeps). The Region requests a subsequent Area/Regional Meeting on Littleton CO.

*There are sufficient residual vacancies in Littleton which may absorb the entire impact.*

11. Seattle District management District management proffered to withhold and offer residual vacancy opportunities within the LCA and a shorter radius to keep dislocation to a minimum. The Regional and Local union did not object. However, Mr. Foster had by then hung up [ at the Area/Regional Seattle Impact LM Meeting ] to attend another meeting. The Region requests validation of the withholding and selection process.

*Dr. Picard denies this. The radius will still be within 300 miles.*

12. Clerks excessed into the carrier craft must be qualified before such placement occur and if the impacted clerk fails to qualify on physical or driving criterion the employee is not to be terminated but reassigned to a non carrier assignment. How does the Employer propose to accomplish this re-assignment.

*By expanding the radius to capture assignments that meet the minimal qualifications. Does the Union propose another suggestion? Expanding the radius fits the contractual obligation but we will consider any other options and get back to management.*

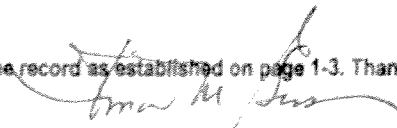
13. Reno NV has closed out intended excessing events. The Region requests an updated Post Excessing Report. Furthermore, maintenance management in Reno is claiming they are still under withholding and have hired casuals. The Region requests validation of the withholding and the notice authorizing such continued withholding.

*We will issue the post excessing letter.*

14. Receiving locals are not being notified of incoming involuntary reassigned employees as required by the JCIM.

*We will issue a courtesy copy ( i.e. cc ) to the gaining local president. But for MALs we need a contact person. Can the Region supply a list. Montana- Sandy Youngbauer, Idaho- Chris Santos, Arizona- JP Palmer, Reno- Paul Maille, Washington - Charles Smith, Oregon- Anna Smith, CO- George Prusak, WY - Mo Merow in the interim until contact is made with state president, AK- Denise Hernandez. If we are missing any the Region will augment.*

Chris, please review and revamp as necessary and advise me of necessary adjustment to the record as established on page 1-3. Thanks



## Omar Gonzalez

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**From:** Jordan, Chris A - Denver, CO [chris.a.jordan@usps.gov]  
**Sent:** Thursday, January 28, 2010 3:56 PM  
**To:** Omar Gonzalez  
**Cc:** Sutton, Scott L - Denver, CO; Foster, Dan L - Denver, CO; Works, Anita - Denver, CO  
**Subject:** RE: LM Mtg & CWHR

Omar,

I have not had a chance to review your notes. My understanding for the purpose of Monday's meeting was to provide responsive answers to your inquiries. It is not my intent to validate your notes, create official minutes, or an official record of our discussions. I will however, review your notes and if I see any glaring inaccuracies, I will bring them to your attention. However, my response should not be mistaken as an acceptance and/or endorsement that your notes constitute an official record of Monday's meeting.

We will get back to you on the Fairbanks issue.

Chris A. Jordan  
Manager, Labor Relations  
Western Area  
(303) 313-5023

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**From:** Omar Gonzalez [mailto:ogonzalez@apwu.org]  
**Sent:** Thursday, January 28, 2010 11:49 AM  
**To:** Jordan, Chris A - Denver, CO  
**Cc:** Sutton, Scott L - Denver, CO  
**Subject:** LM Mtg & CWHR

Chirs:

I sent over the record on our recent LM Article Meeting. So far no response from you on management responses. In addition it was reported at the meeting that there were no involuntary reassignments from Fairbanks AK Installation. Information, however, reveals that a James Pokervnak and Eileen Oconor were involuntarily reassigned and provided relocation benefits.

The Region requests a Comparative Work Hour Report .

Thanks,  
Omar

# American Postal Workers Union, AFL-CIO



## Step 3 DIRECT APPEAL Grievance Form

*Case # 7003 0500 0002 9327 5205*

Western Area	Principles of Reassignment/LM Meetings	Clk,MVS,Maint	02/01/2010
Name of District or Area	Policy, Instruction or Guideline at Issue	Craft	Date of Appeal
Minutes of Jt LM Committee Meetings	WRW-001-10		
Nature of Issue (Contract or Discipline)	Region's Grievance No.	USPS Grievance No.	

The above grievance is appealed by the APWU to Step 3

### Postal Service Representative

Western Area Grievance Processing Center USPS 1745 Stout Street, Suite 400 Denver, CO 80299
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Any grievance involving any new or changed district or area wide policy, instructions, or guidelines, shall be directed at step 3 to management's representative at this level and shall specify the reasons for the grievance.

14 Day Filing Period

This appeal is in accordance with Article 15 Sec. 2 Step 3 (f) for the following reasons:

The Manager of Labor Relations unilaterally declared that the Area would not create official minutes for the Article 12 Labor Management Committee Meeting held in January 2009. Furthermore, the Area declared it would not validate the record nor the Union's notes nor proffer an official record of discussions. Long established policy in the Western side of the Western Area is that Joint Labor-Management Committee Meetings, especially those involving Article 12 issues, would result in an official record. JLMs at the regional are an entitlement pursuant to the CBA under Article 17. In the Article 12 process the union is to be updated should any information previously issued change due to current data being available.

In Article 12 situations there are guidelines established in the JCIM for more than one area/regional labor management meeting. Development of an ongoing flow of communications to insure that the principles of Article 12 (reassignment) are met is an interest of both parties. Information must be periodically updated and provided to the Union at the area/regional level.

With no explanation as to why there is to be no official record of Article 12 Labor-Management agenda discussions nor official minutes the Area has not communicated thus far officially updated information changed because current data has become available.

The Region requests that the Area issue minutes or a record understanding of management's communication on issues of concern and interest raised at Labor-Management Meeting or in the absence of Employer minutes the last recorded understanding of the discussions be recognized as a legitimate record of proceedings absent a timely challenge by either party.

### Regional Coordinator or National Business Agent

Omar M. Gonzalez Regional Coordinator 500 Airport Blvd. Suite 450 Burlingame, CA 94010
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Sincerely yours,

Coordinator

APWU Representative



February 4, ~~2020~~<sup>2010</sup>

Omar M. Gonzalez  
Regional Coordinator  
American Postal Workers Union, AFL-CIO  
500 Airport Blvd. Suite 450

Decision: **Settlement**  
GATS No. E006C4EC10086546  
Office: Western Area/APWU Western Region

You and I discussed the above captioned Step 3 grievance on February 3, 2010. We agreed to settle this grievance as follows:

The issue in this grievance is: Minutes of the Joint Labor-Management Meetings

After a full review of the information, contentions and arguments submitted by the Step 3 representatives, we have reached the following **SETTLEMENT**:

Both parties may take and keep their own respective notes of Area/Regional Labor-Management meetings. Either party may contact the other to review such notes to establish a mutual understanding of the disposition on matters of mutual concern. The parties recognize that information provided under Article 12 must be periodically updated and provided to the Regional Union.

This agreement constitutes full and final settlement of this grievance. A copy of this agreement may be submitted to any agency or proceeding to prove settlement of this grievance. However, this settlement is made without prejudice to the positions of the parties and may be reference for the purpose of application and enforcement.

A handwritten signature in black ink, appearing to read "Dan L. Foster", written over a horizontal line.

Dan L. Foster  
Labor Relations USPS  
Western Area

A handwritten signature in black ink, appearing to read "Omar M. Gonzalez", written over a horizontal line.

Omar M. Gonzalez  
Regional Coordinator APWU  
Western Region

cc Grievance Processing Center Western Area  
Manager Labor Relations Western Area