

Staffing

EXPEDITED ARBITRATION PANEL

In the Matter of the Arbitration)
between)
UNITED STATES POSTAL SERVICE)
and)
AMERICAN POSTAL WORKERS)
UNION, AFL-CIO)
)
)
)

Grievant: CLASS ACTION
Post Office: DES MOINES, IA
USPS Case #: E00C-1E-C 03110280
APWU Case #: 0318506

BEFORE: James P. Martin, Arbitrator

APPEARANCES:

For the USPS: Marcia Grant
For the APWU: Lance Coles
Place of Hearing: Des Moines, IA
Date of Hearing: September 24, 2003
Date of Award: September 26, 2003
Relevant Contract Provisions: Article 19, Article 3
Contract Year: 2000
Type of Grievance: Contract

Award Summary

Union claimed incident was further example of Management failing to honor settlement. Management claim was issue was violation of contract. Facts do not support violation of contract, and do support failure to honor settlements. Management is urged to honor settlements, even if they are felt by upper Management to be wrong. Grievance denied


James P. Martin

On December 31, 2002, union testimony has an employee working alone 20 minutes until the witness joined her on the ISS. Then he worked 20 minutes alone while that employee was on break. Management testimony was that each employee worked alone on the machine only a matter of a few minutes. Neither witness was supported by the testimony of another witness. There was no witness to support the supervisor, while at least three employees were directly involved. The union has the burden of proof, and did not carry the burden. The finding must be that the involved employees worked only minutes alone, not the duration of a break.

The union claimed the incident was a further example of management failing to adhere to a number of settlements, which bar it from using one employee to run the ISS. Management essentially supported that claim, by submitting evidence that it did not have to do what its designees had agreed to. Since this case is found to be, factually, not a violation of the prior settlements, no remedy is available. The grievance is denied.