

Memorandum of Understanding
Between the
American Postal Workers Union
And the
United States Postal Service

RE: Postal Support Employee (PSE) Discipline

This MOU is not intended to alter, amend, or change in any way the terms of the 2010-2015 Collective Bargaining Agreement.

Per Postal Support Employee (PSE) MOU Item 3.B.3, which states:

"PSEs may be disciplined or removed within the term of their appointment for just cause and any such discipline or removal will be subject to the grievance arbitration procedure, provided that within the immediately preceding six months, the employee has completed ninety (90) work days, or has been employed for 120 calendar days, whichever comes first."

- The parties agree that Postal Support Employees (PSEs) who have successfully completed either a 90 work day or 120 calendar day period within the preceding six months may be disciplined within the term of their appointment for just cause. The parties further agree that such discipline is subject to the grievance-arbitration procedure.
- The parties recognize that removal is not the only mechanism available to correct deficient behavior when warranted.
- The full range of progressive discipline is not always required for PSEs; however, the parties agree that an appropriate element of just cause is that discipline be corrective in nature, rather than punitive.
- The parties agree that PSEs will not be non-scheduled because of misconduct as a substitute for discipline which would be otherwise appropriate.
- The parties agree that this MOU fully and completely resolves national dispute Q10C-4Q-C 13016809. All grievances concerning PSE discipline currently filed, and/or held in abeyance pending the national dispute, shall be discussed and resolved in accordance with the language above.

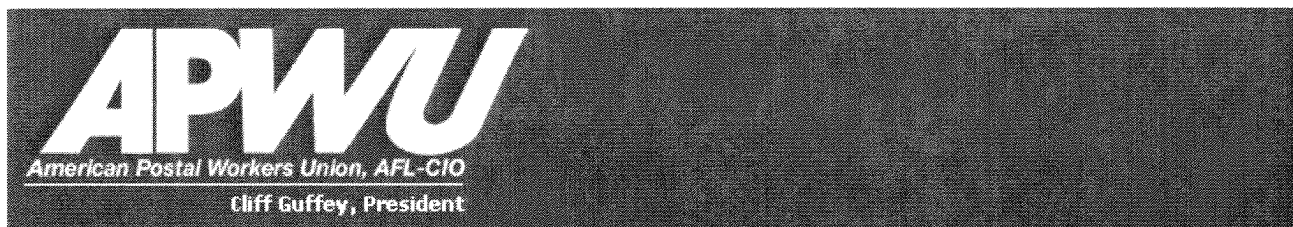


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United States Postal Service



Mike Morris
Director, Industrial Relations
APWU – AFLCIO

DATE February 27, 2013



PSEs Have Rights When Issued Discipline

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APWU Web News Article 028-2013, March 13, 2013

The APWU and USPS have reached an agreement that clarifies the rights of Postal Support Employees (PSEs) when discipline is issued, Director of Industrial Relations Mike Morris has announced. In accordance with the Collective Bargaining Agreement (CBA), management has the right to discipline or remove PSEs for "just cause," and PSEs have the right to file grievances protesting such discipline.

The [Feb. 27 Memorandum of Understanding \[PDF\]](#) clarifies several important points, Morris said.

Removal is not the only option for correcting deficient behavior. Prior to agreement, USPS officials contended that removal was the only form of discipline required for PSEs and lesser forms of discipline were not necessary, Morris said. "The settlement makes it clear that the USPS position was without merit."

Discipline must be corrective in nature. Although the full range of progressive discipline is not always required for PSEs, the agreement stipulates that an appropriate element of just cause is that discipline be corrective in nature, rather than punitive. "Discipline that is corrective must also be progressive. This is an important principle that has been reaffirmed for PSEs," Morris said.

"Progressive discipline is not *always* required even for career employees," he pointed out. "Some misconduct is so egregious that removal can be upheld, even for a first offense. That is no different for a PSE than it is for a career employee."

PSEs will not be denied work as a substitute for discipline. "Management may not refuse to schedule an employee as a means of punishment for perceived shortcomings," Morris said. "If postal managers believe a PSE is not performing in a satisfactory manner, they have a clear obligation to attempt to correct the problem in an honest and straightforward manner rather than by using the PSEs work schedule as a disciplinary tool."

The agreement resolves a national-level dispute (Case # Q10C-4Q-C 13016809) that was initiated by the Postal Service after the union won grievances on PSE discipline at the regional level. Grievances concerning PSE discipline that were held pending resolution of the dispute will be discussed and resolved in accordance with the settlement.

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