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95-22 ARBITRATION RIGHTS FOR POSTAL SUPERVISORS

GOVERNMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON

PERSONNEL AND MODERNIZATION

OF THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 7132

A BILL TO ESTABLISH AN ARBITRATION BOARD TO SETTLE
DISPUTES BETWEEN ORGANIZATIONS OF SUPERVISORS AND
OTHER MANAGERIAL PERSONNEL AND THE UNITED STATES
POSTAL SERVICE

JULY 25, 1977

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(George B. Gould, Subcommittee Staff Director, Room 219 Cannon Building—Ext. 53718)

CONTENTS

Statement of:

Clay, Hon. William (Bill), a Representative in Congress from the State of Missouri-----	Page 8
Conway, James, Senior Assistant Postmaster General, Employee and Labor Relations, U.S. Postal Service-----	1
Ledbetter, Donald N., president, National Association of Postal Supervisors, accompanied by Maurice J. Twomey, executive vice President, and Rubin Handelman, secretary-----	9
Copy of H.R. 7132-----	19
Summary of H.R. 7132-----	23

ARBITRATION RIGHTS FOR POSTAL SUPERVISORS

MONDAY, JULY 25, 1977

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON POSTAL PERSONNEL
AND MODERNIZATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 311, Cannon House Office Building, Hon. Charles H. Wilson (chairman of the subcommittee) presiding.

Mr. WILSON. Our subcommittee will come to order.

This morning the subcommittee will hold a hearing on H.R. 7132, sponsored this year by Mr. Clay, which would establish arbitration rights for postal supervisors in order to protect these supervisors against capricious postal management decisionmaking.

The bill is, of course, virtually identical to legislation I sponsored in the last Congress, and which was passed by the House by voice vote.

The need for H.R. 7132 and its predecessors has been obvious for many years. The Postal Reorganization Act of 1970 specifically mandated that postal supervisors were to be consulted and participate directly in the development of major programs directly affecting them. These specifically mandated responsibilities have largely been ignored by top postal managers, however, since implementation of the act.

The result, of course, has been a very serious deterioration in the morale of postal supervisors and a growing alienation of this vital segment of the Postal Establishment.

Several years ago we were told that these problems could all be worked out without this kind of legislation. It has appeared in recent months, however, that the relationship between postal management and supervisors, if anything, has not by any means improved.

I am hopeful that in view of our past experience with this legislation, we can expeditiously move into a substantive discussion of the issues in question this morning.

We have only two witnesses. We have Mr. James V. P. Conway, Senior Assistant Postmaster General for Employee and Labor Relations, U.S. Postal Service. Mr. Conway will be the first witness.

STATEMENT OF JAMES V. P. CONWAY, SENIOR ASSISTANT POSTMASTER GENERAL FOR EMPLOYEE AND LABOR RELATIONS, U.S. POSTAL SERVICE

Mr. CONWAY. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the subcommittee, my name is James V. P. Conway, and I am Senior Assistant Postmaster General for Employee and Labor Relations, U.S. Postal Service. I appreciate the opportunity this morning to discuss H.R. 7132, a bill which would create an arbitration board to settle disputes between organizations of supervisors and other managerial personnel and the U.S. Postal Service.

The Postal Service strongly opposes the proposed legislation. We believe the enactment of H.R. 7132 would:

(1) Disrupt the operation of the existing consultation process between the Postal Service and the supervisors' organization;

(2) Establish a dangerous precedent by expanding the bargaining concept from craft employees into the ranks of initial- mid- and senior-level supervisory personnel, discarding principles which have long governed private and public labor-management relations;

(3) Reverse previous, well-considered expressions of congressional will regarding both supervisors' arbitration rights and eligibility for representation by the supervisors' organization; and

(4) Fragment the unity of postal management and undermine both the stature and job performance of postal supervisors.

I would like to elaborate on each of these points.

THE EXISTING CONSULTATION PROCESS

Under 39 U.S.C. 1004(b) the Postal Service provides a program for consultation with recognized organizations of supervisory and managerial personnel. This statute also entitles the organization representing a majority of postal supervisors to participate directly in the planning and development of pay policies and schedules, fringe benefits, and other programs relating to its members. In a lawsuit brought by the supervisors' organization, the U.S. District Court for the District of Columbia held in 1974 that the undisputed evidence showed that the Postal Service was complying with these statutory requirements.

Soon after this decision, the Postal Service and the supervisors' organization signed an agreement which established a formal consultation program on pay, fringe benefits, and other matters relating to the employment relationship, and which specified methods for direct participation by postal supervisors in the planning, development, and implementation of programs in these areas.

This agreement provides for monthly meetings between the Postal Service and the supervisors' organization. Each party to these meetings may place pertinent matters on the agenda. Under the agreement, the Postal Service must inform the supervisors' organization of proposed programs far enough in advance of decisions to put them into effect to allow the organization to study the programs and make its recommendations.

Although improvements are distinctly possible, and in fact highly desirable, we believe the consultation program has been working. A review of the first 19 meetings from October 1975 to April 1977 indicates that the Postal Service and the supervisors' organization discussed a total of 55 subjects. Included in these topics were fringe benefits, 4 discussions; pay schedules, 2 discussions; pay policies, 7 discussions; personnel matters, 14 discussions; organization, 9 discussions; financial policies, 4 discussions; operations, 2 discussions; and training, 1 discussion. The record shows that at least 12 discussions were held on miscellaneous subjects not specifically covered under the agreement.

The views expressed by the supervisors' organization have helped shape a number of policy decisions concerning supervisors. These

decisions have included the establishment of a work clothes allowance for supervisors; the specification of overtime, nightshift differential, and travel pay for nonbargaining unit personnel; and the formulation of adverse action, grievance, and appeal procedures, to name a few. The Postal Service has been receptive to the suggestions offered by the supervisors' organization, and has given the supervisors' representatives almost unlimited access to the office of employee and labor relations to resolve questions or obtain information.

We believe that the consultation process is the appropriate vehicle to produce effective and mutually beneficial relationships between the Postal Service and the supervisors' association. Enactment of H.R. 7132 would undermine the objectives of this process by institutionalizing an adversary relationship between the Postal Service and postal supervisors. The resulting conflicts would not serve the interests of the American people in better postal service.

A DANGEROUS PRECEDENT

Although H.R. 7132 speaks in terms of arbitration, in essence it would make one supervisors' organization into the exclusive bargaining representative of all postal supervisors. This organization would not only participate at the management level in formulating employment programs, but could then engage in bargaining with the Postal Service over whether or not to implement those programs.

Moreover, the bill would grant these bargaining rights to the supervisors' organization without the benefit of representation elections similar to those conducted to select bargaining representatives for the line work force. In fact, there are no procedures for certifying majority organizations of supervisors comparable to the NLRB procedures for certifying craft unions.

Enactment of this bill would establish a type of managerial collective representation which barely falls short of collective bargaining. It would grant the postal supervisors' organization an unprecedented right to arbitrate management rights and to delay or even to destroy programs and policies with which it did not agree. Moreover, the binding arbitration process would place postal policy decisions in the hands of someone not responsible to the public, the Postal Service, or the Congress.

In the private sector of the economy, bargaining with supervisors is noncompulsory under section 14(a) of the Labor Management Relations Act of 1947, 29 U.S.C. 164(a). Congress enacted this provision as remedial legislation to eliminate the intolerable situation which had grown out of the requirement of the 1935 National Labor Relations Act that employers bargain with unions representing supervisors. In particular, Congress found that collective bargaining by supervisors was destroying their effectiveness in dealing with rank-and-file employees and was depriving management of loyal representatives on the workroom floor. In reporting the 1947 legislation, the House Committee on Education and Labor stated: "Congress must exclude foremen from the operation of the Labor Act, not only when they organize into unions of the rank-and-file and into unions affiliated with those of the rank-and-file, but also when they

organize into unions that claim to be independent of the unions of the rank-and-file." The logic of this statement is particularly relevant today in reference to the Postal Service. I would point out particularly in this connection that the postal supervisors' association is not limited to firstline foremen, but seeks to represent multiple layers of supervisors and managers, many of whom supervise each other.

The 1974 decision of the United States Supreme Court in *Beasley v. Food Fair of North Carolina* reaffirmed the principles of the 1947 Labor Relations Act. In that case, the Court freed an employer from liability in damages under North Carolina law to supervisors discharged on account of labor union membership, Justice Brennan declared for the unanimous Court that

History compels the conclusion that Congress' dominant purpose in * * * enacting § 14(a) was to redress a perceived imbalance in labor-management relationships that was found to arise from putting supervisors in the position of serving two masters with opposed interests.

In Government labor relations, the recent trend has been to incorporate supervisory personnel into the decisionmaking process as a part of management, not to accord supervisors collective bargaining rights. Since 1969, Government supervisors have been excluded with some exceptions from units based on formal and exclusive recognition and from coverage by negotiated agreements. The enactment of H.R. 7132 would thus run counter to the prevailing trends in both private and Government labor relations.

THE POSTAL REORGANIZATION ACT

In creating the Postal Service, Congress deliberately followed the pattern established in the private and public sectors. As reported from committee, the House bill which later became the Postal Reorganization Act contained a provision for arbitration of disputes between the supervisors' organization and the Postal Service. That arbitration proposal was not nearly as far reaching as the one contained in the current proposed legislation. It limited arbitration to matters other than rates of pay and permitted the Postmaster General to refuse to implement decisions of the arbitration board that would be "contrary to the efficiency and the good operation of the Postal Service."

The House struck even this weak arbitration provision from the bill and replaced it with language similar to that now contained in the law. The opponents of the arbitration proposal pointed out that the success of the Postal Service would depend upon supervisors being recognized as the most important part of management. They explained that collective bargaining between the Postal Service and the supervisors' organization would polarize the interests of supervisors and higher management, rather than bring them together. We believe that those views are even more valid today than they were in 1970.

The bill would also expand the ranks of those eligible to be represented by the supervisors' organization to include not only supervisors but all managerial employees (except officers, postmasters, and those engaged in personnel work in Postal Service headquarters). This expanded representation, which we believe goes far beyond that now permitted by law, would be established without any provision for determining that a majority of managerial employees wish to be

represented by the present supervisors' organization, or that a majority of "supervisors and other managerial personnel" would actually be represented by that organization. It is perhaps more significant that this expanded representation would involve even more layers of supervisors and managers whose interests do not necessarily coincide collectively, and it would be even less in accord with the interests of the Postal Service and the public it serves.

MANAGEMENT ROLE OF POSTAL SUPERVISORS

The Postal Reorganization Act provides that postal supervisors are to be part of management, and accords them treatment in keeping with that status. As intended by Congress, the Postal Service has greatly expanded the management role of supervisory personnel since postal reform. Postal supervisors direct many critical aspects of postal operations. Supervisors handle the all-important job of scheduling mail operations, making sure that the different segments of the line work force are doing the right jobs at the right time. Supervisors negotiate local agreements with the craft unions as local level management representatives. Supervisors are responsible for carrying out safety programs in individual post offices and have the authority to correct safety problems where they exist. Supervisors are responsible for the street supervision of letter carriers. Supervisors are responsible for discipline and the resolution of grievances arising under the national agreement with the craft unions. The effectiveness of these indispensable personnel would be seriously compromised if the workers under their direction did not consistently identify them as managers, rather than as fellow members of the rank-and-file.

It is even more important that supervisors themselves identify with management. They must recognize that they have managerial responsibilities similar to those of senior Postal Service officials, though different in degree. It would be inconsistent with their management status to permit supervisors to have what would amount to collective bargaining rights and compulsory interest arbitration. These are concepts which should be limited to rank-and-file employees.

In a sense, the supervisors' organization is seeking the best of two worlds—to be treated as a union when it is to its advantage, and to be treated as a management association when it is no longer advantageous to be treated as a union. We suggest that they cannot have it both ways.

By fragmenting the essential unity of management, H.R. 7132 would deal a stunning setback to the attempts of the Postal Service to involve all supervisors in managerial decisionmaking. Instead of a cohesive management structure working single-mindedly to improve postal service, the proposed legislation would create a divided management with conflicting loyalties. This legislation would impose on the Postal Service management bargaining requirements which have been rejected throughout the private and public sectors of the economy, and which would be intolerable to those who seek an effective and efficient Postal Service. For these reasons, we oppose the enactment of H.R. 7132.

This concludes my prepared statement. At this time I would be glad to attempt to answer your questions.

Mr. WILSON. Thank you very much, Mr. Conway.

If as you say in your statement, the consultation program has been working, why is it that the supervisors have taken the USPS to court so many times, and why are they persisting in gaining arbitration through a change in the law? You claim there was one case in which the decision indicated that consultation was being performed according to the law. Is it not true that the supervisors have won three decisions in court contrary to that?

Mr. CONWAY. I do not think that is correct, Mr. Chairman. As I recall, the supervisors as an association have filed three lawsuits. One was the one to which I alluded in 1974 where the court held that the Postal Service had in fact engaged in consultation. Another suit related to pay proposals, pay differential. In that case the supervisors did not contend that there had not been consultation. They were unhappy with the result. That case is now pending before the Circuit Court of Appeals in the District of Columbia.

There was a third suit. I will think of it in a moment. There was a third suit still pending in the U.S. District Court here where the supervisors have disputed the placement of certain technical, administrative, and clerical employees in a separate pay schedule.

Mr. WILSON. I want to put a statement of Mr. Clay in the record at the appropriate time. In his statement he makes reference to three times the courts have ruled in favor of the supervisors. Mr. Clay states:

Three times these organizations have taken the Postmaster General to court to seek redress, and three times the courts have ruled in favor of these groups.

Is that an incorrect statement?

Mr. CONWAY. Mr. Clay is undoubtedly talking about the District Court's ruling in a pay suit, where I think it is difficult to determine who won or lost. That case is still pending in the circuit court.

There was a suit filed in New York by a group of supervisors, not the national association, having to do with the method by which a particular pay raise was reckoned into base salary. In that case the supervisors prevailed. We were required to put certain payments, which had not been included in base salary, into base salary.

The votes are not in in these two pending cases in the District of Columbia and it will be some time before they are decided.

Mr. WILSON. I see.

Is it not true during the floor debate on the Postal Reorganization Act the opponents of arbitration for the supervisors guaranteed if consultation did not work without arbitration, they would support a change in the law to include arbitration?

Mr. CONWAY. I am not familiar with that.

Mr. WILSON. Do you recall any such debate? Were you there at the time?

Mr. CONWAY. I was not there and I am not familiar with such asserted proposals. I find no record in our files.

Mr. WILSON. H.R. 7132 does not give the supervisors real collective bargaining, does it?

Mr. CONWAY. I think it comes very close to that, Mr. Chairman, in that they could seek arbitration on whether an issue was properly sub-

ject to consultation, then on the nature of whatever the substance was, and then seek arbitration on the implementation. That is very, very close to collective bargaining. It goes to the heart of the relationship of the supervisors, between supervisors and management.

One of the problems is we are dealing with a multiple layer of management from the first-line foreman, whose pay tops out at about \$20,000, to a director of mail processing in a huge post office whose pay tops out at about \$40,000. It is not at all like the normal relationship between foreman and management but a whole gamut of initial level, mid-level and senior-level people.

Mr. WILSON. Mr. Taylor, do you have any questions?

Mr. TAYLOR. Thank you, Mr. Chairman.

Mr. Conway, you indicate in your statement that perhaps the bill would expand the ranks of those eligible to be represented by the supervisors' organization. How many postal supervisors do you have that would fall in that category?

Mr. CONWAY. I could give you a ballpark number, Mr. Taylor. The supervisors' organization has membership of something on the order of 35,000, and they could give you the exact figure. There are many more supervisors than that in the Postal Service, probably 45,000 or 50,000, somewhere in that area.

The bill as proposed provides that the supervisors' organization would represent all supervisors and managerial employees except officers, postmasters, and people doing personnel work in headquarters.

That takes in a huge group of people in the Postal Service, many of whom at the present time are not even eligible for membership in the supervisors' organization, such as the Postal Service headquarters, regional headquarters, the postal data centers, the Inspection Service. Many of those organizations they do not now represent.

Mr. TAYLOR. You say they are not eligible. Does this mean they are not eligible or because they do not want to belong to the supervisors? Are most of the supervisors eligible to belong to the organization members of the organization?

Mr. CONWAY. The supervisors' own constitution and bylaws does not now cover the supervisors who are cited in H.R. 7132, specifically at Postal Service headquarters and at regional headquarters. They are not eligible to belong, using them as examples. Yet this bill would confer on the supervisors' organization the right to represent those people.

Mr. TAYLOR. They are not members because of any ineligibility; it is more a matter of choice; is that true?

Mr. CONWAY. Yes. In the instances I have cited.

Mr. TAYLOR. As I understand it, by and large the people who are eligible to belong to the Postal Supervisors Association are members; the others are not members because of their ineligibility?

Mr. CONWAY. Yes, but they would be covered by H.R. 7132.

Mr. TAYLOR. I understand that; but we will not under this law include anybody involuntarily who does not necessarily want to be a member of this organization?

Mr. CONWAY. I think perhaps you are, yes.

Mr. TAYLOR. You say on page 8:

*** Supervisors negotiate local agreements with the craft unions as local level management representatives.

What is the extent of their involvement in negotiated local agreements? Do they really have authority? Are they really charged with any meaningful negotiations in this area?

Mr. CONWAY. Yes, very definitely, Mr. Chairman. They do not have the final authority but there are 22 specific items which can be locally negotiated. This would be such things as washup time, parking privileges, posting, and that kind of thing, not economic packages. Supervisors, and, more particularly, managers, sit down and negotiate with the union representatives on these kinds of issues.

Mr. TAYLOR. I think it is one of the concerns of this committee, Mr. Conway, the members of the committee, the apparent lack of participation by postal supervisors not from the standpoint of negotiating for their own benefits but for the overall improvement of the postal system. I have long held to the theory that many times the Postal Services could be substantially improved if we had a little more input from the people out in the field and the people doing the job.

In other words, we have a lot of people who have been in the Postal Service for years, who have a lot of expertise, and I think we have centralization of the postal system in Washington that does not take into account the expertise we have in the field. I can certainly appreciate the statements you make in the breaking down of supervisory personnel with that of the craft, but, by the same token, I do believe the postal supervisors can and will and are able to make a meaningful contribution to the Postal Service if they had the opportunity.

Mr. CONWAY. I could not agree with you more. I do believe supervisors and postmasters can contribute a lot in terms of ideas for improvement, but this bill would not help that situation one iota, because H.R. 7132 only goes to the employment relationship, such things as pay, fringe benefits, leave, and that sort of thing, in the consultation process, and it does not go to the heart of managerial suggestions on, say, improving mail processing or improving accounting practices, the day-to-day kinds of things we are all interested in.

Mr. TAYLOR. I think that is all, Mr. Chairman.

Mr. WILSON. Thank you, Mr. Taylor.

Thank you, Mr. Conway. We appreciate your being here. Could you stay with us in the event other members come in and have some questions of you. Will that fit into your schedule?

Mr. CONWAY. I will be glad to, Mr. Chairman.

Mr. WILSON. The statement of Congressman Clay will appear in the record at this point, as though read in full.

STATEMENT OF HON. WILLIAM (BILL) CLAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. CLAY. Mr. Chairman, I am delighted that our Subcommittee on Postal Personnel and Modernization has scheduled prompt consideration of H.R. 7132, the postal supervisors' arbitration bill. The congressional support which this important legislation enjoys, is evident by the fact that you and 19 of our distinguished colleagues have joined me as cosponsors of the bill.

H.R. 7132 simply affords to postal supervisors the right to arbitration, in the event that they reach an impasse with the management

of the U.S. Postal Service, regarding the USPS' responsibility to consult with them over matters regarding pay policies and other important postal matters, in accordance with congressional intent when we passed the Postal Reorganization Act of 1971.

Like you and many other Members of Congress, I am shocked and disappointed by the Postal Service's failure to consult with managerial and supervisory organizations in a meaningful way. Three times these organizations have taken the Postmaster General to court to seek redress. Three times the courts have ruled in favor of these groups. Regretfully, despite the support of the courts and the Congress, the Postmaster General has described these consultations as an "ongoing problem."

Aside from its negative effect upon employee morale, seeking court redress is costly and time consuming. I see no reason why supervisory employees, who already bear an undue burden for the management's failings, must assume this responsibility.

During the 94th Congress, under your leadership, almost identical legislation passed the House. I am confident that, with the speedy consideration which the bill is receiving this year, the outlook for H.R. 7132's enactment into law is a bright one.

Thank you.

Mr. WILSON. Our next witness is Mr. Donald Ledbetter, president of the National Association of Postal Supervisors.

Mr. Ledbetter, if you would introduce your colleagues we would appreciate it very much.

STATEMENT OF DONALD N. LEDBETTER, PRESIDENT, NATIONAL ASSOCIATION OF POSTAL SUPERVISORS, ACCOMPANIED BY MAURICE J. TWOMEY, EXECUTIVE VICE PRESIDENT, AND RUBIN HANDLEMAN, SECRETARY

Mr. LEDBETTER. Mr. Chairman and members of the subcommittee, my name is Donald N. Ledbetter. I am president of the National Association of Postal Supervisors. I am accompanied today by Maurice J. Twomey, executive vice president, and Rubin Handelmann, secretary. Our association is composed of approximately 36,000 supervisors and other managerial employees of the postal field service, with members in all 50 States, Guam, Puerto Rico, and the Virgin Islands. Our members are employed in post offices, branches, stations, motor vehicle facilities, maintenance units, air mail facilities, bulk mail centers and in all other mail-handling installations of the Postal Service.

We are pleased at the opportunity to appear before your subcommittee once again, Mr. Chairman, to testify in favor of passage of H.R. 7132, the bill to grant arbitration rights to postal supervisors, which was introduced by a member of this subcommittee, Mr. William Clay.

Legislation similar to H.R. 7132, introduced by you, Mr. Chairman, was approved by your subcommittee and by the full committee in the 93d Congress, but was not scheduled for floor action by the Rules Committee.

In the 94th Congress, the legislation was approved by the House on a voice vote on October 29, 1975. Unfortunately, it did not reach the

hearing stage in the Senate. This year we hope to see it pass both bodies and also receive the approval of the President. We believe the time is ripe.

The legislation was never needed more than now. Events of the past 2 years have not lessened the need for the legislation. As a matter of fact, they have only served to underscore the need.

Under the Postal Reorganization Act of 1970, postal management is required to provide a program of consultation with supervisory organizations and these organizations are entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory employees. From the outset, however, postal management has viewed "consultation" as little more than meeting with these organizations and advising them of what management intends to do. It was only after the supervisory association took the Postal Service to court over the infamous Westinghouse job evaluation program that an attempt was made for some semblance of consultation. Since then, however, two other law suits have been filed by the supervisory association to force the Postal Service to comply with the law. In each case, incidentally, the supervisors have won, which should be proof enough that the Postal Service had not treated the supervisors properly.

The House, in passing your bill, H.R. 5665, in the last Congress, Mr. Chairman, wholeheartedly agreed that some more radical method of settling disputes, other than going the expensive and prolonged court route, must be made available. Opponents of this legislation, the Postal Service, contend that supervisors want collective bargaining rights similar to those of a union. Nothing could be further from the truth.

To equate the right to settle disputes fairly and reasonably through arbitration is a far cry from collective bargaining. The right of arbitration, in fact, far outdates collective bargaining in this country and is not specifically tied to the collective bargaining process. In the past and again today the postal craft unions do not oppose this legislation.

The Postal Service not only treats the supervisory association in a most perfunctory manner, the Postmaster General even shows his disdain for the supervisors by making derogatory statements about the association from the public platform. For example, in a recent speech before the Collective Bargaining Institute in New York, he referred to the organization as a "so-called management association." To the Postmaster General, a management organization should have only one function and that is to agree with top management. Well, we don't always agree with the Postmaster General, Mr. Chairman, and we won't so long as he treats supervisors as he does.

The Postal Service has appealed the court decision on salaries which we recently won. The court had ordered increases for supervisors which would reestablish reasonable and adequate differentials. While the appeal is pending, the PMG has approved a meager pay raise for supervisors to be effective this week. This raise falls far short of making up for the \$891 raise received by rank and file employees since May 7. Many craft employees across the country are declining offers of detail or promotion to supervisory positions because of the shrinking differential which in many cases now is no differential at all.

We are attaching a cross-section of examples showing what is happening to the differential between supervisors and their employees all across the land.

At the same time the Postal Service was withholding badly needed increases for supervisors and other managerial personnel, they were approving raises ranging from \$1,200 to \$6,000 per annum for the 22 top officials of the Postal Service. A list of those individuals showing their present salary and most recent increase is also attached for your information. It is obvious that USPS takes care of its top brass—and of the craft employees. Only supervisors and other mid-level managers get left out.

Mr. Chairman, I am sure that if we had arbitration rights, the withholding of pay raises for supervisors would not have happened.

On the other hand, however, we want no one to think that the proposed legislation would permit the association to take individual grievances and adverse actions to arbitration. The bill would provide for arbitration only of those disputes concerning policies which affect all or a substantial portion of supervisory personnel on a long-term or permanent basis. Although under the current statute the association is entitled to participate directly in the planning and development of all policies regardless of whether they affect all or a substantial portion of supervisory personnel, and regardless of whether or not such policies purport to make long term or permanent changes in the personnel situation, we do not feel that it would be necessary for the association to be able to require arbitration of all such disputes.

The association is purposely supporting legislation which is limited in scope. Enactment of the legislation would carry with it no threat of having each and every personnel decision of the Postal Service made subject to arbitration. Rather, arbitration would only result if, after a major program had been made the subject of a consultation program by the Postal Service involving direct participation in the development and planning thereof by the association, it is impossible to arrive at a satisfactory solution.

The end result of the legislation would be to reduce materially the possibility of serious conflicts with respect to personnel decisions. For instance, with respect to the job evaluation program, we have no question but that an arbitration board would have found many of the results of the job evaluation program to be unsupportable. If the Postal Service had known that it might have to defend its decisions before an impartial board of arbitrators, we believe that many of the absurd aspects and serious inequities of the JEP would have been eliminated.

We doubt if either of the most recent lawsuits between NAPS and the Postal Service would have been filed if NAPS had had arbitration rights. We believe the Postal Service would have met us half way on each of the issues as they should do in all cases.

Prior to reorganization, NAPS was never unreasonable or demanding in its petitions to Congress, and the association has never been that way in its dealings with the Postal Service. Unfortunately for supervisors, however, most of the senior officials of the Postal Service do not believe that our association should even be in existence. As long as that feeling prevails at USPS headquarters, supervisors are going to need a third party to help resolve major differences.

In conclusion, I would like to emphasize that the supervisory force of the Postal Service, constituting approximately 38,000 postal employees, is at the very heart of insuring that the Postal Service carries out its mandate, as expressed in the Postal Reorganization Act, to "bind the Nation together." For this purpose, the act requires the Postal Service to "provide compensation, working conditions and career opportunities that will assure the attraction and retention of qualified and capable supervisory * * * personnel," and the maintenance of a program for such personnel that "reflects the essential importance of a well-trained and well-motivated force to improve the effectiveness of Postal operations * * *." The act further specifically recognizes that the role of such personnel is "particularly vital to the process of converting general postal policies into successful postal operations."

Thus, the Postal Reorganization Act itself expressed more eloquently than we could the key role to be played by postal supervisors.

Unfortunately, however, the policies of the Postal Service toward supervisors since becoming an independent agency have been such as to destroy full potential service of supervisors. We believe that this state of affairs will be changed only at such time as the Congress enacts legislation providing binding arbitration which will motivate the Postal Service to give appropriate consideration to the views of supervisors.

Mr. Chairman, and members of the committee, we appreciate this opportunity to appear before your subcommittee to present our testimony. We also appreciate the interest and sympathy which you and the other members of the committee have expressed in the problems of postal supervisors. We will be glad to respond to your questions.

Thank you.

[Additional information follows:]

NATIONAL ASSOCIATION OF POSTAL SUPERVISORS

Examples of the impact which the small differential between supervisors and their employees is having on details and promotions in the Postal Service:

Des Moines, Iowa.—A PS-5, step 12 employee detailed 5 hours as a PMS-15 Foreman of Mails and 32 hours as a PTAC-14 Mail Flow Controller received 6¢ additional pay.

Grand Rapids, Mich.—A PS-7, step 9 Vehicle Maintenance Analyst covers the absence of a Foreman, Automotive, PMS-15, with no additional pay as the difference would be \$4.42 less per pay period.

Jamesburg, N.J.—Two PS-5, step 12 letter carriers have declined detail to PMS-16 supervisory positions because the additional pay for a 40-hour week is only \$2.67.

Johnstown, Pa.—A PS-5, step 12 clerk has declined detail to a PMS-15 supervisory position because the difference in pay would only be \$26 per annum.

LaGuardia Airport Station, N.Y.—PS-5, step 12 window clerk receives \$607 per annum more than the PMS-14 supervisor in the same unit.

McKeesport, Pa.—A PS-5, step 12, letter carrier has been detailed to PMS-15 supervisory position with no increase in pay because his salary at the level 5 rate is \$37 per annum higher than for the supervisory assignment.

Metairie, La.—A PS-5, step 12 employee was detailed to a PMS-15 supervisory position and realized \$2.00 additional pay for an 80-hour pay period.

Miami, Fla.—A PS-5, step 12 employee detailed to a PMS-15 supervisory position receives 50¢ per day additional pay.

Minneapolis, Minn.—A PS-5, step 10 employee detailed to a PMS-15 supervisory position received no additional pay because the employee already received \$14,828 per annum and pay at the supervisory rate would have been \$210 per annum less.

Philadelphia, Pa.—Window clerk, PS-5, red-circled at \$15,533 per annum, covers absences of a station superintendent, PMS-15, with no additional pay as the conversion is \$209 per annum less than his regular pay.

Portland, Oreg.—Two PS-5 clerks, promoted to PMS-15 supervisory positions, received additional \$26 per annum for taking on the supervisory responsibilities.

San Francisco, Calif.—After the May 1977 COLA increment was added to craft salaries, there were so many inquiries regarding apparent errors in pay checks in the San Francisco area the San Francisco Sectional Center had to circulate a special notice to all units calling attention to the fact that the new COLA was causing the shrinkage in additional pay for details to supervisory positions.

St Louis, Mo.—A PS-5, step 12 carrier received \$1.01 additional pay for working 80 hours as a PMS-15 supervisor.

Name	Title	PES	Previous salary	June 1977 increase	Present salary	Percent of increase
Benjamin F. Ballar	PMG	42	\$63,000	\$3,000	\$66,000	4.8
William F. Bolger	DPMG	41	58,000	3,000	61,000	5.2
Edward V. Dorsey	SAPMG	39	57,500		57,500	
J. T. Ellington, Jr.	SAPMG	38	50,000	2,500	52,500	5.0
Carl C. Ulsaker	SAPMG	37	55,000		55,000	
Francis X. Biglin	SAPMG	37	46,500	6,000	52,500	12.9
James V. P. Conway	SAPMG	37	50,000	2,500	52,500	5.0
Louis A. Cox	General Counsel	36	50,500	2,500	52,500	5.0
C. Neil Benson	APMG	36	43,500	4,000	47,500	9.2
Alfred C. Maevis	APMG	36	45,000	2,500	47,500	5.5
James Finch	APMG	36	46,300	1,200	47,500	2.6
John L. Gentile	APMG	36	45,000	2,500	47,500	5.5
John J. Wise	APMG	35	42,500	5,000	47,500	11.8
John F. Applegate	APMG	35	45,000	2,500	47,500	5.5
James V. Jellison	APMG	35	44,000	3,500	47,500	8.0
James R. Braughton	APMG	35	40,500	4,500	45,000	11.1
James C. Gildea	APMG	35	45,500	2,000	47,500	4.4
Paul N. Carlin	APMG	35	43,500	4,000	47,500	9.2
Francis J. Hughes	APMG	34	41,000	4,000	45,000	9.8
Ralph L. Osborne	APMG	34	44,000	3,500	47,500	8.0
James H. Byrne	APMG	33	45,000	2,500	47,500	5.5
Robert H. McCutcheon	APMG	33	45,000	2,500	47,500	5.5

Mr. WILSON. Thank you, Mr. Ledbetter. I only have one question. It relates to this difference of opinion between you and Mr. Conway as to what the results of these court actions were. You again refer to three cases in which you say they were favorable decisions for the supervisors and Mr. Conway disputes that. Then he makes reference to a court case in which the court ruled that the Postal Service was complying with the consultation obligations under title 39. Would you please describe that case for us and tell us why you lost it, and then, if you can enlighten us a little bit on the other cases too, I would appreciate it.

Mr. LEDBETTER. I will be glad to respond to that, Mr. Chairman.

The first suit was filed in 1973 over the implementation of the job evaluation program, which, as you and most people here know, was designed and put into the Postal Service by the Westinghouse Corp., which had no experience in job evaluation.

Mr. WILSON. As a matter of fact, they hired one of the competitors to do the work for them.

Mr. LEDBETTER. They really scrambled to get some people on their team who knew anything about job evaluation to get the project done for the post office. As you know, this full committee held an investigation of the whole thing. At the time that program was first presented to us, or at least when we had the idea they were going into it, the first question I raised was: "Are you going to use some career supervisors to help with this work?"

The answer was: "No, unless just a few"—because, as they said, they wanted "fresh blood, some fresh ideas," and the only place they

could get that was outside the Postal Service. So they did, and they gave the contract to this company that I understand had had one simple \$10,000 contract in the past for a job evaluation program in the Pittsburgh area. It was really a new field for them.

Anyway, they came in and brought with them the JEP, the job evaluation program, which we have not yet outgrown. Even people in high position at the Postal Service today—I do not know whether Mr. Conway would agree to it but there are plenty of people in positions as high as he is who say the Postal Service will never get over the job evaluation program. Almost everybody admits it was a farce.

Anyway, we went to court because we did not get to participate in it as an organization. We were told where their evaluation teams were going and some of the things they were doing, but we had no participation and no part in the planning and development of that program.

We went to court and the district court ruled against us. We appealed that decision to the court of appeals. During the time that appeal was pending, Postmaster General Klassen and our general counsel, Timothy May, got together and began to talk about some sort of settlement out of court to resolve it. As a result of those talks, we drew up an agreement which the Postmaster General and I signed. That agreement, which was signed in March 1974, set up the first program of consultation between supervisors and the Postal Service. Yet the Postal Reorganization Act requiring consultation had been in effect almost 3 years.

It was enacted in 1970. It was actually implemented in July 1971, and this was in March 1974 when the Postal Service did what they were supposed to do under section 1004(b).

Mr. WILSON. Is that the court case Mr. Conway made reference to?

Mr. LEDBETTER. That was the one which I believe he said the Postal Service had won.

The next court case was the one we filed over the discontinuance of COLA payments to supervisors. They were continued to rank and file employees but discontinued in 1975 for supervisors. We went to court over that, and that case was resolved in the U.S. District Court in Washington recently when a judgment in our favor ordered the Postal Service to grant sizable increases to all supervisors. The Postal Service has appealed that decision. We won, Mr. Chairman. They have appealed it. I think the record speaks for itself. I can produce a copy of the order stating that we won.

The third lawsuit which we filed was in 1976 over the Postal Service's arbitrary decision to deny about 4,000 or 5,000 of our members from representation by us without any discussion with us about it. They just simply did it and said these people held positions that were technical, administrative, and clerical, and that we had no right to represent them. We claim that we do, and we have represented them for the last 60 years. Just all of a sudden they took them away and said we had no right. At the time they did, they placed these people in a PTAC pay schedule separate and apart from everybody else, and granted them no pay raise at all last year. That is what we call the PTAC lawsuit. The initials stand for "Postal, Technical, Administrative and Clerical." A decision was rendered in this suit last February by Judge Greene in the U.S. district court in favor of the plaintiff, the National Association of Postal Supervisors.

The judge's order directed the parties to get back together and decide which jobs were managerial. She said that those that were managerial would have the right to representation by our association. That is still pending. They filed papers, we filed papers, and just last week the Post Office asked for 60 days more to finish their work on that particular case, but the fact remains that the judgment was entered in February was in favor of the plaintiff. We are the plaintiff in this case. I do not know how the Postal Service can question the fact that we did receive a favorable decision. The judge was very emphatic that any of those people who were in managerial-type jobs could be represented by us. There are about 4,000 of them out of 8,000 total placed in the PTAC schedule. The others we never represented. They were in very low-level jobs, strictly clerical and non-managerial in nature.

The fourth lawsuit which we have referred to was one filed by supervisors in the New York area on behalf of all supervisors. As Mr. Conway has stated, it was over the method of payment of some retroactive pay in 1973. The Post Office granted an "equalization payment" which represented pay, but it did not figure into retirement computations as we thought it should have. We were involved in the JEP lawsuit here in Washington at our national office at the time, and we simply could not get involved in two suits at that time. Mr. Handelman, who was president of the New York supervisors at that time, and some of the other supervisors up there, filed that suit, and that was won. It cost the Postal Service, according to their own admission, about \$900,000 in additional pay.

Mr. WILSON. Is that, Mr. Conway, a fairly accurate description of the status of these various cases, or do you still find yourself in disagreement with what Mr. Ledbetter says?

Mr. CONWAY. Mr. Chairman, I have to say that Mr. Ledbetter's description is a partisan description.

Mr. WILSON. Would you care to come up so we can hear you. We would expect him to give a partisan description.

Mr. CONWAY. I do not hold that against him.

For example, in the pay lawsuit he correctly described that it began as a COLA lawsuit. It also was emphasized by the plaintiffs that they were entitled to back pay, retroactive back pay. The order by Judge Greene, which we are appealing, did not give the supervisors COLA. It did not give them back pay, but it did give them higher raises effective about the time of the judge's order than the Postal Service had proposed. I guess one could win or lose on either side of that kind of case, but that is really what occurred.

Mr. WILSON. Is that so, Mr. Ledbetter?

Mr. LEDBETTER. I think that represents his partisan opinion.

Mr. WILSON. What we are discussing is really the key to this whole thing, that is, whether or not the Postal Service has been consulting with the supervisors as they should. If the Postal Service has not, have you had to go to court to enforce it, and has the court respected your petitions and ruled in your favor? If they have, then obviously the Postal Service has not been conforming to what the law mandated. That seems to me is what we are trying to determine.

Mr. LEDBETTER. The Postal Service has insisted they did not lose the case. I point out Mr. Conway is now in the process of "appealing" his victory. We did not appeal. He did.

Mr. CONWAY. I would like to interject there were three plaintiffs in that case, two postmasters associations, and the Supervisors Association, and I was recently advised that the postmasters are also appealing. My point is it is a mixed bag.

Mr. WILSON. Mr. Taylor, do you have any questions?

Mr. TAYLOR. Thank you very much, Mr. Chairman.

Mr. LEDBETTER, on page 1 of your testimony you say your association is composed of 36,000 supervisors approximately. I believe on page 5 you refer to a supervisor force constituting 38,000 employees. What is the differential between the 36,000 and the 38,000?

Mr. LEDBETTER. Those are the nonmembers, Mr. Taylor.

Mr. TAYLOR. There are 2,000 nonmembers in the group?

Mr. LEDBETTER. Approximately. Our figure now is somewhere between 36,000 and 37,000, and the 38,000 figure is a figure furnished by the Postal Service. The last time we received figures from them it was in the neighborhood of 38,000.

Mr. TAYLOR. Basically, you represent 90 or 95 percent of those who are eligible?

Mr. LEDBETTER. Yes, sir. We represent almost 90 percent almost all the time.

Mr. TAYLOR. Mr. Ledbetter, is it your contention that there has been an absence of input into the program planning by the Postal Service supervisors organization that would contribute to the efficiency of the Postal Service?

Mr. LEDBETTER. I am sure there has in what we are talking about here on arbitration.

Mr. TAYLOR. Such as the JEP program?

Mr. LEDBETTER. I would agree with Mr. Conway what we are talking about here is pay practices, fringe benefit programs, working conditions, and things like that. That is basically what we would be dealing with. We would not be attempting to tell the Postal Service how to handle their mail processing or their delivery service, or anything else like that under the consultation process.

Mr. TAYLOR. When you refer to the Westinghouse program, the JEP, how would that tie in?

Mr. LEDBETTER. That program was an evaluation of supervisor titles and classifying of jobs.

Mr. TAYLOR. It did not deal with actual practices as far as handling the mail?

Mr. LEDBETTER. It had nothing to do with that at all. It was evaluation of positions, determination of their relative value to other supervisory positions. It was classification primarily, of course, and that affects pay.

Mr. TAYLOR. Because of the differential becoming less and less between the craft and supervisors, is it not true many people in the crafts do not want to be in the supervisory roles?

Mr. LEDBETTER. It is quite true. If you will look at the first attachment, there is a list of examples, copies of which I have in my office. I have the names of these individuals. I did not think it was appropriate to put them in. I did specify the post offices. All of these are specific examples of the very small or no differential at all that exists now between the supervisor and the employee.

Mr. TAYLOR. Does this mean they are getting too much and you are not getting enough?

Mr. LEDBETTER. I beg your pardon?

Mr. TAYLOR. I said, does it mean they are getting too much or you are not getting enough?

Mr. LEDBETTER. It means something is wrong.

Mr. TAYLOR. You do face a very serious financial problem in the Postal Service, which we know is 85 percent personnel, and I agree in some instances the Indians are getting paid more than the chiefs.

Mr. LEDBETTER. It is very demoralizing Mr. Taylor. That is very demoralizing.

Mr. TAYLOR. You do recognize that your organization's role of supervisor is somewhat different from the craft in that you do represent management to a certain degree?

Mr. LEDBETTER. We certainly do. We never lose sight of that. We think we do it responsibly, too.

Mr. TAYLOR. You indicate on page 2:

... The Postal Service contends that supervisors want collective bargaining rights similar to those of a union. Nothing could be further from the truth.

It does not sound to me that is too far from the truth, but what is the basis of this statement that nothing could be further from the truth?

Mr. LEDBETTER. We are not asking for collective bargaining. We already have in the law the provision that we will be consulted and will be allowed to participate in the formulation of the policies, development of policies. And, if all we do is get to see something that is already cut and dried and go through the motion of having the opportunity to discuss it and they go right ahead and do every bit of it—

Mr. TAYLOR. You really feel that the present arrangement is not workable and that you are not receiving the consideration that was envisioned when this agreement was undertaken?

Mr. LEDBETTER. That is correct. There are Members of Congress who said, at the time that was stricken out of the original legislation in 1970, if the Postal Service did not treat us as they said they would, they would certainly support arbitration. It was in the bill; it was taken out at the last minute.

Mr. TAYLOR. It is the contention of your organization they have not included you in consultation?

Mr. LEDBETTER. Yes, sir. We would not be asking for it. We sincerely believe if we had the right to go to arbitration, there would not be any more lawsuits. We think the relationship between the supervisors and the Postal Service would be much better if we had this in the law. I think they would do everything they could to meet us halfway, and that is all we ask.

If a program did have to go to arbitration, we certainly would take our chances with the arbitration board. If we are wrong, we are wrong. If we are right, we are right. There are some pretty high officials in the Postal Service who have told us they would not object to arbitration because if they are right, they are right, and I think that is the way they should feel about it.

Mr. TAYLOR. Thank you, Mr. Chairman.

Mr. WILSON. Mr. Howard, do you have any questions?

Mr. HOWARD. No; Mr. Chairman.

Mr. WILSON. Mr. Clay, do you have any comments you would like to make or any questions you would like to ask?

Mr. CLAY. I have one or two brief questions I would like to ask.

First of all, I would like to explain why I was not here to hear the testimony. I am chairing a seminar all day today, for some 250 to 300 people who have come from across the country. It has been in the planning for the last 3 months. I just could not stay away from it entirely. I asked to be called at the point of markup because I am very interested in this bill. I think it is a fair one.

I would like to ask you, according to the Government Reorganization Act, you are supposed to participate in major decisions. Have you been consulted or did you participate in the decision that apparently is trying to be made to close a number of small post offices?

Mr. LEDBETTER. No; I don't recall any discussion with our organization on that subject. I have been asked informally what I thought about it. I told them I was opposed to it.

Mr. CLAY. Would you consider that a major decision if they closed all these smaller post offices?

Mr. LEDBETTER. Yes; I certainly would.

Mr. CLAY. Have you been consulted or have you participated in decisions to cut deliveries back to 5 days?

Mr. LEDBETTER. No; we have not, Mr. Clay. But I read in the papers that the craft unions are being consulted about it. Our organization has not.

Mr. CLAY. Do you participate in major decisions affecting fringe benefits for those in the post office?

Mr. LEDBETTER. Only those that affect our members. This is one of the problems. Usually when we discuss these things it has to do with pay and fringe benefits.

Mr. CLAY. So, in other words, you really don't participate in major management decisions?

Mr. LEDBETTER. We feel that these things are decided without our input.

Mr. CLAY. Thank you, Mr. Chairman.

Mr. WILSON. Thank you, Mr. Clay.

Are there any other questions of Mr. Ledbetter?

Mr. Ledbetter and Mr. Conway, thank you very much for being with us this morning.

The hearing on H.R. 7132 is now adjourned.

[Whereupon, at 11:05, the hearing was adjourned.]

95TH CONGRESS
1ST SESSION

H. R. 7132

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1977

Mr. CLAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To establish an arbitration board to settle disputes between organizations of supervisors and other managerial personnel and the United States Postal Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1004 of title 39, United States Code, is amended
4 by adding at the end thereof the following subsections:

5 “(c) (1) If the Postal Service and an organization of
6 supervisors and other managerial personnel (other than offi-
7 cers, postmasters, and employees engaged in personnel work
8 in Postal Service headquarters) recognized by the Postal
9 Service under subsection (b) of this section are unable to
10 agree, within 60 days after the organization submits a writ-

I

1 ten notice to the Postal Service, upon a program for consulta-
2 tion or a plan to participate directly in the planning and de-
3 velopment of pay policies and schedules, fringe benefit pro-
4 grams, and other programs relating to supervisory and other
5 managerial employees (other than officers, postmasters, and
6 employees engaged in personnel work in Postal Service head-
7 quarters), either party shall have the right to refer the mat-
8 ter to an arbitration board established under the provisions
9 of subsection (d) of this section.

10 “(2) If the Postal Service and an organization of super-
11 visors and other managerial employees (other than officers,
12 postmasters, and employees engaged in personnel work in
13 Postal Service headquarters) recognized by the Postal Serv-
14 ice under subsection (b) of this section are unable to agree
15 with respect to pay policies and schedules, fringe benefit pro-
16 grams, and other programs related to such employees, which
17 affect all or a substantial portion of such personnel on a long-
18 term or permanent basis, after participating directly in the
19 planning and development thereof, either party, upon a
20 30-day written notice, may refer the dispute to an arbitra-
21 tion board established under the provisions of subsection (d)
22 of this section.

23 “(3) If the Postal Service and an organization of super-
24 visors and other managerial employees (other than officers,
25 postmasters, and employees engaged in personnel work in

1 Postal Service headquarters) recognized by the Postal Serv-
2 ice under subsection (b) of this section are unable to reach
3 an agreement as to whether or not a particular issue is subject
4 to consultation or direct participation under this section,
5 either party, upon a 30-day written notice, may refer the
6 issue to an arbitration board established under the provisions
7 of subsection (d) of this section.

8 “(4) If an agreement as contemplated under this sub-
9 section is in effect, no party to such an agreement shall
10 terminate or modify the agreement unless the party desiring
11 such termination or modification serves written notice upon
12 the other party to the agreement of the proposed termination
13 or modification not less than 60 days prior to the expiration
14 date of the agreement, or not less than 60 days prior to the
15 time it is proposed to make such termination or modification.
16 If the parties fail to reach agreement or to adopt a procedure
17 providing for binding resolution of a dispute by the date of
18 the expiration of the agreement or the date of the proposed
19 termination or modification, as appropriate, either party shall
20 have the right to refer the dispute to an arbitration board
21 established under the provisions of subsection (d) of this
22 section. The provisions of this paragraph shall not apply to
23 the terms of an agreement which were decided by an arbitra-
24 tion board and which were in effect for less than 1 year.

25 “(5) An organization of supervisors and other mana-

1 gerial personnel (other than officers, postmasters, and em-
2 ployees engaged in personnel work in Postal Service head-
3 quarters) recognized by the Postal Service under subsection
4 (b) of this section, shall have the exclusive right to invoke
5 the arbitration provisions of subsection (d) of this section
6 on behalf of such employees.

7 “(d) (1) An arbitration board shall be established to
8 consider and decide a dispute arising under subsection (c) of
9 this section and shall consist of three members, one of whom
10 shall be selected by the Postal Service, one by the recognized
11 organization, and the third by the two thus selected. If either
12 of the parties fails to select a member, or if the member
13 chosen by the parties fails to agree on the third person within
14 5 days after their first meeting, the selection shall be made
15 by the Director of the Federal Mediation and Conciliation
16 Service.

17 “(2) The arbitration board shall give the parties a full
18 and fair hearing, including an opportunity to present evidence
19 in support of their claims, and an opportunity to present their
20 case in person, by counsel, or by other representative as they
21 may elect. Decisions by the arbitration board shall be con-
22 clusive and binding upon the parties. The arbitration board
23 shall render its decision within 45 days after its appointment.

24 “(3) Costs of the arbitration board shall be shared
25 equally by the Postal Service and the recognized
26 organization.”

SUMMARY OF H.R. 7132

ESTABLISHMENT OF AN ARBITRATION BOARD FOR CERTAIN DISPUTES OF POSTAL SUPERVISORS

(Sponsored by Hon. William Clay)

H.R. 7132 amends section 1004 of title 39, United States Code, by adding two new subsections.

New subsection (c) provides that if the Postal Service and an organization of supervisors and other managerial personnel (other than officers, postmasters, and employees engaged in personnel work in Postal Service headquarters) recognized by the Postal Service are unable to agree, within 60 days after the organization submits a written notice to the Postal Service, upon a program for consultation or a plan to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory and other managerial employees (other than officers, postmasters, and employees engaged in personnel work in Postal Service headquarters), either party shall have the right to refer the matter to an arbitration board.

If an impasse develops during consultation on a particular issue under such program or plan, either party can demand arbitration upon 30 days' notice.

If questions arise as to whether an issue is subject to consultation or direct participation, either party, upon 30-day written notice may refer the issue to the arbitration board.

Either party may request, by written notice, modification of an agreement not less than 60 days prior to the expiration of the agreement or not less than 60 days prior to the time the modification is to be effected. If an impasse occurs, either party can go to arbitration. Modification of an agreement can only be sought through arbitration after the agreed upon program has been in effect for at least 1 year.

Under new subsection (d), each arbitration board is to consist of three members, one of whom shall be selected by the Postal Service, one by the recognized organization, and the third by the two thus selected. If either of the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director of the Federal Mediation and Conciliation Service.

Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days.

Background

Except for minor technical amendments, H.R. 7132 is identical to H.R. 5665, sponsored by Representative Charles H. Wilson of California in the 94th Congress. H.R. 5665 was reported from the Committee on Post Office and Civil Service by voice vote and passed the House on October 29, 1975 by voice vote. No action was taken in the Senate.

Cost

The cost of the arbitration board shall be shared equally by the Postal Service and the organization of the supervisory personnel.



STATEMENT OF J. H. T. 1132

STATEMENT OF J. H. T. 1132, AND OTHER DOCUMENTS, FOR THE YEAR 1911, IN THE MATTER OF THE ESTATE OF J. H. T. 1132, DECEASED.

Filed for Record by Hon. William C. 1132

THE STATE OF NEW YORK, in and to the County of New York, ss. I, the undersigned, Clerk of the said County, do hereby certify that the within and foregoing is a true and correct copy of the original thereof, as the same appears from the records of the said County.

Witness my hand and the seal of the said County, at New York, this 1st day of January, 1912.

JOHN H. T. 1132, Clerk of the County of New York.

Attest: J. H. T. 1132, Clerk of the County of New York.

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