




American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

To: Local Presidents
National Business Agents
National Advocates
Regional Coordinators
Resident Officers

From: Greg Bell, Director 
Industrial Relations

Date: January 26, 2005

Re: Case No. Q98C-4Q-C 00093756
(Conditions Under Which Grievances are Held in Abeyance
Pending a National Dispute)

Enclosed you will find a pre-arbitration settlement regarding the above-referenced national dispute. Hearings began in front of Arbitrator Das on October 14, 2004. A second day was scheduled for January 11, 2005; however, the parties subsequently reached a settlement.

The case involved the conditions by which grievances are to be held in abeyance pending discussion and/or the outcome of a dispute pending national-level arbitration. This case arose when the Postal Service initiated an interpretive dispute pursuant to Article 15.2 (Step 3) (c) and Article 15.5.B.5 of the National Agreement, and notified their field representatives that local grievances filed on the same interpretive issue shall be held in abeyance at their current level pending resolution of the national dispute. It was the APWU's position that when a dispute is initiated pursuant to Article 15.2 (Step 3) (c) and/or Article 15.5.B.5, the only grievance that the contract requires to be held in abeyance is the grievance (or grievances) that the Step 3 representative or regular arbitration advocate identified and referred for national determination.

We contended that any local grievance filed on a specific interpretive issue pursuant to Article 15.2 (Step 4) and Article 15, Section 4.D shall be held in abeyance at the appropriate level pending resolution of the national interpretive dispute. Moreover, the parties at the Step 3 or and/or regular arbitration level must mutually agree that any additional grievance(s) involve the same or similar interpretive issue in order for them to be held in abeyance pending a national interpretive dispute, and where there is disagreement, the agreed-to process provided for in our grievance-arbitration procedure for referring a grievance for interpretive review applies.

The enclosed pre-arbitration settlement represents the parties' mutual understanding and settlement of this dispute.

GB/LB:jm

Enclosure



Mr. Greg Bell
Director, Industrial Relations
American Postal Workers Union, AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

Re: USPS #Q98C-4Q-C 00093756
APWU #HQTG20005
Class Action
Washington, DC

Dear Mr. Bell:

Recently we discussed in pre-arbitration the above-referenced case which is currently pending national-level arbitration.

This dispute involves the conditions by which grievances are held in abeyance pending discussion and/or resolution at the national level.

After discussing this matter, the parties agreed to the following mutual understanding and settlement of this dispute:


1. The parties recognize that pursuant to Article 15, Section 2 (Step 3) (c) and Article 15, Section 5.B.5 of the National Agreement and applicable Memorandums of Understanding, interpretive issues are determined and initiated at the national level. If either party's national representative determines an interpretive issue is involved in the grievance and initiates an interpretive dispute, the grievance that the Step 3 representative or regular arbitration advocate identified and referred for national determination is held in abeyance pending discussion of the issue at the national level or the outcome of a National Arbitration award. The parties may mutually agree to hold other grievances at the Step 3 or regular arbitration level that they believe were filed on the specific interpretive issue pending discussion at the national level or the outcome of a National Arbitration award.
2. The parties also recognize that pursuant to Article 15, Section 2 (Step 4) (a) and Article 15, Section 4.D, any local grievances that the parties at the Step 3 and/or regular arbitration level mutually agree and identify as involving the specific interpretive issue in dispute will be held in abeyance at the appropriate level pending resolution of the national interpretive dispute. If the parties' Step 3 representatives or regular arbitration advocates are unable to agree on whether a grievance was filed on a specific interpretive issue pending at the national level and therefore should be held in abeyance, the party who believes the grievance

involves a specific pending interpretive issue will provide written notification to the other party pursuant to Article 15, Section 2 (Step 3) (c) and/or Article 15, Section 5.B.5 of the National Agreement and applicable Memorandums of Understanding dated May 26, 1999.

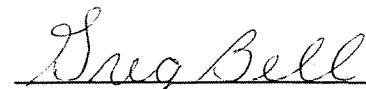
3. If either party's national representative determines that an issue forwarded to the national level is interpretive and the grievance involves a specific interpretive issue in dispute that is already pending at the national level, written notice must be sent to the other party, with a copy to the initiating party's Step 3 representative or regular arbitration advocate. Such written notice must include the local grievance number, case number of the pending national level dispute, and the interpretive issue in dispute.
4. If either party at the national level disagrees that the grievance involves a specific interpretive issue in dispute already pending at the national level, the parties will meet pursuant to Article 15, Section 2 (Step 4) (a) of the National Agreement. Should the parties fail to reach agreement, then within fifteen (15) days of such meeting each party shall provide the other with a statement in writing of its understanding of the issues involved, to be included in the file as part of the grievance record, and the grievance is held in abeyance at the Step 3 or regular arbitration level pending resolution of the national interpretive dispute identified in the written notice.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to settle this case, removing it from the pending national arbitration listing.

Sincerely,



John W. Dockins
Manager
Contract Administration (APWU)
USPS



Greg Bell
Director, Industrial Relations
American Postal Workers Union,
AFL-CIO

Date: 1/7/05