

Rejection of Tentative Agreement!

By Greg Bell

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In a Dec. 21, 2018, statement to union members on the status of collective bargaining, APWU President Mark Dimondstein reported that he had reached a tentative agreement with management that he believed “to be fair and positive for the members” two weeks earlier, on Dec. 6, 2018.

However, the Rank-and-File Bargaining Advisory Committee disagreed with his assessment, found the tentative agreement unacceptable, and voted against it. It is my understanding that the tentative agreement was rejected by the Rank and File Committee by a majority vote of 9 to 4.

In his statement, President Dimondstein acknowledged the advisory committee’s dissatisfaction, writing “Rank and File Bargaining Advisory Committee had some serious concerns with the tentative agreement and sent it back to the APWU National leadership to reopen negotiations with management and attempt to address their concerns.”

To date, no new agreements addressing the Rank and File Committee’s concerns have been reached, and the parties are now at an impasse. This is only the second time in the history of the APWU that the Rank and File Bargaining Advisory Committee has rejected a tentative agreement.

Craft Negotiators Undermined

As of the writing of this article, APWU members have not been provided any information about what was in the tentative agreement and what the majority of the Rank-and File-Bargaining Advisory Committee’s members found unacceptable.

However, there are disturbing, but creditable reports that President Dimondstein, in the tentative agreement, agreed to some of management’s clerk and maintenance craft-specific demands that the respective Craft Directors had rejected. It was also disappointing to learn that when Dimondstein didn’t get his way, he treated the member’s Rank and File Committee with contempt and disrespect. That’s a real problem.

I believe that his actions undermined our craft negotiators, is contrary to APWU’s democratic process, and also compromised the union going forward. This is unacceptable.

The Craft Directors are members of the National Negotiations Committee and are responsible for negotiating on behalf of their respective craft members concerning any craft-specific contract language or changes. The Assistant Directors are also part of their respective craft's negotiation team.

Management must know that when they sit across the bargaining table from our craft negotiators, that our elected craft officers have the full support of the APWU President. In this case, it appears they did not.

This conduct by President Dimondstein only serves to benefit management, and undermines our elected craft officers in carrying out their responsibility to negotiate on behalf of their craft members. It undercuts our craft representatives when management thinks they can simply bypass them, or go over their heads directly to President Dimondstein. It demonstrates a lack of leadership, and shows disunity in front of management. This is unacceptable. Such action compromises the union and our officers' ability to effectively represent their respective craft members.

Experience Tells Us

The only other time a Rank and File Committee rejected a tentative agreement was in 1978, when the APWU, National Association of Letter Carriers, and National Postal Mail Handlers bargained jointly. Back then, the unions' Rank and File Bargaining Advisory Committee rejected the tentative agreement, mainly because of a cap (limit) on the Cost of Living Adjustment (COLAs). The final outcome of the contract was determined in arbitration, where the arbitrator uncapped the COLA, but modified the no-layoff provisions.

Our internal process regarding negotiations is designed to keep the Rank-and-File Bargaining Advisory Committee well informed about any newly-agreed upon changes prior to providing the proposed tentative agreement for a vote.

Under the APWU Constitution & By-Laws there are seven members of the National Negotiation Committee: The President, Executive Vice President, Industrial Relations Director, and the four Division Craft Directors (Clerk, Maintenance, Motor Vehicle Service, and Support Services).

Each member of the National Executive Board, which consists of the above-mentioned officers as well as the Secretary-Treasurer and five Regional Coordinators, appoints one union member to serve on the Rank and File Committee.

The National Negotiations Committee is responsible for negotiating the terms of the Collective Bargaining Agreement. The purpose of the Rank-and-File Bargaining Advisory Committee is to advise the National Negotiations Committee and make recommendations on bargaining demands. However, the Rank and File Committee has veto power over any proposed tentative agreement.

The APWU Constitution provides that the national negotiators must “complete as many questions and answers as possible regarding any newly-agreed upon contract language or changes to existing contract language prior to giving a ‘tentative’ Collective Bargaining Agreement to the Rank and File Bargaining Advisory Committee for consideration.” In addition, the Rank-and-File Bargaining Advisory Committee may also submit any questions they may have for responses prior to making a recommendation for ratification to the membership.

Experience in previous negotiations has shown that by keeping the Rank-and-File Bargaining Advisory Committee well informed, the national negotiators will know of any concerns Committee members may have prior to reaching a tentative agreement. This helps to avoid situations where the Rank-and-File Bargaining Advisory Committee rejects a tentative agreement. It would also help if the APWU President didn’t undermine our elected craft officers.

Unless the parties reach a new tentative agreement or agree to an alternative process, the next step would be mediation. If a voluntary agreement is reached through additional negotiations or mediation, the new tentative agreement would be brought back before the Rank and File Bargaining Advisory Committee for a vote. However, if no voluntary agreement is reached, the next step would be Interest Arbitration, where an arbitrator’s decision would be final and binding.

As more information becomes available, we may get a clearer picture of what happened, why it happened, and what impact it may have on our collective bargaining agreement and representation going forward.

Greg Bell has served APWU members as former national Executive Vice President and Industrial Director of the APWU, and former president of the Philadelphia PA Area Local.