



# **NATIONAL POSTAL MAIL HANDLERS UNION**

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## **2022 Contract Update #4**

### **Bargaining Procedures and History**

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**You are reading the fourth Contract Update produced and distributed by the NPMHU during the course of 2022 negotiations. These updates, along with the Union’s magazine and monthly bulletins, will keep mail handlers throughout the country informed and involved in the issues raised during this round of bargaining.**

The concept of collective bargaining is at the heart of organized labor. By the turn of the twentieth century, American laborers utilized their bargaining power as the primary tool for economic justice. Though management utilized vast and powerful resources, the ability to bargain collectively provided labor with a powerful tool to fight back.

In 1935, as a part of the New Deal program, President Franklin D. Roosevelt ensured the passage of the National Labor Relations Act (NLRA) – sometimes referred to as the Wagner Act. Its passage explicitly granted workers the right to bargain collectively. However, by 1947, the American government had passed the Taft-Hartley Act, which vastly curtailed the collective bargaining power of organized labor.

Despite this setback, the power of organized labor was extended in 1962, when President Kennedy issued Executive Order 10,988, which first granted federal employees the right to collective bargaining rights. This right was expanded to the Postal Service with passage of the Postal Reorganization Act (PRA) of 1970 – which is the framework by which the USPS and the NPMHU govern their bargaining.

The bargaining process begins when one party (either the USPS or NPMHU) serves written notice to the other of the desire to modify an agreement. Under Article 39 of our National Agreement, this notice must be served between 90 and 120 days from when the contract expires. For this contract, which expires on September 20, 2022, that meant the parties had to be notified somewhere between June 20 and July 20.

The parties then spend three to four months negotiating through different proposals – which are submitted both by management and the union. If USPS and the NPMHU come to a tentative agreement, that agreement is put forth to the NPMHU membership for a vote-by-mail ballot as mandated in the NPMHU National Constitution. If the tentative agreement is accepted by the membership, it becomes the new governing document between the USPS and mail handlers.

If the NPMHU and USPS fail to come to an agreement or the tentative agreement is rejected by the membership, then the PRA leaves other options. The most popular of these options is for both parties to settle on dispute resolution procedures on their own. If the legal teams cannot agree in procedures to resolve their dispute, this activates another provision in the PRA.

First, the Federal Mediation and Conciliation Service (FMCS) would establish a 3-person fact finding panel that would then have 45 days in which to investigate the bargaining dispute and issue a report of its findings. If an agreement still has not been reached after the fact-finding panel, the PRA requires the establishment of an arbitration board within 90 days of contract expiration. This board generally consists of three members – one appointed by the Union, one appointed by the Postal Service, and a third (neutral) member.

The arbitration board holds a hearing in which both sides have the chance to present evidence in support of their claims. The board is required to make a decision 45 days after its appointment, which, as the PRA states, will be “conclusive” and “binding.” It will determine the terms of the new agreement. Therefore, the National President usually hosts a meeting of the Local Unions and receives their advice before entering arbitration.

As the NPMHU and USPS continue negotiations, please watch your bulletin boards for the latest information!

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