



## American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

January 9, 2002

### Maintenance Division

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Director

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Assistant Director "A"

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Western Region

TO: Local and State Presidents  
Local and State Maintenance Craft Directors

RE: Revised Ms-47 Handbook, Housekeeping Postal Facilities  
National Level Grievance Q98C-4Q-C-02013900

The Postal Service has issued a revised version of the MS-47 Handbook via a Transmittal Letter dated December 2001 with an effective date of December 31, 2001(attached).

This new MS-47 Handbook will have a negative impact upon our Custodial workforce as well as the cleanliness, safe and healthful condition of all Postal facilities. This change to cleaning services comes at a time when our great Country is threatened and our Facilities have been exposed to death causing biohazardous substances, such as anthrax.

Rather than recognize the valuable contributions our Custodial workforce has made during these difficult and dangerous times, the Postal Service has used the anthrax exposures and deaths as a back drop to reduce the number of custodial employees as well as the cleaning frequencies and levels of cleanliness and sanitation in its Facilities.

As you know, the overwhelming number of our Custodial workforce is comprised of Veterans and Disabled Veterans. Not only have these brave men and women served their Country with their brave military service, they have bravely and competently served the Postal Service, its employees and customers during these dangerous times. How does the Postal Service reward these brave and dedicated Postal employees? It revised its cleaning service handbook with the intent of reducing the number of custodial employees and expose all of its employees and customers to Facilities and conditions that are recognized as unhealthy and unsafe.

The Union, following receipt of the draft of the revised MS-47 Handbook, initiated discussions with the Postal Service. These meetings failed to produce any meaningful discussion as the Postal Service's attorney

prevented Postal managers from responding to the Union's inquiries. Thus the Union was unable to learn the Postal Service's meaning and intent of any of the changes. The Postal Service provided limited documents on a compact disc to support its changes, however these documents were merely charts and graphs created with figures that the Postal Service claimed came from current staffing packages. However, it refused to produce these source documents so that the Union could verify the figures contained in the Postal Service's charts and graphs. In the absence of an explanation of the changes, the failure of the Postal Service to produce the documents that would verify the numbers contained in its charts and graphs, and the failure of the Postal Service to produce any proof that its changes were fair, reasonable and equitable, the Union appealed the Revised MS-47 Handbook to arbitration within the time limits established in the National Agreement, case number Q98C-4Q-C-02013900, on October 15, 2001. The Union's appeal was hand delivered to the Postal Service on October 16, 2001.

The Union, then submitted its understanding of the precise issues involved and the facts giving rise to such issues on October 29, 2001, well within the contractual 15 day time frame of Article 15. The Postal Service's 15 day letter was not authored until November 20, 2001, approximately 20 days after the expiration of the 15 day time limit. The Union received the Postal Service's 15 day letter on November 27, 2001. On December 4, 2001 the Union notified the Postal Service that its 15 day letter was untimely and that it was prohibited from advancing any argument, etc. regarding its position during any further proceedings regarding the revised MS-47 Handbook.

The Union has subsequently continued its pursuit of the documents relied upon by the Postal Service with the filing of an Unfair Labor Practice and is considering other legal actions in support of our position.

The Union took the position that the changes to the revised MS-47 handbook directly affect wages, hours, and working conditions and those changes are not fair, reasonable or equitable and are in violation of the National Agreement.

The revised MS-47 Handbook will result in a loss of work opportunities and a reduction in career cleaning service employees which will also result in a reduction of cleaning services below established minimum levels and

increase the workload for those remaining custodial employees. These reductions will adversely affect the safety and health of bargaining unit employees and customers by failing to maintain its commitment to maintain a clean and healthful environment for its employees and customers.

The revised MS-47 Handbook eliminates the staffing requirements of Section 116, the objective staffing process of Section 142 and the staffing requirements of Sections 243.t, 243.u, and 243.v as well as the requirement to complete cleaning service tasks established by National level arbitrator Gamser. The revised MS-47 unilaterally eliminates and terminates numerous Step 4 settlements (see attachment) regarding custodial staffing. The revised MS-47 Handbook is a dramatic departure from the direction that the parties have jointly traveled regarding custodial staffing and work performance by custodians.

Given the fact that the Postal Service currently has failed to maintain the custodial complements across the country as well as its failure to maintain its commitment to maintain all its facilities in a clean and healthful environment, it is impossible to envision that the revised MS-47 handbook will improve the cleanliness of Postal facilities. In fact, the revised MS-47 handbook imposes economics as the standard for determining the amount of cleaning services as well as the number of custodians to perform all cleaning services rather than the actual cleanliness and healthfulness of the facility. The revised MS-47 leaves all decisions to the discretion of a local manager who will use subjective rather than objective data. The subjective decision of local management will result in numerous grievances on a daily basis. These changes are a departure from the objective cleaning standards in all facilities, regardless of size and instills subjective standards, such as economics, that are controlled and can be manipulated by the Postal Service. Cleaning standards, such as cleanliness on a daily basis, have been eliminated.


We are currently seeking to move our grievance to the top of the arbitration list due to the harm to the custodial bargaining unit, Postal employees, and Postal customers will suffer. In this regard, we need the assistance of every Local to secure the last custodial staffing package that was created under the provisions of the 1983 MS-47 Handbook. **Each Local must have or quickly acquire these documents by using the established information request procedures contained in Articles 17 and 31 of the National**

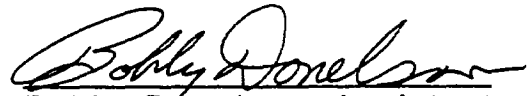
**Agreement.** Should local management fail to provide this information then the Local must file and pursue a grievance and/or Unfair Labor Board Practice charge demanding the production of these records.

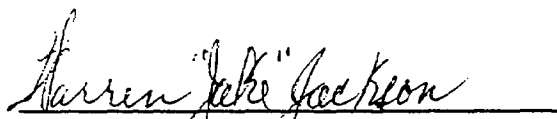
1. The authorized and approved staffing package for your office(s) there were created under the provisions of the 1983 MS-47 Handbook. The documents that the staffing package must contain are the following Postal Service forms, PS Form 4869, 4839, 4852, 4776 and 4851.
2. Secure a copy of the current custodial staffing package in the Postal Service's software format.
3. Secure copies of Form 4851 for the last 13 Accounting Periods.
4. Copies of the current Forms 4776's, Preventive-Custodial Maintenance Route sheets, front and back sides of the form are required.
5. Secure a copy of the VMARS summary list of all Custodial Routes including hours. If your office does not have a Maintenance Control, then refer to Item Number 4.
6. Copies of all relevant safety and health committee minutes which address the cleanliness of the Facility.
7. Copies of all safety grievances which address the cleanliness of the Facility.
8. Copies of all PS Form 1767's, Safety Hazard Forms, that address the cleanliness of the Facility.
9. Copies of the Current Custodial seniority roster. You will have to monitor the custodial compliment in your facility so that we can track the number of custodial positions that are lost.
10. Secure and maintain all bypassed cleaning service routes from the VMARS program for the last 13 Accounting Periods.


11. Secure the VMARS summary list of all Custodial Standing Work Orders and hours logged for the last 13 Accounting Periods.
12. Each Local must file a grievance demanding that the Postal Service comply with the 1983 version of the MS-47 and maintain the custodial compliment as well as performing all the identified cleaning service tasks found on the staffing package that was created using the standards of the 1983 version of the MS-47 Handbook. As a remedy, the Local must demand compensation at the appropriate overtime rate of pay for all cleaning service work that was not performed as well as restoring the custodial compliment to the authorized level.

Should you have any questions regarding any of the above, then please contact us at 202-842-4213.

  
Steve Rayner, Director

  
Bobby Donelson, Assistant  
Director A

  
Warren Jackson, Assistant Director B

  
Gary Kloepper, National  
Representative at Large

Attachment

GK/syi/opeiu#2/afi-cio

## RELEVANT SUPPORT DOCUMENTS<sup>1</sup>

1. National Level Arbitration A8-NA-375 - Howard Gamser
2. Letter to President Biller from Postal Headquarters dated October 19, 1982, regarding the proposed (now current) MS-47
3. H1C-NA-C-46 - Step 4 Settlement dated April 20, 1983
4. May 3, 1983 Transmittal Letter from Postal Headquarters regarding new MS-47
5. August 2, 1983 Postal Service letter regarding VMF cleaning.
6. H7T-5K-C-8239 - STEP 4 SETTLEMENT Clarifies Paragraph 2 of H1C-NA-C-46
7. H7T-3A-C-8445 - Step 4 Settlement dated September 7, 1990
8. B90T-4B-C-93015581 - Step 4 Settlement dated January 1, 1999
9. D94T-1D-C-97084381 Step 4 Settlement dated April 19, 1998
10. H7T-3D-C-27280 - STEP 4 SETTLEMENT - Issue is Custodial Staffing, Parties Agreed to Apply Step 4 Settlements H7T-3A-C-8445 and H7T-5K-C-8239.
11. H7T-3D-C-22868 - Step 4 Settlement dated June 28, 1993
12. H87T-4H-C-90015253 Step 4 Settlement dated August 24, 2000
13. H7T-3R-C-27378 - STEP 4 SETTLEMENT (Step 4 settlement for H7T-3D-C-22868 controls cleaning services subcontracting decisions.)
14. Subcontracting Cleaning Services MEMORANDUM OF UNDERSTANDING
15. July 20, 1995 letter from Postal Headquarters regarding the Postal Service responsibility for contractors working for and inside its Facilities.
16. October 31, 1997 Samuel M. Pulcrano letter to James Lingberg requiring the use of PS Form 4776.
17. J90T-4J-C-95062302 Step 4 Settlement dated January 21, 1997
18. MMO-28-97, Maintenance Workhour Estimating Guide for All Mechanized Offices, Section 5
19. September 12, 2000 Postal Service Letter Entitled, Lamping Policy and Procedures
20. CDC Health Advisory dated October 12, 2001
21. CDC Health Advisory dated October 24, 2001
22. Management Instruction EL-810-2001-1, Personal Protective Equipment and Respiratory Protection Programs
23. Management Instruction EL-850-2001-2, Emergency Evacuation and Fire Prevention
24. Management Instruction EL-860-199-3, Emergency Response to Mail Allegedly Containing Anthrax
25. Management Instruction EL-810-2000-2, Bloodborne Disease Exposure Control Plans
26. Management Instruction EL-810-96-1, Response to Hazardous Materials Releases
27. Cleaning Policy Clarification Due to Anthrax Incidents dated October 16, 2001
28. EL-803 - Maintenance Employee's Guide to Safety (November 2000)

The documents listed here are not an exhaustive list of documents, rather they represent a short list of relevant documents.

February 25, 2002

VIA FACSIMILE (410) 962-2198 AND  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Wayne R. Gold, Regional Director  
National Labor Relations Board, Region 5  
103 South Gay Street, 8<sup>th</sup> Floor  
Baltimore, Maryland 21202-4061

23-330-02

**Re: Undocketed Charge of Unfair Labor Practices  
Against the U.S. Postal Service**

Dear Regional Director Gold:

Enclosed you will find the original and four copies of an unfair labor practice charge to be filed on behalf of my client, the American Postal Workers Union, AFL-CIO against the U.S. Postal Service. Please direct any and all future correspondence with regard to this charge both to the undersigned, and to:

Greg Bell, Director of Industrial Relations  
American Postal Workers Union, AFL-CIO  
1300 L Street, N.W.  
Washington, D.C. 20005

As you can see, the charge alleges a violation of Section 8 (a) (5) by the U.S. Postal Service based upon its refusal to provide the APWU with requested information surrounding changes made by the Postal Service in its Handbook MS-47 "Housekeeping - Postal Facilities". Among other things, the MS-47 contains the frequencies at which bargaining unit custodians clean Postal facilities nationwide, and at which they clean items within each facility. Changes in these frequencies directly impact the wages, hours, working conditions, and number of bargaining unit custodians employed on a national basis.

By letter dated August 9, 2001, the Postal Service provided the APWU with the draft version of a revised MS-47 Handbook which, among other things, did not include a summary of the changes being made from the existing MS-47 Handbook. On September 28, 2001, the APWU met with the Postal Service for an initial discussion of the proposed changes in the MS-47 Handbook. During the course of the September 28 meeting, APWU representatives verbally requested the names of the persons who performed the studies used by the Postal Service to revise the MS-47, together with the back-up documentation used in those studies. As of this date, the Postal Service has not given the APWU the requested information.

The Parties met again on October 11, 2001. During the course of the October 11 meeting, APWU officials reiterated the same verbal request for information they had made at the September 28, 2001 meeting. In addition, during the course of the October 11, 2001 meeting, APWU officials requested an electronic version of the revised MS-47. In addition, the APWU requested that the Postal Service inform the APWU of what specific changes it had made to Chapters 1, 3, 4, and 5 of the MS-47. The Postal Service representatives responded that the Postal Service would not provide the Union with the specific changes it had made in the revised version of the MS-47.

By letter dated October 15, 2001, the APWU made a written request for information concerning the changes proposed by the Postal Service to the MS-47. (A copy of the October 15, 2001 letter from Moe Biller, then President of the APWU, to Peter Sgro, Postal Service Manager, Contract Administration, is attached hereto.) On October 26, 2001, the APWU requested, in writing, the following information from the Postal Service:

1. What is the estimated savings the Postal Service expects to achieve with the proposed changes to the MS-47 Handbook?
2. What is the proposed impact to all PS levels in LDC 38 due to the proposed changes to the MS-47 Handbook?
3. Will the Installation Head continue to approve the amount and frequency of cleaning for their building as well as the number of custodial employees to complete all the required cleaning services? If not, which specific position, by title and location, will make the approval decision?

To date, the Postal Service has failed and refused to supply the APWU with any of the information requested in the October 15, and October 26, 2001 requests for information.



Wayne R. Gold, Regional Director  
February 25, 2002  
Page 3

As you can also see, the charge alleges a violation of Section 8 (d) of the Act. It is the contention of the Charging Party that the 1983 version of the MS-47, the unilateral changes to which this charge complains of, was equivalent to a part of the National Agreement, the collective bargaining agreement between the Postal Service and the Union. The 1983 MS-47 came into existence after the APWU and the Postal Service negotiated, to agreement, on its terms, and signed a Settlement Agreement settling a grievance filed over MS-47 changes, and implementing the 1983 MS-47 on April 13, 1983. (A copy of the Agreement implementing the 1983 MS-47 is attached hereto.) The Parties, during the course of negotiations, negotiated every frequency range contained in the 1983 MS-47, together with most other major provisions of that MS-47. By these negotiations, and the signing of the Settlement Agreement which implemented the MS-47, the 1983 MS-47 became a part of the National Agreement, and therefore could not be changed unless, and until, the APWU agreed to those changes.

The Charging Party is prepared to present its evidence in support of this charge at the convenience of the Region. Should you have any questions with regard to the above, please do not hesitate to contact me.

Very truly yours,

Lee W. Jackson

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cc: Greg Bell  
Steven G. Raymer  
Gary Kloepper

Certified Mail No. 7000 1670 0011 0541 1189

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

**INSTRUCTIONS:**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer <p style="text-align: center;">U.S. Postal Service</p>		b. Number of workers employed <p style="text-align: center;">700,000</p>
c. Address (street, city, state, Zip code) 475 L'Enfant Plaza, S.W. Washington, D.C. 20260	d. Employer Representative Anthony J. Vegliante Vice President of Labor Relations	e. Telephone No. <p style="text-align: center;">(202) 268-7852</p>
f. Type of Establishment (factory, mine, wholesaler, etc.) Postal Service	g. Identify principal product or service Mail delivery	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a), subsections (1) and (list subsections) <u>Section 8 (a) (5) and (d)</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since on or about September 28, 2001, and continuing to date, the above-named Employer has failed and refused to bargain in good faith with the American Postal Workers Union, AFL-CIO ("APWU"), the certified bargaining representative of certain of its employees, by failing and refusing, after repeated requests from APWU, to submit to the APWU relevant information necessary to the APWU for the performance of its function as the representative of bargaining unit employees; and, has unilaterally changed, without first bargaining to agreement with the APWU, a portion of the collective bargaining agreement between the Parties.

**By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act**

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**  
American Postal Workers Union, AFL-CIO, Attention: Greg Bell, Director of Industrial Relations

4a. Address (street and number, city, state, and ZIP code) 1300 L Street, N.W. Washington, D.C. 20005	4b. Telephone No. <p style="text-align: center;">(202) 842-4273</p>
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**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**  

American Postal Workers Union, AFL-CIO

**6. DECLARATION**

**I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.**

By \_\_\_\_\_ Attorney \_\_\_\_\_  
(signature of representative or person making charge) Lee W. Jackson (title if any)

Address O'Donnell, Schwartz & Anderson, P.C. (202) 898-1707 February 25, 2002  
1300 L Street, N.W., Suite 1200, Washington, D.C. 20005-4126 (Telephone No.) (date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U. S. CODE, TITLE 18, SECTION 1001)**

*O'Donnell, Schwartz & Anderson, P. C.*  
*Counselors at Law*

ASHER W. SCHWARTZ  
DARRYL J. ANDERSON  
MARTIN R. CANZGLASS  
LEE W. JACKSON  
ARTHUR M. LUBY  
ANTON G. HAJJAR\*  
SUSAN L. CATLER  
RICHARD S. EDELMAN  
PETER J. LEFF\*\*  
MELINDA K. HOLMES  
MURSHED ZAHEED\*\*\*

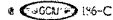
*1300 L Street, N.W., Suite 1200*

*Washington, D. C. 20005*

(202) 898-1707  
FAX (202) 682-9276

JOHN F. O'DONNELL  
(1907-1993)

*1900 L Street, N.W.*  
*Suite 707*  
*Washington, D. C. 20036*  
(202) 898-1824



\*ALSO MD  
\*\*ALSO VA  
\*\*\*MA BAR ONLY

February 27, 2002

VIA EXPRESS MAIL

Arbitrator Shyam Das  
530 Oliver Building  
535 Smithfield Street  
Pittsburgh, Pennsylvania 15222-2397

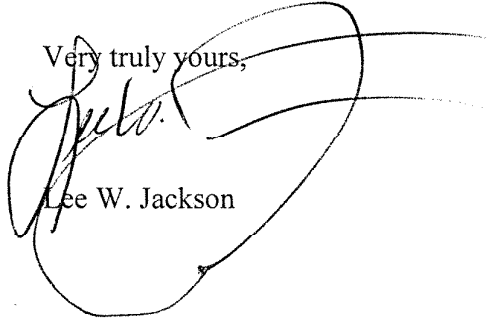
21-233-00

**Re: USPS and APWU – Case No. HOC-NA-C 16**  
**(Cleaning Frequencies Case)**

Dear Arbitrator Das:

Please be advised that, at the request of Counsel for the Postal Service, the parties have agreed to postpone the presentation of their Briefs in the above-referenced case from March 4, 2002 to March 11, 2002.

Very truly yours,

  
Lee W. Jackson

LWJ:pad G:\TD1\W\FRF 21-233-00-CIFreq Das.LTR3.wpd

cc: Larissa Taran  
Greg Bell  
Steve Raymer  
Bobby Donelson  
Jake Jackson  
Gary Kloepfer

Express Mail Tracking No. EL 763042200 US