



Appeal to National RI-399 Arbitration Form

Date: 12/12/23

The below-referenced jurisdictional issue is hereby appealed to the National RI-399 Arbitration

GATS Case #: 6X19M-6X-J 23039566

Union Case #: N/A

Equipment: Small Delivery Unit Sorter

Issue:

Jurisdictional assignments on the SDUS

Mail a copy of the appeal to the following via Certified Return Receipt:

Non-Grieving Union
Name/Title/Address of NDRC Representative:
Ron Suslak NDRC Representative
American Postal Workers Union
1300 L Street NW
Washington DC 20005

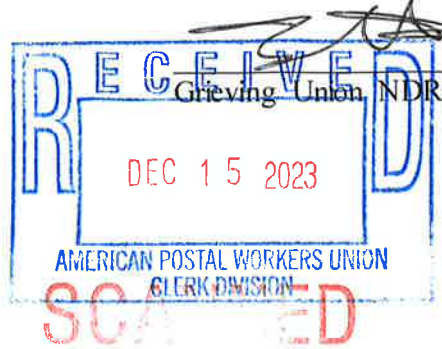
Certified# 70223330000192258937

USPS
Name/Title/Address of NDRC Representative:
Shannon Richardson, MGR Labor Relations APWU
United Postal Service
475 l'Enfant Plaza SW
Washington DC 20260-4100

Certified # 70223330000192258944

[Signature]
Grieving Union NDRC Representative

Thomas Ruther
[Print Name]





National Dispute Resolution Committee (NDRC) Disposition Form

Date: December 7, 2023

GATS Case #: 6X 19M-6X-J 23039566

Union Case #: None

Issue:

NPMHU Dispute Re: National Craft Determination Letter for the Small Delivery Unit Sorter (SDUS).

The above-referenced dispute has been reviewed by the NDRC the tripartite positions papers are attached.

NDRC Member Signature and Printed Name

APWU: Ron Suslak
Print Name

NPMHU: Tom Ruther
Print Name

USPS: Shannon Richardson
Print Name

Ron Suslak
Signature

Tom Ruther
Signature

Shannon Richardson
Signature



November 14, 2022

Mr. Paul V. Hogrogian
President
National Postal Mail Handlers' Union
815 16th St NW, STE 5100
Washington, DC 20006-4101

Certified Mail Tracking Number:
7020 3160 0002 0327 4074

Dear Paul:

This letter is in regard to the jurisdictional craft determination for operation of the Small Delivery Unit Sorter (SDUS) and the Small Induction Unit Sorter (SIPS).

The SDUS and SIPS are essentially the same equipment as the Automated Delivery Unit Sorter (ADUS). The SDUS are located in Function 4 facilities and are intended to provide processing support at delivery units. The SIPS are located in Function 1 facilities and are intended to provide processing support for mail processing operations.

The SDUS and SIPS are both designed to support the automated package processing of machinable parcels/bundles to output zones based on size, weight, and destination of the parcel. The Postal Service currently has ninety-four operational SDUS machines and seventy-four operational SIPS machines and is planning to deploy fifty-one additional SDUS through February 2023. There are no additional planned SIPS deployments at this time.

The standard configuration of the SDUS and SIPS includes a manual two-feed position sorter with discharge chutes to mail transport equipment (MTE), such as wire containers or pallet boxes. The number of chutes will vary by sorter based on space availability, machine configuration, and operational need. The SDUS and SIPS can be designed for between 24 to 200 chutes.

Parcels are staged near the induction stations for easy access by the stagers. The stagers remove parcels from the staging area and position the container in place for the facer. The Loader/Facer will then singulate, face, and place the parcels onto the induction belt with the label facing up so the barcode is visible. There is no keying operation associated with the SDUS or SIPS. Both sorters collect weight and dimensions of packages and includes a Postal Furnished Equipment (PFE) Top-read camera to scan barcodes. The SDUS has the capacity for an optical character recognition (OCR) enhancement. The SIPS is equipped with the OCR. The belt carries packages to the appropriate discharge chute and pushes the package into the associated MTE. Sweepers ensure that MTEs are accurately identified with placards and removed for transfer to the appropriate dispatch area.

The duties performed on the SDUS and SIPS are similar to those performed on the ADUS, Small Parcel Sorting System (SPSS) and Automated Parcel Bundle Sorter (APBS). As with these systems, the SDUS and SIPS has loader stations which are manned by employees. These employees pull, scan, and sort large non-machinable packages, singulate/separate packages, and face/feed packages before they go through the cameras that scan and affect the distribution of the packages not previously pulled, scanned, and sorted as large, non-machinable packages. Taken together, these functions are integral to the distribution function of the machine.

For those facilities where Mail Handlers are present, the primary craft designation for the performance of duties for operation of the SDUS or SIPS is as follows:

- | | |
|---|--------------------|
| 1. *Retrieval and staging of packages in swim/staging lanes for access by stagers/facers | Mail Handler Craft |
| 2. *Removing empty equipment containers from staging area: | Mail Handler Craft |
| 3. Retrieval of full containers from staging/swim lanes and pull, scan, and sort the large non-machinable packages from each container: | Clerk Craft |
| 4. Singulating/separating packages and facing/feeding packages onto induction belt: | Clerk Craft |
| 5. *In Function 1 (F1) operations operating a SIPS, sweeping packages (removing full containers and replacing with empty containers), includes sort plan switch out: | Mail Handler Craft |
| 6. **In Function 4 (F4) operations operating a SDUS, monitor discharge bins and pull, scan and sort medium and large no read/no barcode packages into the proper discharge bin, including sort plan switch out: | Clerk Craft |
| 7. *Transporting full containers to dispatch area: | Mail Handler Craft |

*Denotes that in offices where the associated task(s) is an integral part of the distribution function, the entire operation is a function of the primary craft performing the distribution.

**The containers utilized on the SDUS have a higher capacity and do not need to be changed out as frequently in F4, as a F1 plant sortation requires for the operation of the SIPS. The employees monitoring the bins during the run can also take any of the larger no read/no barcode packages from the No Read bin and scan/sort them into the corresponding sort bin. This is integral to the efficient operation of the machine in a delivery unit environment.

In facilities that do not include employees from the Mail Handler Craft, the primary craft designation for the performance of duties for operation of the SDUS is the Clerk Craft.

The actual number of employees required to perform the duties associated with the SDUS or SIPS at any time will be determined based on local configuration and operational needs. In the test sites where the SDUS or SIPS is already in operation and employees have been utilized for machine testing, assignment of the appropriate craft in accordance with this determination will be made as expeditiously as possible, but no later than 90 days from the date of this letter.

In accordance with the Memorandum of Understanding, *Update of Regional Instruction (RI) 399 Procedures*, dated June 26, 2018, the above stated craft designation will go into effect no sooner than 45 days from the receipt of this notice.

If you have any questions or concerns, please contact me at extension 5842.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Richardson', with a long horizontal flourish extending to the right.

Shannon Richardson
Director
Contract Administration (APWU)

BREDHOFF & KAISER, P.L.L.C.

Attorneys & Counselors

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Senior Counsel

June 2, 2023

*Admitted to New York State Bar
Application for District of Columbia Bar pending
Practice supervised directly by principals of the firm.

VIA E-MAIL AND U.S. MAIL

Shannon Richardson
USPS Manager, Contract Administration (APWU)
NDRC Representative
U.S. Postal Service Headquarters
475 L'Enfant Plaza, SW
Washington, DC 20260

Ron Suslak
NDRC Representative
American Postal Workers Union
1300 L Street, NW
Washington DC 2000

Re: Jurisdictional Craft Determination for the Small Delivery Unit Sorter
(SDUS) and for the Single Induction Parcel Sorter (SIPS)

Dear Shannon and Ron:

This document sets forth the NPMHU's position with regard to the USPS letter dated November 14, 2022, which set forth the Postal Service's determination with regard to jurisdictional assignments for the Small Delivery Unit Sorter (SDUS) and for the Single Induction Parcel Sorter (SIPS) under Regional Instruction No. 399. Because the Postal Service's craft determinations

for the SDUS and the SIPS were issued in one letter, the NPMHU positions on these two machines also are set forth in this one letter. From the perspective of the NPMHU, however, these machines should be separated into two determinations.

To begin, during previous meetings, the APWU has faintly suggested that the NPMHU is out of time in setting forth its positions on the SDUS and the SIPS. That suggestion, if still maintained by the APWU, should be rejected. At several meetings of the NDRC, the Postal Service indicated that its craft determinations on the SDUS and the SIPS would not be issued until Arbitrator Sharnoff issued his National arbitration award in the ADUS case. That award was issued in early September 2022 (dated August 31, 2022), and the USPS determinations on the SDUS and SIPS followed in November 2022. The NPMHU timely objected, and since then these jurisdictional determinations have been discussed and debated at the NDRC, with eventual agreement on June 2, 2023 as the deadline for filing pre-arbitration positions. Hence, this letter.

SDUS

Although the NPMHU does not agree with all aspects of the Sharnoff Award on the ADUS machine, the NPMHU accepts that award, which for the most part is followed in the USPS craft determination for the SDUS. The one remaining flaw in that determination, however, is that the SDUS jurisdiction has been set forth by the Postal Service only with regard to Function 4 operations, and should be amended to include Function 1 operations on the SDUS in a manner similar to the prior ADUS determination. The reason for this addition, which can and should be made unilaterally by the Postal Service, is the fact that SDUS machines very well may be located in Function 1 installations and/or perform Function 1 operations. Moreover, no rational explanation has been offered for the SDUS craft determination not to include Function 1 locations or Function 1 operations. Indeed, the same letter lists those primary craft assignments for the SIPS machine (see below) and easily could be amended to cover these potential applications or uses of the SDUS machines.

SIPS

Contrary to its recognition that the SDUS determination is generally controlled by the ADUS arbitration award issued by Arbitrator Sharnoff, the NPMHU disagrees with the Postal Service's craft determination for the SIPS machine precisely because the SIPS differs in material respects from the ADUS (and the SDUS) machines.

In particular, although it sometimes has been said that the SIPS is a modified version of the SDUS, the modifications made to the SIPS should be

fundamental to the jurisdictional determination for the SIPS. In contrast to the SDUS, the SIPS is affixed with an Optical Character Reader, allowing the SIPS machine to read address information on the packages and not just bar codes. Moreover, it is the NPMHU's understanding that all or virtually all SIPS machines are or will be retrofitted with 360-degree camera readers. Given these modifications, the SIPS machine, in contrast to the SDUS or the ADUS, is performing more mail processing functions than its so-called predecessors (i.e., the ADUS and the SDUS), and therefore significantly reduces the responsibilities or duties of the stager/feeder/loader positions that have been assigned to the clerical craft on the ADUS and the SDUS machines. No longer does the employee performing the singulating and feeding and loading of the machine have to be as concerned with the specific location and direction of each package when loading the machine. Thus, the remaining employee has little if any relationship with the distribution process, which is wholly performed by the SIPS machine; and the duties and responsibilities of the remaining employees are neither integral nor even related in any way to the so-called distribution function. For these reasons, the NPMHU believes that the Postal Service has erred when it did not determine that the Mail Handler craft is the primary craft for the SIPS machine, at least in Function 1 locations and operations.

Thank you for your attention to these matters.

Sincerely,

Bruce R. Lerner
NPMHU Senior Counsel

Cc: Paul Hogrogian, NPMHU National President
Michael J. Hora, NPMHU National Secretary-Treasurer
Teresa Harmon, Manager, Contract Administration
Tom Ruther, NPMHU
Matthew Clash-Drexler, NPMHU General Counsel
Patrick Devine, USPS
Lynn Pallas-Barber, APWU



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

APWU POSITION PAPER SDUS & SIPS - NPMHU DISPUTE

Lynn Pallas-Barber
Assistant Director
Clerk Division
(202) 842-4220 (Office)
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June 2, 2023

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Coordinator, Western Region

**Sent Certified Mail # 70222410000095824510 and
Email: Truther@npmhu.org**

Mr. Tom Ruther, NDRC Representative
NPMHU
815 16TH Street, NW
Washington, DC 20006

**Sent Certified Mail # 70222410000095824527 and
Email: Shannon.R.Richardson@usps.gov**

Ms. Shannon Richardson, NDRC Representative
United States Postal Service
Dir. Labor Relations – APWU Contract Admin.
475 L'Enfant Plaza, SW
Washington, DC 20260

Re: NPMHU Dispute SDUS and SIPS - APWU POSITION PAPER
USPS #6X 19M-6X-J 23039566 -
6X 19M-6X-J 23040343

Mr. Ruther and Ms. Richardson:

The American Postal Workers Union, AFL-CIO is providing this position paper based on the national dispute filed by the NPMHU challenging the Jurisdictional Craft Determination for the Small Delivery Unit Sorter (SDUS) and the Single Induction Package Sorter (SIPS) dated December 5, 2022.

The USPS issued the jurisdictional craft determination for the Small Delivery Unit Sorter (SDUS) and the Single Induction Package Sorter (SIPS) on November 14, 2022. The SDUS and the SIPS are essentially the same equipment as the Automated Delivery Unit Sorter (ADUS). The SDUS machine has been deployed in Function 4 facilities and the SIPS in Function 1 facilities. The difference in the name is the only distinguished difference to separate the deployment in Function 4 vs. Function 1. The SDUS is designed to support the automated package processing of machinable parcels to carrier routes in delivery units. The SIPS is designed to provide processing support for mail processing operations.

In discussion at the NDRC on this dispute, it was agreed that management would schedule a meeting with their Subject Matter Experts (SMEs) at a special NDRC meeting to go over the differences between the SDUS and the SIPS. That meeting was scheduled and recorded on March 8, 2023. Once again, the SMEs for the USPS provided that the ADUS was the original machine deployed and the SDUS and the SIPS are versions of the ADUS. SDUS and SIPS are the same machine. Functionally they are identical and the cameras are identical. The only difference on the SIPS machine is that machine has been enhanced with Optical Character Reader (OCR) capability. Per the USPS SMEs the OCR capability had no impact on the loader stations which are manned by employees. These Clerk Craft employees pull, scan and sort large NMOs, they singulate/separate packages and face/feed packages before they go through the cameras that scan and affect their distribution.

Discussions on the NDRC regarding the SDUS and the SIPS began in 2021. In fact, in an email dated 7/25/21, the USPS NDRC representative provided an email which stated in part:

Regarding staffing for the Small Delivery Unit Sorter (SDUS) and the Single Induction Package Sorter (SIPS), as no national jurisdictional craft determination letter has been issued for either machine, the national jurisdictional craft determination letter for the Automated Delivery Unit Sorter (ADUS) will be applied. Specifically, if an SDUS is deployed to a Function 4 facility, the ADUS determination from the Function 4 perspective will be applied; whereas, if a SIPS is deployed to a Function 1 facility, the ADUS determination from the Function 1 perspective will be applied.

It is the position of the APWU that the disputes filed by the NPMHU on the SDUS and the SIPS are procedurally defective. The current jurisdictional determination is substantively identical to the Postal Service's determination made in 2021. In 2021 all three parties accepted the decision of the USPS and the application of the jurisdictional determination of the ADUS to the SDUS and the SIPS machines without dispute. The current determination is identical to the Postal Service's earlier decision from 2021 which the NPMHU did not challenge. For the instant dispute to be timely under section 12 of the Update MOU, the APWU contends that the NPMHU should have raised a challenge within 21 days of the Postal Service's determination announced in its 7/25/21 email. Instead, both unions accepted the Postal Service's determination to apply the ADUS determination to the SDUS and the SIPS, including that the ADUS determination, which was properly under dispute, would be controlling for both the SDUS and the SIPS. It would be an abuse of the RI-399 process for the NPMHU to challenge the Postal Service's substantive decision now when that decision has not changed from the substantive decision it made two years ago that the NPMHU agreed was appropriate.

The APWU also contends that, given the similarity of the ADUS to the SIPS and SDUS, the principle of res judicata should apply. The jurisdictional determination that was issued for the ADUS was disputed by both Unions, and arbitrated at the national level, and decided by Arbitrator Sharnoff on August 31, 2022. Arbitrator Sharnoff upheld the position of the Postal Service and noted on page 108 of his award (Q15C-4Q-J 19341147 & Q15C-4Q-J 19341277):

“... the USPS acted appropriately and within its right to exercise discretion in making craft determinations in accordance with the RI-399 guidelines and principles, and in a manner consistent with prior Jurisdictional Arbitration Awards and other relevant considerations including the Primary Work Designations – Operations and Functions listed in RI-399, in making the determination that the Mail Handlers were the Primary Craft designated for the work functions on the ADUS, nos. 1, 2, 5 and 7, each of which is subject to the *single asterisk* [quoted in the Opinion], and that the Clerks were the Primary Craft designated for work functions nos. 3, 4, and 6, the last subject to the *double asterisk* [quoted in the Opinion].”

Given the identical nature of the SIPS and the SDUS to the ADUS, it appropriate that Arbitrator Sharnoff’s award be controlling. The NPMHU should not get another bite at the apple to challenge the ADUS determination by contesting the SIPS and SDUS now. Moreover, a contrary decision to the ADUS determination and Arbitrator Sharnoff’s final and binding decision would be highly disruptive to the RI-399 process and impossible for the Postal Service to apply in a consistent and fair manner. The parties should not waste more resources relitigating the issues it already litigated in the ADUS case. The Arbitrator’s award in the ADUS case should apply here and foreclose any further consideration of the NPMHU’s dispute.

Substantively, the Postal Service’s determination is reasonable and appropriate. The SDUS and the SIPS are essentially the same equipment as the ADUS. The SDUS machines are located in Function 4 facilities and intended to provide processing support for delivery units. The SIPS are located in Function 1 facilities and are intended to provide processing support for mail processing operations. After detailed explanations from the Postal Service, neither union party discovered anything that meaningfully distinguishes the SIPS and SDUS from the ADUS. The NPMHU’s impression that the Postal Service is saying whatever supports its decision, without more, is not grounds to review or undercut the Postal Service’s determination. In fact, the NPMHU admitted to the NDRC that it probably does not have a real dispute with the SDUS because it is Function 4 offices where all the functions are assigned to the Clerk Craft. A dispute for disputes sake is not a good use of the parties’ resources and absent any specific substantive facts that the NPMHU can produce now while the parties are discussing the issue of jurisdiction, an arbitrator certainly

APWU SDUS and SIPS Position Paper

NPMHU disputes 6X 19M-6X-J 23039566 & 6X 19M-6X-J 23040343

June 2, 2023

Page 4

should not consider any new argument or fact if this case makes its way to arbitration.

Procedurally the NPMHU's disputes are flawed. Substantively they have no merit. The appeals of the NPMHU should be denied.

Sincerely,



Lynn Pallas-Barber
Assistant Director
Clerk Division

LPB/MM/opeiu#2



National Dispute Resolution Committee (NDRC) Disposition Form

Date: December 7, 2023

GATS Case #: 6X 19M-6X-J 23040343

Union Case #: None

Issue:

NPMHU Dispute Re: National Craft Determination Letter for the Single Induction Package Sorter (SIPS).

The above-referenced dispute has been reviewed by the NDRC the tripartite positions papers are attached.

NDRC Member Signature and Printed Name

APWU: Ron Suslak
Print Name

NPMHU: Tom Ruther
Print Name

USPS: Shannon Richardson
Print Name

Ron Suslak
Signature

Tom Ruther
Signature

Shannon Richardson
Signature



November 14, 2022

Mr. Paul V. Hogrogian
President
National Postal Mail Handlers' Union
815 16th St NW, STE 5100
Washington, DC 20006-4101

Certified Mail Tracking Number:
7020 3160 0002 0327 4074

Dear Paul:

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The actual number of employees required to perform the duties associated with the SDUS or SIPS at any time will be determined based on local configuration and operational needs. In the test sites where the SDUS or SIPS is already in operation and employees have been utilized for machine testing, assignment of the appropriate craft in accordance with this determination will be made as expeditiously as possible, but no later than 90 days from the date of this letter.

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If you have any questions or concerns, please contact me at extension 5842.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shannon Richardson", is written over a faint, larger version of the same signature.

Shannon Richardson
Director
Contract Administration (APWU)

BREDHOFF & KAISER, P.L.L.C.

Bruce R. Lerner
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John M. West
Senior Counsel

June 2, 2023

*Admitted to New York State Bar.
Application for District of Columbia Bar pending.
Practice supervised directly by principals of the firm.

VIA E-MAIL AND U.S. MAIL

Shannon Richardson
USPS Manager, Contract Administration (APWU)
NDRC Representative
U.S. Postal Service Headquarters
475 L'Enfant Plaza, SW
Washington, DC 20260

Ron Suslak
NDRC Representative
American Postal Workers Union
1300 L Street, NW
Washington DC 2000

Re: Jurisdictional Craft Determination for the Small Delivery Unit Sorter
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Dear Shannon and Ron:

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SDUS

Although the NPMHU does not agree with all aspects of the Sharnoff Award on the ADUS machine, the NPMHU accepts that award, which for the most part is followed in the USPS craft determination for the SDUS. The one remaining flaw in that determination, however, is that the SDUS jurisdiction has been set forth by the Postal Service only with regard to Function 4 operations, and should be amended to include Function 1 operations on the SDUS in a manner similar to the prior ADUS determination. The reason for this addition, which can and should be made unilaterally by the Postal Service, is the fact that SDUS machines very well may be located in Function 1 installations and/or perform Function 1 operations. Moreover, no rational explanation has been offered for the SDUS craft determination not to include Function 1 locations or Function 1 operations. Indeed, the same letter lists those primary craft assignments for the SIPS machine (see below) and easily could be amended to cover these potential applications or uses of the SDUS machines.

SIPS

Contrary to its recognition that the SDUS determination is generally controlled by the ADUS arbitration award issued by Arbitrator Sharnoff, the NPMHU disagrees with the Postal Service's craft determination for the SIPS machine precisely because the SIPS differs in material respects from the ADUS (and the SDUS) machines.

In particular, although it sometimes has been said that the SIPS is a modified version of the SDUS, the modifications made to the SIPS should be

fundamental to the jurisdictional determination for the SIPS. In contrast to the SDUS, the SIPS is affixed with an Optical Character Reader, allowing the SIPS machine to read address information on the packages and not just bar codes. Moreover, it is the NPMHU's understanding that all or virtually all SIPS machines are or will be retrofitted with 360-degree camera readers. Given these modifications, the SIPS machine, in contrast to the SDUS or the ADUS, is performing more mail processing functions than its so-called predecessors (i.e., the ADUS and the SDUS), and therefore significantly reduces the responsibilities or duties of the stager/feeder/loader positions that have been assigned to the clerical craft on the ADUS and the SDUS machines. No longer does the employee performing the singulating and feeding and loading of the machine have to be as concerned with the specific location and direction of each package when loading the machine. Thus, the remaining employee has little if any relationship with the distribution process, which is wholly performed by the SIPS machine; and the duties and responsibilities of the remaining employees are neither integral nor even related in any way to the so-called distribution function. For these reasons, the NPMHU believes that the Postal Service has erred when it did not determine that the Mail Handler craft is the primary craft for the SIPS machine, at least in Function 1 locations and operations.

Thank you for your attention to these matters.

Sincerely,

Bruce R. Lerner
NPMHU Senior Counsel

Cc: Paul Hogrogian, NPMHU National President
Michael J. Hora, NPMHU National Secretary-Treasurer
Teresa Harmon, Manager, Contract Administration
Tom Ruther, NPMHU
Matthew Clash-Drexler, NPMHU General Counsel
Patrick Devine, USPS
Lynn Pallas-Barber, APWU



American Postal Workers Union, AFL-CIO

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APWU POSITION PAPER SDUS & SIPS - NPMHU DISPUTE

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June 2, 2023

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**Sent Certified Mail # 70222410000095824510 and
Email: Truther@npmhu.org**

Mr. Tom Ruther, NDRC Representative
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Email: Shannon.R.Richardson@usps.gov**

Ms. Shannon Richardson, NDRC Representative
United States Postal Service
Dir. Labor Relations – APWU Contract Admin.
475 L'Enfant Plaza, SW
Washington, DC 20260

Re: NPMHU Dispute SDUS and SIPS - APWU POSITION PAPER
USPS #6X 19M-6X-J 23039566 -
6X 19M-6X-J 23040343

Mr. Ruther and Ms. Richardson:

The American Postal Workers Union, AFL-CIO is providing this position paper based on the national dispute filed by the NPMHU challenging the Jurisdictional Craft Determination for the Small Delivery Unit Sorter (SDUS) and the Single Induction Package Sorter (SIPS) dated December 5, 2022.

The USPS issued the jurisdictional craft determination for the Small Delivery Unit Sorter (SDUS) and the Single Induction Package Sorter (SIPS) on November 14, 2022. The SDUS and the SIPS are essentially the same equipment as the Automated Delivery Unit Sorter (ADUS). The SDUS machine has been deployed in Function 4 facilities and the SIPS in Function 1 facilities. The difference in the name is the only distinguished difference to separate the deployment in Function 4 vs. Function 1. The SDUS is designed to support the automated package processing of machinable parcels to carrier routes in delivery units. The SIPS is designed to provide processing support for mail processing operations.

In discussion at the NDRC on this dispute, it was agreed that management would schedule a meeting with their Subject Matter Experts (SMEs) at a special NDRC meeting to go over the differences between the SDUS and the SIPS. That meeting was scheduled and recorded on March 8, 2023. Once again, the SMEs for the USPS provided that the ADUS was the original machine deployed and the SDUS and the SIPS are versions of the ADUS. SDUS and SIPS are the same machine. Functionally they are identical and the cameras are identical. The only difference on the SIPS machine is that machine has been enhanced with Optical Character Reader (OCR) capability. Per the USPS SMEs the OCR capability had no impact on the loader stations which are manned by employees. These Clerk Craft employees pull, scan and sort large NMOs, they singulate/separate packages and face/feed packages before they go through the cameras that scan and affect their distribution.

Discussions on the NDRC regarding the SDUS and the SIPS began in 2021. In fact, in an email dated 7/25/21, the USPS NDRC representative provided an email which stated in part:

Regarding staffing for the Small Delivery Unit Sorter (SDUS) and the Single Induction Package Sorter (SIPS), as no national jurisdictional craft determination letter has been issued for either machine, the national jurisdictional craft determination letter for the Automated Delivery Unit Sorter (ADUS) will be applied. Specifically, if an SDUS is deployed to a Function 4 facility, the ADUS determination from the Function 4 perspective will be applied; whereas, if a SIPS is deployed to a Function 1 facility, the ADUS determination from the Function 1 perspective will be applied.

It is the position of the APWU that the disputes filed by the NPMHU on the SDUS and the SIPS are procedurally defective. The current jurisdictional determination is substantively identical to the Postal Service's determination made in 2021. In 2021 all three parties accepted the decision of the USPS and the application of the jurisdictional determination of the ADUS to the SDUS and the SIPS machines without dispute. The current determination is identical to the Postal Service's earlier decision from 2021 which the NPMHU did not challenge. For the instant dispute to be timely under section 12 of the Update MOU, the APWU contends that the NPMHU should have raised a challenge within 21 days of the Postal Service's determination announced in its 7/25/21 email. Instead, both unions accepted the Postal Service's determination to apply the ADUS determination to the SDUS and the SIPS, including that the ADUS determination, which was properly under dispute, would be controlling for both the SDUS and the SIPS. It would be an abuse of the RI-399 process for the NPMHU to challenge the Postal Service's substantive decision now when that decision has not changed from the substantive decision it made two years ago that the NPMHU agreed was appropriate.

The APWU also contends that, given the similarity of the ADUS to the SIPS and SDUS, the principle of *res judicata* should apply. The jurisdictional determination that was issued for the ADUS was disputed by both Unions, and arbitrated at the national level, and decided by Arbitrator Sharnoff on August 31, 2022. Arbitrator Sharnoff upheld the position of the Postal Service and noted on page 108 of his award (Q15C-4Q-J 19341147 & Q15C-4Q-J 19341277):

“... the USPS acted appropriately and within its right to exercise discretion in making craft determinations in accordance with the RI-399 guidelines and principles, and in a manner consistent with prior Jurisdictional Arbitration Awards and other relevant considerations including the Primary Work Designations – Operations and Functions listed in RI-399, in making the determination that the Mail Handlers were the Primary Craft designated for the work functions on the ADUS, nos. 1, 2, 5 and 7, each of which is subject to the *single asterisk* [quoted in the Opinion], and that the Clerks were the Primary Craft designated for work functions nos. 3, 4, and 6, the last subject to the *double asterisk* [quoted in the Opinion].”

Given the identical nature of the SIPS and the SDUS to the ADUS, it appropriate that Arbitrator Sharnoff’s award be controlling. The NPMHU should not get another bite at the apple to challenge the ADUS determination by contesting the SIPS and SDUS now. Moreover, a contrary decision to the ADUS determination and Arbitrator Sharnoff’s final and binding decision would be highly disruptive to the RI-399 process and impossible for the Postal Service to apply in a consistent and fair manner. The parties should not waste more resources relitigating the issues it already litigated in the ADUS case. The Arbitrator’s award in the ADUS case should apply here and foreclose any further consideration of the NPMHU’s dispute.

Substantively, the Postal Service’s determination is reasonable and appropriate. The SDUS and the SIPS are essentially the same equipment as the ADUS. The SDUS machines are located in Function 4 facilities and intended to provide processing support for delivery units. The SIPS are located in Function 1 facilities and are intended to provide processing support for mail processing operations. After detailed explanations from the Postal Service, neither union party discovered anything that meaningfully distinguishes the SIPS and SDUS from the ADUS. The NPMHU’s impression that the Postal Service is saying whatever supports its decision, without more, is not grounds to review or undercut the Postal Service’s determination. In fact, the NPMHU admitted to the NDRC that it probably does not have a real dispute with the SDUS because it is Function 4 offices where all the functions are assigned to the Clerk Craft. A dispute for disputes sake is not a good use of the parties’ resources and absent any specific substantive facts that the NPMHU can produce now while the parties are discussing the issue of jurisdiction, an arbitrator certainly

should not consider any new argument or fact if this case makes its way to arbitration.

Procedurally the NPMHU's disputes are flawed. Substantively they have no merit. The appeals of the NPMHU should be denied.

Sincerely,



Lynn Pallas-Barber
Assistant Director
Clerk Division

LPB/MM/opeiu#2

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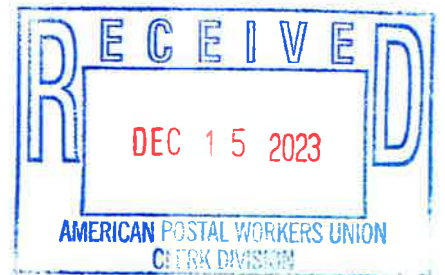
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