

LABOR RELATIONS



Mr. William H. Young
Vice President
National Association of Letter
Carriers, AFL-CIO
100 Indiana Avenue, NW
Washington, DC 20001-2197

RECEIVED

SEP 16 1997

CONTRACT ADMINISTRATION UNIT
R.A.L.C. WASHINGTON, D.C.

Re: H94N-4H-C 97019400
Class Action
Miami FL 33152-9511

Dear Mr. Young:

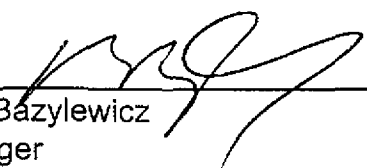
Recently, you met with Patricia Heath to discuss the above-referenced case, currently pending national arbitration.

As a result of that discussion it was mutually agreed that the U. S. Postal Service will reaffirm the instructions on intervention contained in the memorandum dated October 27, 1989, "Intervention in Jurisdictional (Work Assignment) Arbitrations."

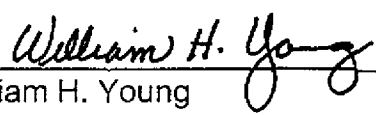
Further, we agreed to remand this case to regular arbitration for a hearing on the merits of the underlying jurisdictional dispute.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement to remand this case, removing it from the national arbitration listing.

Sincerely,



Pete Bazylewicz
Manager
Grievance and Arbitration
Labor Relations



William H. Young
Vice President
National Association of Letter
Carriers, AFL-CIO

Date: 9/16/97

UNITED STATES POSTAL SERVICE

Washington, DC 20260

DATE: October 27, 1989

OUR REF: LR410:SPulcrano:ab:20260-4110

SUBJECT: Intervention In Jurisdictional (Work Assignment) Arbitrations

TO: Regional Managers
Labor Relations

Field Directors
Human Resources

As a revision to this office's November 21, 1988 memorandum on intervention, the following procedures are to be followed in all cases in which a non-signator union is a party in interest to a jurisdictional or work assignment dispute:

1. Immediately upon receiving the appeal to arbitration the interested non-party union shall be provided a copy of the grievance file.
2. Immediately upon scheduling the case for arbitration, the interested non-party union shall be invited to intervene, and shall be informed of the date, time and location of the arbitration.
3. At the commencement of the proceeding, the Postal Service advocate joined by the advocate for the interested non-party union, will make a motion to the arbitrator to permit intervention and tripartite arbitration to ensure an award which will be final and binding on all parties in interest and which will serve as a final resolution of the issue in dispute.
4. The Postal Service advocate will offer to brief the issue of intervention, as a preliminary matter, should the arbitrator either be inclined to deny the motion for intervention or reserve judgment and proceed with the merits of the grievance. (Sample briefs are available through this office.)
5. In those instances where the Postal Service's motion for intervention is denied, the Postal Service advocate is to seek a continuance of the case in order to confer with the interested non-party union in advance of any hearing on the merits.


Regional Manager
Labor Relations

Field Directors
Human Resources

2

6. If the continuance is granted, a copy of the case file with a narrative explanation of what occurred at the hearing is to be forwarded immediately to Stephen Furgeson, General Manager, Grievance Arbitration Division.
7. If the continuance is denied, the grievance is to be appealed to Step 4 on the issue of intervention.

The primary difference between these instructions and the approach heretofore advanced by the Postal Service is it is not our intention that the case go forward on the merits on an exparte basis. This procedure does not mean that all intervention cases should be automatically appealed to Step 4. In those cases, where a continuance is granted, this office in consultation with the interested non-party union and the Law Department will make the determination as to the best and most consistent approach to be taken.


William J. Downes
Director
Office of Contract Administration