

MEMORANDUM OF UNDERSTANDING
BETWEEN AND AMONG
THE UNITED STATES POSTAL SERVICE
AND THE
AMERICAN POSTAL WORKERS UNION, AFL-CIO (APWU)
AND THE
NATIONAL POSTAL MAIL HANDLERS UNION (NPMHU)
Re: UPDATE OF REGIONAL INSTRUCTION (RI) 399 PROCEDURES

The parties to this Memorandum of Understanding ("Update MOU") have agreed to update their RI-399 Dispute Resolution Procedures and related documents in the following manner and to the following extent. Like RI-399 itself, this Update MOU only applies to jurisdictional issues between the Clerk Craft and the Mail Handler Craft.

1. Within ninety (90) calendar days of the signing date of this Update MOU, the parties shall mutually identify and remove from all Local, Regional, and National Dispute Resolution Committees all disputes, grievances, or arbitrations currently pending in the RI-399 process that present or arguably present contractual issues other than jurisdictional issues or Article 7.2 (cross-craft) issues. These contractual issues other than jurisdictional or cross-craft issues shall be remanded to the step in the Article 15 process of the grieving Union from which it was referred. Any jurisdictional or cross-craft issues in these disputes or arbitrations shall be subject to resolution or withdrawal under this Update MOU, but any such resolution or withdrawal shall not prevent the grieving union from processing the other contractual issues under Article 15.
2. All pending RI-399 disputes, grievances, and/or arbitrations in which the hearing has not opened before an arbitrator prior to the signing of this Update MOU that were filed in or referred to the RI-399 process prior to September 1, 2017 and that present or arguably present a clerk-mail handler Article 7.2 (cross-craft) dispute will be resolved in accordance with Paragraph 4 below. Such "cross-craft" disputes include, by way of example, alleged violations of an existing inventory or the Postal Service's non-compliance with a Local or National craft determination.
3. All pending Local, Regional, and National jurisdictional disputes, grievances, or arbitrations in which the hearing has not opened before an arbitrator prior to the signing of this Update MOU that were filed in or referred to the RI-399 process prior to September 1, 2017, and that remain in the RI-399 process after the removal of the cases referenced in Paragraphs 1 and 2 above, shall be resolved in accordance with Paragraph 4 below. An exception is granted to the National disputes identified in Paragraph 6 below and to cases that have been adjudicated either through a tri-partite settlement under the RI-399 Dispute Resolution Procedures or an RI-399 arbitration award which has not yet been implemented as of the signing date of this Update MOU.
4. All of the disputes in the RI-399 process referenced in Paragraphs 2 and 3 above are withdrawn and administratively closed in consideration of payments made by the Postal Service

in accordance with an agreement with each Union. The withdrawal or closing of these disputes shall not set any binding precedent on jurisdiction for new equipment and shall be subject to the procedures for determining jurisdiction with regard to any new work, new or consolidated facilities, or operational changes occurring or implemented by the Postal Service. Any grievances that initially were filed in either Union's Article 15 process and subsequently were referred to the RI-399 process prior to September 1, 2017 are covered by this withdrawal or closing, and therefore also should be removed from the Article 15 process except for the contractual issues other than jurisdictional or cross-craft issues governed by Paragraph 1 above. Any grievances filed in either Union's Article 15 process that were never referred to the RI-399 process shall continue to be processed in the Article 15 process. Any grievances that initially were filed in either Union's Article 15 process but were subsequently referred to the RI-399 on or after September 1, 2017, but before the signing of this Update MOU, shall be addressed in accordance with Paragraph 10(e) below.

5. Grievances or arbitrations in either union's Article 15 process shall not seek to change Clerk-Mail Handler jurisdictional issues, and no party's grievance representatives or arbitration advocates, and no arbitrators, shall have any authority to change jurisdiction from one craft to the other in the Article 15 process. Any future settlement or award outside of the RI-399 Dispute Resolution Procedures that changes jurisdiction shall be considered null and void.

6. National-level cases pending as of September 1, 2017 are withdrawn, thereby accepting the USPS determinations previously issued, with the following exceptions:

- a. AFCS Input Subsystem, Case No. Q94C-4Q-J 97028616 APWU appeal dated November 27, 1996;
- b. Upgrades to Advanced Facer Cancellor System, Case No. Q94C-4Q-J 97028616 APWU appeal dated June 27, 2005; and
- c. AFCS Operator, Case No. Q06M-4Q-J 13009562 NPMHU appeal dated October 16, 2012.
- d. Small Parcel Sorting System, Case No. Q11M-6Q-J 15281315, NPMHU appeal dated August 11, 2015 and Case No. Q10C-4Q-J 15291805, APWU appeal dated August 21, 2015.

The three appeals listed in subparagraphs a, b, and c above shall be consolidated and arbitrated at the National level in one case beginning as soon as is reasonably practicable. The award in these cases will be applied as an exception to the "Revised 9-1-2017 Inventory" status quo agreements provided for in Paragraph 10 below.

7. The pending National-level cases that are withdrawn are listed here:¹

- a. Containerization of Trays/Tubs, Case No. H7C-1G-C 15210, appeal

¹ This list is designed for the convenience of readers. All National disputes pending as of September 1, 2017 under the RI-399 Dispute Resolution Procedures (except for those listed in Paragraph 6 above) are withdrawn, whether listed here or not.

- date unknown;
- b. Presort, Case No. unknown, appeal dated February 11, 1997;
- c. Containerization of ACDCS Mail, Case No. H4C-3F-C 15342, appeal dated January 29, 1987;
- d. Filing of Post-Hearing Rebuttal Briefs, Case No. S0C-3A-C 1017, appeal dated September 23, 1994;
- e. Air Records Processor Position Description, Case No. H4C-NA-C25, appeal dated October 8, 1985, NDRC referral dated June 15, 1998;
- f. Buffer System Prototype, Case No. H94 C-1H-C 99044396, appeal dated October 14, 1999;
- g. Tabbings Machine, Case No. Q98M-4Q-C 01113678, appeal dated March 13, 2001;
- h. Automated Package Processing System (APPS), Case No. Q00-4Q-C 04189225, appeal dated June 18, 2004;
- i. Craft Jurisdiction at PMPCs Converted to L&DCs, Case No. Q00C-5Q- 9233, appeal dated June 18, 2004;
- j. Automatic Induction (AI) and Automatic Tray Handling System (ATHS) for the AFSM 100, Case No. Q00C-4Q-J 06129138, appeal dated February 13, 2006;
- k. Increase in Work Resulting In More than 4 Hours Continuous Work, Case No. unknown, appeal dated February 17, 2006;
- l. Automatic Induction (AI) and Automatic Tray Handling System (ATHS) for the AFSM 100, Case No. Q00M-6Q-J 06132126, appeal dated February 22, 2006;
- m. Flat Sequencing System (FSS), Case No. unknown, appeal dated July 29, 2009; and
- n. Conversion of SPBS to APBS Machines, Case No. Q06M-6Q-J 11412839, appeal dated August 31, 2011.

8. The jurisdictional determination currently pending before the Postal Service for the Low Cost Tray Sorter (LCTS), the High Speed Tray Sorter (HSTS), the Low Cost Universal Sorter (LCUS), and the High Speed Universal Sorter (HSUS) will be resolved, as follows:

- a. The status quo, as of September 1, 2017, in each postal installation shall govern jurisdictional determinations with regard to the Low Cost Tray Sorter (LCTS), the High Speed Tray Sorter (HSTS), the Low Cost Universal Sorter (LCUS), and the High Speed Universal Sorter (HSUS).
- b. For future disputes over new work, new or consolidated facilities, or operational changes regarding the Low Cost Tray Sorter (LCTS), the June 25, 2003 letter from Donna Gill/USPS to William Flynn/NPMHU and Michael Gallagher/APWU shall be controlling.

9. The status quo, as of September 1, 2017, in each postal installation shall govern jurisdictional determinations with regard to the Passive Adaptive Scanning System (PASS).

10. The three National parties will implement a Nationally-based process to resolve all National, Regional, and Local level disputes that have been filed in or referred to the RI-399 process since September 1, 2017 and remain pending as of the signing date of this Update MOU or that are filed after the signing date of this Update MOU. This process shall contain the following concepts:

- a. (i) Jurisdiction will be based on a "Revised 9-1-2017 Inventory" status quo agreement, as of September 1, 2017, for all postal facilities currently employing clerks or mail handlers.
- (ii) The status quo shall be determined by the local jurisdictional work assignment practices as of September 1, 2017, unless those practices were contrary to a National-level craft determination previously issued by the Postal Service, a National-level or local-level jurisdictional settlement signed by all three parties, a National-level or Regional-level tripartite arbitration award determining jurisdiction, or an existing inventory signed by all three parties. If there is a disagreement as to whether any of these exceptions (following the word "unless") apply to a particular Revised 9-1-2017 Inventory, it will be referred to the National Dispute Resolution Committee ("NDRC") for resolution by the NDRC.
- b. (i) A Revised 9-1-2017 Inventory status quo agreement for all postal facilities covered by RI-399 without mail handlers assigned as of September 1, 2017 shall reflect that all operations are assigned to the Clerk Craft. Any future changes shall be determined in accordance with the new work, new or consolidated facilities, or operational change criteria of the RI-399 Dispute Resolution Procedures, unless covered by Subparagraph b(ii) below.
- (ii) If the facilities covered by Subparagraph 10(b)(i) above had mail handlers, working in mail processing prior to September 1, 2017 who were excessed out of the facility, and that excessing remains disputed by a timely grievance initially filed by the NPMHU under its Article 15 grievance process or a timely dispute initially filed by the NPMHU under the RI-399 Dispute Resolution Procedures, the Revised 9-1-2017 Inventory status quo agreement will note whether any of the exceptions to the status quo as of September 1, 2017 apply in the event the NPMHU grievance or dispute is arbitrated in the NPMHU's favor. No such excessing grievance or dispute will be settled or resolved solely to change the jurisdiction of the Revised 9-1-2017 Inventory status quo agreement.
- c. The Revised 9-1-2017 Inventories will be binding on all parties at all levels, and on all employees, supervisors, managers, and representatives.
- d. The process for developing Revised 9-1-2017 Inventories will be determined by the National parties, and will include a deadline by which the Local parties acting on a tripartite basis will have an opportunity to prepare and submit signed Revised 9-1-2017 Inventories to the NDRC. Absent the local parties completing a Revised 9-1-2017 Inventory, Regional or National Representatives will visit the postal facilities without signed Revised 9-1-2017 Inventories so that these Regional or National representatives may complete Revised 9-1-2017 Inventories of the jurisdictional work assignment practices as of September 1, 2017 for the facilities. A form for the completion of Revised 9-1-2017 Inventories shall be developed by the parties at the National level.
- e. Any Article 7.2 (cross-craft) dispute that, as of the signing date of this Update MOU, already has been filed in or referred to the RI-399 process on or after

September 1, 2017 and before the signing date of this Update MOU shall be referred to the National Dispute Resolution Committee for resolution by the NDRC. Any remaining issue of additional remedy will be processed under Article 15 of the appropriate National Agreement and therefore may be settled by agreement between the Postal Service and the grieving union.

- f. Article 7.2 cases filed on or after the signing date of this Update MOU may be referred to the RI-399 process by management or the non-grieving Union only at the Step 3 level of the grievance/arbitration process, as set forth in subparagraph 10(g) below.
- g. For any Article 7.2 (cross-craft) dispute or grievance filed in the grieving Union's Article 15 process on or after the signing date of this Update MOU, upon receipt of a Step 3 appeal from the Clerk Craft or the Mail Handler Craft, the Postal Service Step 3 representative shall forward a copy of the case file to the Step 3 representative of the other, non-grieving Union. Upon receipt of the case file, the non-grieving Union at Step 3 only will have twenty-one (21) calendar days to refer the grievance to the RI-399 Dispute Resolution Procedures via written notice to the other parties; failure to refer the grievance during this 21-day period will forfeit the Union's right to do so at a later date, and will prohibit the non-grieving Union from seeking to intervene in the subsequent grievance or arbitration proceedings in that case. If the Postal Service at Step 3 decides to refer the case to the RI-399 Dispute Resolution Procedures, the referral must be done no later than the timely issuance of the Step 3 answer; failure of the Postal Service to refer the grievance by this deadline will forfeit the Postal Service's right to do so at a later date.

11. The RI-399 Dispute Resolution Procedures shall be amended so that any operational changes occurring or implemented by the Postal Service at the Local level on or after the signing date of this Update MOU will require a written notification to the Local Dispute Resolution Committee ("LDRC") and the Regional Dispute Resolution Committee ("RDRC") at least fourteen (14) calendar days prior to implementation. In addition, the Postal Service at the National level shall issue a Memorandum, with copies to both Unions, requiring its local and regional managers to notify the Postal Service at the National level and all parties at the impacted LDRC and RDRC at least forty-five (45) days prior to any new work or new or consolidated facilities occurring or being implemented at the Local level. Any of these changes (that is, new work, new or consolidated facilities, or operational changes) occurring or implemented at the National level by the Postal Service also will require a notification to the NDRC at least forty-five (45) calendar days prior to implementation. If timely notice is not provided, when the adversely affected Union identifies a change in jurisdiction that was implemented without said notice, the assignments will be returned back to the craft that was performing the work prior to the change until the full fourteen (14) or forty-five (45) calendar days of notice is provided. A local dispute must be filed with the Local Dispute Resolution Committee (LDRC) within twenty-one (21) days of the date on which the Union first learned or may reasonably have been expected to have learned of its cause.

12. Either Union may initiate a dispute at the National level within twenty-one (21) calendar days from the date of receipt of a National craft determination made by the Postal Service; otherwise, that craft determination will be final and binding on the parties. The NDRC shall have sixty (60) calendar days after receipt of the dispute to attempt to resolve the dispute.

- a. If the dispute is resolved, a tripartite settlement agreement will be signed by the

three parties.

- b. If the dispute is unresolved at the end of the sixty (60) calendar day period, a tripartite decision will be written by the NDRC setting forth the position of each party. The moving party may appeal the dispute to National RI-399 arbitration within twenty-one(21) calendar days of the receipt of the written decision of the NDRC. Copies of the appeal must be provided to the other parties through the NDRC within the twenty-one (21) day timeframe.
- c. Disputes concerning National craft determinations may be initiated only at the National level.
- d. National RI-399 settlements or arbitration awards shall be binding on all parties nationwide, whether or not a Local or Regional dispute has been filed.
- e. A National-level arbitrator will be selected within thirty (30) calendar days of the signing date of this Update MOU.
- f. Any National-level case disputing a craft jurisdictional determination will be arbitrated within six (6) months of the implementation of the determination.
- g. Any liability resulting from any National-level arbitration, dating back to the initial filing of any National-level dispute, will be determined utilizing the moving party's Article 15 grievance-arbitration process. Once the National arbitration award is issued, no additional liability shall be incurred until thirty (30) calendar days after the issuance of the jurisdictional award; liability shall continue starting on the 31st day following the issuance of the award.

13. To ensure timely notification and to resolve RI399 disputes filed on or after September 1, 2017, the parties agree to the following:

a. The LDRCs shall meet at 10:00 a.m. local time on the last Wednesday of every month (other than December), at which meetings the three parties shall discuss any issues covered by the RI-399 Dispute Resolution Procedures, including but not limited to new work, new or consolidated facilities or operational changes for which the Postal Service has provided notice in advance of the meeting. If this monthly meeting does not occur because one (or two) of the parties refuse to meet, any party may refer this failure to meet for discussion and resolution by the appropriate RDRC; in addition, if this monthly meeting does not occur, the disputing union party has the right to appeal the dispute to the RDRC without the application of any time limits.

b. The parties at the Regional (District or Area) level and their RDRCs shall meet at 10:00 a.m. local time on the last Wednesday of every calendar quarter (except for the last quarter of each calendar year, which meeting shall occur on the second Wednesday of December), at which meetings the three parties shall discuss any issues covered by the RI-399 Dispute Resolution Procedures, including but not limited to new work, new or consolidated facilities, or operational changes for which the Postal Service has provided notice at the Regional level or at any Local level within that Region. If this quarterly meeting does not occur because one (or two) of the parties refuse to meet, any party may refer this failure to meet for discussion and resolution by the NDRC.

c. The parties at the National level and the NDRC shall meet at 10:00 a.m. local time

on the last Wednesday of every calendar quarter (except for the last quarter of each calendar year, which meeting shall occur on the second Wednesday of December), at which meetings the three parties shall discuss any issues covered by the RI-399 Dispute Resolution Procedures, including but not limited to new work, new or consolidated facilities, or operational changes for which the Postal Service has provided notice at the Local, Regional, or National levels. With regard to new work, new or consolidated facilities, or operational changes to be implemented at the National level, if the parties are unable to achieve a tripartite agreement, the parties agree to arbitrate the dispute within 6 months. The National level arbitrator shall be prescheduled for two consecutive days every six months to resolve pending disputes among the parties at the National level.

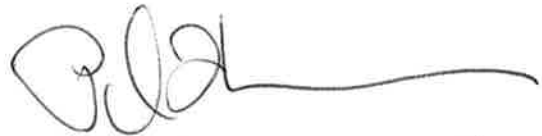
d. In addition to the meetings established by subparagraphs a, b, and c above, the parties may hold meetings of the LDRC, the RDRC, and/or the NDRC more frequently, as they mutually agree.

e. In addition to the meetings of the NDRC established by subparagraph c above, the parties at the National level shall meet on a tripartite basis in a Joint Technological and Mechanization Committee on a semiannual basis, or more frequently if necessary, to discuss from the conceptual stage onward any issues concerning proposed technological and mechanization changes which may affect jobs or operations, including new work, new or changed jobs, new or consolidated facilities, or operational changes that may affect the wages, hours, or working conditions of employees in the clerk and/or mail handler crafts.

14. The NDRC will meet within 30 calendar days of the signing date of this Update MOU to discuss amendments to the RI-399 Dispute Resolution Procedures to include this Update MOU, the RI-399 Transitional Procedures, and the Questions and Answers issued by the parties in 1992.



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