

# On to mediation and arbitration



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**A**t our rap session in Denver, I outlined all the hard realities facing the NALC and the Postal Service as we proceeded with our latest round of collective bargaining. The process started 90 days before our contract was set to expire on Sept. 20. We used the negotiating period to confront all these realities—including the unsustainability of a non-career workforce in the city carrier craft, the need for union involvement in changing the Postal Service's workplace culture, adapting to the challenging environment we face and countless other issues of vital importance to the city

letter carrier craft. Over the past three months, the parties worked professionally and diligently, exchanging and discussing dozens of workplace and economic proposals. Unfortunately, at the end of 90 days on Sept. 20, we had not reached a tentative agreement. We worked hard and in good faith, but we could not secure an acceptable contract for your review and ratification.

We continue to have differences over major issues, including—but not limited to—letter carrier compensation, conversion of the non-career workforce, subcontracting, no-layoff provisions, and various memos regarding safety, city delivery, workplace intervention, route evaluations, route structure and wage theft.

The current contract agreement will, of course, remain in force pending final resolution of the parties' collective-bargaining dispute. We have chosen not to extend this round of bargaining as we did during the last round in 2016, when the outlook for success suggested we remain at the table. Instead, for the seventh time in our collective-bargaining history, we will seek to achieve our goals through the Postal Reorganization's Act collective-bargaining impasse procedures—a set of steps that serve as an alternative to a strike or a management lock-out, which are prohibited by law. These procedures have worked well in the past, and the NALC has been preparing for months for this scenario.

**The first step is a mandatory 60-day mediation period** required by statute. The parties will use the mediation period to continue negotiations while simultaneously seeking to agree on a neutral arbitrator in the event that the par-

ties remain at impasse after 60 days. That neutral arbitrator would then serve as chairman of an arbitration board that also would include one management arbitrator and one union arbitrator.

Typically, we exchange lists of proposed neutral arbitrators, focusing on any common candidates, and work out our own process for selecting the chairman of the arbitration board. If for any reason we can't reach agreement on a mutually acceptable neutral arbitrator, we will consult with the Federal Mediation and Conciliation Service (FMCS), as required by law. The FMCS, which is an agency created to help resolve collective-bargaining disputes, would then appoint a neutral arbitrator for the parties.

Issues that remain in dispute after the mediation period will be addressed through the interest arbitration process. Interest arbitration is different than the kind of "rights arbitration" our union undertakes to enforce our agreements. It determines the content of our collective agreement, not what it means—or whether it has been violated. But the key thing to know is: Once an arbitration board issues its decision (which is called an "award"), the decision is final and binding. That means that the arbitration board, after hearing testimony and reviewing evidence from both sides, would set the terms and conditions of our next National Agreement. Under the law, there can be no ratification vote, and the opportunity for an appeal to the federal judiciary is virtually non-existent.

While it is always better to come to a mutual, win-win agreement in collective bargaining, we simply could not accept management's proposals—or give up on the just nature of our own. So we will fight on during the mediation period—and then, if necessary, in arbitration.

Absent agreement during the mediation period, we hope to proceed to arbitration hearings immediately and to win a new contract as soon as possible. But the exact timetable is uncertain—it will depend on the schedule of the neutral arbitrator appointed by the two parties or by the FMCS.

**We are prepared to begin right away. We've established** working groups of officers, staff and outside experts to prepare evidence and develop testimony on all the issues to be decided by the panel. These groups draw on months and years of preparatory work. If necessary, I am confident that we will put on the best possible case for the nation's city letter carriers—thanks to the quality of our team and the strength and unity of our membership, which provides the financial and human resources we need to succeed. Diversity is our strength; unity is our power.