

Public Law 96-326
96th Congress

An Act

To establish dispute resolution procedures to settle disputes between supervisors and the United States Postal Service.

Aug. 8, 1980

[H.R. 827]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1004 of title 39, United States Code, is amended by adding at the end thereof the following new subsections:

Postal Service
dispute
resolution.

“(c)(1) The Postal Service and the supervisors’ organization shall, unless otherwise mutually agreed to, meet at least once each month to implement the consultation and direct participation procedures of subsection (b) of this section.

Supervisory
organization.

“(2)(A) At least 7 days before each meeting, each party shall—

“(i) provide notice of agenda items, and

“(ii) describe in detail the proposals such party will make with respect to each such item.

“(B) Grievances of individual employees shall not be matters which may be included as agenda items under this paragraph.

“(d)(1) In order to facilitate consultation and direct participation by the supervisors’ organization in the planning and development of programs under subsection (b) of this section which affect members of the supervisors’ organization, the Postal Service shall—

“(A) provide in writing a description of any proposed program and the reasons for it;

“(B) give the organization at least 60 days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the program; and

“(C) give any recommendation from the organization full and fair consideration in deciding whether or how to proceed with the program.

“(2) If the Postal Service decides to implement a program described in paragraph (1) of this subsection, the Postal Service shall before such implementation—

“(A) give the supervisors’ organization details of its decision to implement the program, together with the information upon which the decision is based;

“(B) give the organization an opportunity to make recommendations with respect to the program; and

“(C) give such recommendations full and fair consideration, including the providing of reasons to the organization if any of such recommendations are rejected.

“(3) If a program described in paragraph (1) of this subsection is implemented, the Postal Service shall—

“(A) develop a method for the supervisors’ organization to participate in further planning and development of the program, and

“(B) give the organization adequate access to information to make that participation productive.

- Pay policy proposals.
- 39 USC 1203.
- Federal Mediation and Conciliation Service, factfinding panel.
- Panel selection.
- 39 USC 1003, 1004.
- Cost of panel.
- "(4) The Postal Service and the supervisors' organization may, by agreement, adopt procedures different from those provided by this subsection.
- "(e)(1) The Postal Service shall, within 45 days of each date on which an agreement is reached on a collective bargaining agreement between the Postal Service and the bargaining representative recognized under section 1203 of this title which represents the largest number of employees, make a proposal for any changes in pay policies and schedules and fringe benefit programs for members of the supervisors' organization which are to be in effect during the same period as covered by such agreement.
- "(2) The Postal Service and the supervisors' organization shall strive to resolve any differences concerning the proposal described in paragraph (1) of this subsection under the procedures provided for, or adopted under, subsection (d) of this section.
- "(3) The Postal Service shall provide its decision concerning changes proposed under paragraph (1) of this subsection to the supervisors' organization within 90 days following the submission of the proposal.
- "(f)(1) If, notwithstanding the mutual efforts required by subsection (e) of this section, the supervisors' organization believes that the decision of the Postal Service is not in accordance with the provisions of this title, the organization may, within 10 days following its receipt of such decision, request the Federal Mediation and Conciliation Service to convene a factfinding panel (hereinafter referred to as the 'panel') concerning such matter.
- "(2) Within 15 days after receiving a request under paragraph (1) of this subsection, the Federal Mediation and Conciliation Service shall provide a list of 7 individuals recognized as experts in supervisory and managerial pay policies. Each party shall designate one individual from the list to serve on the panel. If, within 10 days after the list is provided, either of the parties has not designated an individual from the list, the Director of the Federal Mediation and Conciliation Service shall make the designation. The first two individuals designated from the list shall meet within 5 days and shall designate a third individual from the list. The third individual shall chair the panel. If the two individuals designated from the list are unable to designate a third individual within 5 days after their first meeting, the Director shall designate the third individual.
- "(3)(A) The panel shall recommend standards for pay policies and schedules and fringe benefit programs affecting the members of the supervisors' organization for the period covered by the collective bargaining agreement specified in subsection (e)(1) of this section. The standards shall be consistent with the policies of this title, including sections 1003(a) and 1004(a) of this title.
- "(B) The panel shall, consistent with such standards, make appropriate recommendations concerning the differences between the parties on such policies, schedules, and programs.
- "(4) The panel shall make its recommendation no more than 30 days after its appointment, unless the Postal Service and the supervisors' organization agree to a longer period. The panel shall hear from the Postal Service and the supervisors' organization in such a manner as it shall direct. The cost of the panel shall be borne equally by the Postal Service and the supervisors' organization.
- "(5) Not more than 15 days after the panel has made its recommendation, the Postal Service shall provide the supervisors' organization its final decision on the matters covered by factfinding under this subsection. The Postal Service shall give full and fair consideration to

the panel's recommendation and shall explain in writing any differences between its final decision and the panel's recommendation.

“(g) Not earlier than 3 years after the date of the enactment of this subsection, and from time to time thereafter, the Postal Service or the supervisors' organization may request, by written notice to the Federal Mediation and Conciliation Service and to the other party, the creation of a panel to review the effectiveness of the procedures and the other provisions of this section and the provisions of section 1003 of this title. The panel shall be designated in accordance with the procedure established in subsection (f)(2) of this section. The panel shall make recommendations to the Congress for changes in this title as it finds appropriate.

Review panel.

39 USC 1003.
Recommendations to Congress.

“(h) For purposes of this section—

Definitions.

“(1) ‘supervisors' organization’ means the organization recognized by the Postal Service under subsection (b) of this section as representing a majority of supervisors; and

“(2) ‘members of the supervisors' organization’ means employees of the Postal Service who are recognized under an agreement between the Postal Service and the supervisors' organization as represented by such organization.”.

Approved August 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-234 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 96-856 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 125 (1979): July 9, 10, considered and passed House.

Vol. 126 (1980): July 25, considered and passed Senate, amended.

July 31, House concurred in Senate amendments.