



American Postal Workers Union, AFL-CIO

Billy Woods/Jerry McIlvain

National Business Agent
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June 15, 2010

To All Tennessee APWU Officers and Representatives

RE: Proposed Policy Change for Corrective Action

National Executive Board

William Burrus
President

Cliff "C.J." Guffey
Executive Vice President

Terry R. Stapleton
Secretary-Treasurer

Greg Bell
Industrial Relations Director

James "Jim" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
Director, Maintenance Division

Robert C. "Bob" Pritchard
Director, MVS Division

Regional Coordinators

Sharyn M. Stone
Central Region

Mike Gallagher
Eastern Division

Elizabeth "Liz" Powell
Northeast Region

William "Bill" Sullivan
Southern Region

Omar M. Gonzalez
Western Region3

The following eight pages show communication that the Tennessee District Manager and I have had recently over his unilateral decision to try and change the Collective Bargaining Agreement. In my opinion, in the directive on the last page he has done so.

Please use this packet in any discipline cases that pertain to the issue involved in this communication, As always, if you have any questions regarding this issue please contact my office.

This packet of information will also be available on our web page at <http://memphisregionbas.com> on the Tennessee Information tab,

In Union Solidarity,

Billy Woods
National Business Agent
American Postal Workers Union

DISTRICT MANAGER, CUSTOMER SERVICES & SALES
TENNESSEE DISTRICT



February 12, 2010

National Association of Letter Carriers
American Postal Workers Union
National Rural Letter Carriers Association
National Postal Mail Handlers Union
National Association of Postal Supervisors
National League of Postmasters

SUBJECT: Proposed Policy Change for Corrective Action

We are presently using a three (3) track system for corrective action. The three tracks of corrective action are:

- Performance
- Attendance
- Conduct

I am considering a policy change to a one (1) track system, which is sometimes referred to as a "stacked" system. Corrective action would still be progressive with one significant change: Corrective action that has already been issued would be cited in any subsequent actions regardless of the previous issue.

If you have any questions or concerns, please send to me no later than February 26, 2010.

Sincerely,


For Greg Gamble
District Manager

cc: file

811 ROYAL PARKWAY
NASHVILLE, TN 37229-9998
(615) 885-9252
FAX: (615) 885-9317



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February 22, 2010

Greg Gamble
811 Royal Parkway
Nashville, TN 37229

RE: Proposed Policy Change for Corrective Action

National Executive Board
William Burrus
President

Cliff "C.J." Guffey
Executive Vice President

Terry R. Stapleton
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Mr. Gamble,

I recently received your letter of 2/12/10 concerning the above named subject and I would first like to say you are not attempting to change policy; you are attempting to change the Collective Bargaining Agreement between the American Postal Workers Union and the United States Postal Service. The Joint Contract Interpretation Manual which has been agreed to by both parties states in Article 16 page 3, **"The basis of this principle of corrective or progressive discipline is that it is issued for the purpose of correcting or improving employee behavior and not as punishment or retribution."**

Arbitrators throughout the country have historically ruled that there has to be a nexus or connection between the discipline cited for progressive purposes and the instant discipline before them. This is because of the quoted language above from the JCIM; the purpose of progressive discipline is to correct the behavior, not punish the employee.

I would ask that you rescind your letter immediately because if you want to change the CBA that has to be done at the National Level, not at the District Level. If you would like to discuss this further feel free to contact me.

Thank you for your cooperation in this matter,

Billy Woods
National Business Agent
American Postal Workers Union

DISTRICT MANAGER
TENNESSEE CUSTOMER SERVICE AND SALES



March 3, 2010

Mr. Billy Woods
National Business Agent
American Postal Workers Union
140 Oxmoor Blvd, Suite 170
Birmingham, AL 35209

Dear Mr. Woods:

I received your letter responding to the proposed change in utilizing past elements of discipline in supporting a present disciplinary action. In our view, this is not a change to the CBA but, rather, a change in Tennessee District policy. I understand your letter to say that the Union views the proposed change not to be a matter of past practice but rather to be a matter of the intrinsic operation of Article 16 of the National Agreement which is not open to local negotiation. We accordingly understand your letter to be a refusal of our invitation to enter into negotiations concerning what the Tennessee District understands to be a past practice.

If I am mistaken, and you are willing to enter into negotiations as you have been invited to do concerning this proposed change, please inform me immediately. Otherwise, we will proceed with the understanding that requested negotiations have been refused for the reasons that the Union has previously stated.



Greg A. Gamble

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March 11, 2010

Greg Gamble
811 Royal Parkway
Nashville, TN 37229

RE: Proposed Policy Change for Corrective Action

National Executive Board
William Burrus
President

Mr. Gamble,

Cliff "C.J." Gullett
Executive Vice President

I am writing in reply to your letter dated March 3, 2010, regarding a proposed policy change by the Tennessee District from a so-called three track system for corrective action (performance, attendance, conduct) to a so-called "stacked" system in which corrective action that has already been issued in any track will be cited in subsequent actions.

Terry R. Stapleton
Secretary-Treasurer

Greg Bell
Industrial Relations Director

James "Jim" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
Director, Maintenance Division

Robert C. "Bob" Pitchard
Director, MVS Division

Your letter misconstrues my letter to you dated February 22, 2010. You are correct in stating that the APWU considers the past practice in the Tennessee District as binding. As such, it is neither subject to change by the Postal Service unilaterally nor "open to local negotiation." This subject, moreover, is not "local" but District-wide. Neither of us is authorized to enter into the negotiations you propose to change the manner in which this binding past practice has clarified or implemented the progressive discipline requirements of Article 16 in the Tennessee District.

Regional Coordinators

Sharyn M. Stone
Central Region

Mike Gallagher
Eastern Division

Elizabeth "Liz" Powell
Northeast Region

William "Bill" Sullivan
Southern Region

Omar M. Gonzalez
Western Region

The APWU will challenge as invalid any disciplinary action issued in the Tennessee District which employs the so-called "stacked" system of progressive discipline described in your letter dated February 12, 2010.

Billy Woods
National Business Agent
American Postal Workers Union



DISTRICT MANAGER
TENNESSEE CUSTOMER SERVICE AND SALES



May 13, 2010

Mr. Billy Woods
National Business Agent, APWU
140 Oxmoor Blvd., Suite 170
Birmingham, Al 35209

Dear Mr. Woods:

I have given careful consideration to your letter of March 11, 2010. In it you expressed the view that the practice of employing a "three-track" progressive discipline system in the Tennessee District -- misconduct, attendance, and performance each constituting a separate track in which discipline for the correlative type of employee problem must progress -- was not subject to negotiation for the reasons outlined in your letter. I understood accordingly, that you declined to enter into negotiations over my proposal to employ a different system in which discipline could progress to the next disciplinary level even if it was not for the same "type" of employee action for which the prior element of discipline was imposed. I am writing to confirm that you have declined and still do decline to bargain over my proposal. I would appreciate an affirmative response if you would please give it. If I simply do not hear from you on this matter within two weeks of your receipt of this letter, I will take that as your final rejection of bargaining.

Should you affirmatively answer that you do decline to bargain or express your declination by clear implication in choosing not to answer me, I will then implement my proposal in light of the Union's determination not to engage in bargaining.

If you have changed your mind and now wish to bargain about my proposal, please contact me immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Gamble", with a long horizontal flourish extending to the right.

Greg Gamble

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June 2, 2010

Greg Gamble
811 Royal Parkway
Nashville, TN 37229

RE: Proposed Policy Change for Corrective Action

National Executive Board
William Burus
President

Cliff "C.J." Gulefy
Executive Vice President

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Mr. Gamble,

I am sorry for the delay in responding to your letter of May 13, 2010 but I have been on an extended absence out of my office and have just returned. Again you have misconstrued my letter of March 11, 2010. I have not declined to enter into negotiations. As I stated earlier, this subject is neither subject to change by the Postal Service unilaterally nor "open to local negotiation." This subject, moreover, is not "local" but District-wide. Neither of us is authorized to enter into the negotiations you propose to change the manner in which this binding past practice has clarified or implemented the progressive discipline requirements of Article 16 in the Tennessee District.

Again, the APWU will challenge as invalid any disciplinary action issued in the Tennessee District which employs the so-called "stacked" system of progressive discipline described in your letter dated February 12, 2010 either in an unfair labor practice charge and/or a grievance and will seek to reverse all discipline issued in accordance with his proposal, and to make affected employees whole.

I also suggest you seek advice from USPS labor council before proceeding with any action on this subject.

Billy Woods
National Business Agent
American Postal Workers Union



DATE: June 8, 2010

MEMORANDUM FOR: Mr. Billy Woods
National Business Agent, APWU
140 Oxmoor Blvd, Suite 170
Birmingham, AL 35209

RE: Proposed Policy Change for Disciplinary Action

This response is in reference to your letter dated June 2, 2010, concerning the proposed policy change for disciplinary action. Management is not attempting to unilaterally change any terms or conditions of employment.

You were notified in a letter dated February 12, 2010, of Management's proposal. In a letter dated May 13, 2010, I advised that I would implement my proposal in light of the Union's determination not to engage in bargaining. Management has provided the Union with prior notice and an opportunity to bargain prior to implementation. Since you have declined, I will proceed with a formal written notification of Management's intent to utilize a single line of discipline for unrelated infractions and the date this becomes effective.

The current system of multiple single tracks for related infractions has not been successful in correcting employee deficiencies. With the current financial state of the Postal Service, declining mail volume and economic crisis nationwide, it is more important than ever for employees to report as scheduled and to perform their assigned duties safely and efficiently.

Management has complied with the National Agreement and attempted to bargain in good faith. All Unions will be notified of this change and effective date.

A handwritten signature in black ink, appearing to read "Greg A. Gamble", with a long, sweeping horizontal line extending to the right.

Greg A. Gamble



DATE: June 8, 2010

MEMORANDUM FOR: National Association of Letter Carriers (NALC)
American Postal Workers Union (APWU)
National Rural Letter Carriers Association (NRLCA)
National Postal Mail Handlers Union (NPMHU)
National Association of Postal Supervisors (NAPS)
National League of Postmasters

RE: Policy Change for Disciplinary Action

Effective Saturday, July 10, 2010, the Tennessee District will implement a single track of discipline for unrelated infractions. The current system of multiple single tracks for related infractions has not been successful in correcting employee deficiencies. With the current financial state of the Postal Service, declining mail volume and economic crisis nationwide, it is more important than ever for employees to report as scheduled and to perform their assigned duties safely and efficiently.

Management is not attempting to unilaterally change any terms or conditions of employment. You were notified in a letter dated February 12, 2010, of Management's proposal to change the policy regarding corrective action. Management provided the Unions with prior notice and an opportunity to present questions or comments by February 26, 2010. APWU was the only union to respond but declined to bargain prior to implementation. This is your written notification of the change to a single line of discipline for unrelated infractions effective Saturday, July 10, 2010.

Management has complied with the National Agreement and attempted to bargain in good faith. Employees and Management officials will be notified of this change and effective date.



Greg A. Gamble