



NATIONAL POSTAL MAIL HANDLERS UNION

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2019 Contract Update #2

Collective Bargaining Under the PRA

2019 No. 2 – July 11, 2019

You are reading the second Contract Update produced and distributed by the NPMHU during the course of 2019 negotiations. These updates, along with the Union’s magazine and monthly bulletins, will keep mail handlers throughout the country informed about the issues raised during this round of bargaining.

In its first Contract Update, the NPMHU provided a brief overview of the bargaining process, with a focus on the opening session of June 27, 2019. To keep mail handlers informed about the negotiation process, here are more details about the controlling procedures.

The Postal Reorganization Act of 1970 (PRA) continues to govern the way the U.S. Postal Service engages with the postal unions. Under the provisions of this law, bargaining generally progresses as follows:

Collective bargaining is initiated when one party to the contract serves the other a written notice of an attempt to modify the current agreement. Article 39 of our National Agreement requires this notice to be served “not less than 90 nor more than 120 days” before contract expiration. Note that our current contract is scheduled to expire on September 20, 2019, and the NPMHU thus notified the USPS about our desire to modify the contract in early June. The goal of both parties will be to agree in a timely manner, through good-faith negotiations, to changes to the existing contract proposed by one or both sides.

Should a tentative agreement be reached between the parties, it will then be subject to ratification in a vote (through mail ballot) by the membership of the NPMHU. If a tentative agreement is reached in September, the mail ballots would likely be distributed in October 2019. In the words of President Hogrogian during the opening of bargaining: *“If management makes reasonable proposals and counterproposals at the bargaining table, we certainly will recommend ratification to our membership. We also hope for and expect the same attitude from postal management – that reasonable proposals from the Union will be met with acceptance.”*

However, if the parties are unable to reach a tentative agreement to amend their contract, the PRA provides the parties with several pathways for moving forward. The most common course of action taken by the parties is to adopt dispute resolution procedures on their own. In the ground rules for 2019 bargaining, both parties agreed to have their respective lawyers discuss the adoption of dispute resolution procedures. If the parties cannot agree on these, then they must defer to the provisions in the PRA.

The PRA procedure contains several steps, summarized here:

1. The Federal Mediation and Conciliation Service (FMCS) will establish a 3-person fact-finding panel. The NPMHU and USPS will each select a member from a list of 15 names provided by the FMCS. The third person will be jointly selected, or, if an agreement cannot be reached, by the Director of the FMCS. The fact-finding panel has 45 days in which to investigate the disputes of bargaining and issue a report of its findings.
2. Should an agreement not be reached after fact-finding, the PRA requires that an arbitration board be established within 90 days of the contract’s expiration. This board also typically consists of 3 members – one appointed by the Union, one by the Postal Service, and a neutral member. The neutral member is appointed either by agreement of the two other members, or by the Director of the FMCS in the case of disagreement.
3. The arbitration board holds a hearing in which both parties present evidence. It must make a decision 45 days after its appointment, unless mutually extended. So, a final arbitration award would not be issued until at least 135 days after the contract expires—no earlier than February 2020. Arbitration decisions are “binding” and “conclusive,” meaning that both parties must accept them. This is why the NPMHU’s National President convenes a meeting of the Local Unions before even agreeing to enter the arbitration process.

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