

# Contract talks end as mediation deadline passes

**A**s this issue of *The Postal Record* went to press, negotiations for a new National Agreement between the NALC and the U.S. Postal Service concluded as the April 8 deadline for mediation passed.

Formal talks between the two parties began in August, three months before the Nov. 20 expiration date of the 2006-2011 contract. But following several extensions, the USPS announced on Jan. 20 that it was declining to further extend its collective-bargaining negotiations with the NALC.

"I am disappointed by the Postal Service's decision," NALC President Fredric Rolando said in January. "We have been making steady progress in negotiations, and our negotiations have been innovative, professional and productive and have been conducted at the highest level."

About three weeks after the impasse was declared, Federal Mediation and Conciliation Service Director George Cohen announced the appointment of a mediator, attorney Joshua Javits, to help NALC and USPS reach a new agreement. The two parties agreed on a mediation deadline of April 8.

In mediation, the neutral mediator—in this case, Javits—is called upon to assist the parties to jointly explore and attempt to settle their differences. Javits held a number of meetings with both sides, both jointly and separately, and attempted to focus on the parties' common interests. Unfortunately, an agreement could not be reached.

The process now moves to interest arbitration.

In interest arbitration, each party selects an arbitration advocate to represent it on a three-person board, with the third person being an independent and neutral third party chosen by both parties to resolve the dispute. Much like a court case, each side presents evidence through witness testimony and documents, complete with opening and

closing arguments, chances for cross-examination and rebuttal. After the arbitrator takes time to review the case, he or she announces a decision and explains how the arbitration decision was reached.

As with mediation, there are advantages and disadvantages to resorting to interest arbitration. That step in the contract negotiation process generally is perceived as fair and unbiased, resolving a dispute with a measure of finality. A disadvantage, though, is that there is no guarantee that both sides will come out winners in an arbitration decision. Of course, even after the arbitration gets started, the NALC and USPS could still choose to settle on an agreement on their own, sidestepping the binding arbitration process.

The last time an NALC-USPS agreement was reached through interest arbitration was in the summer of 1999, following 23 days of intense hearings and live testimony from letter carriers about the realities of their working conditions, both on the workroom floor and in weather extremes delivering mail on their routes. The arbitration decision, announced in September 1999 by Arbitrator George Fleischli, resulted in a substantial win for the NALC, with a three-year pact that provided a rise to Grade 6 pay for all city letter carriers, annual wage increases and continued cost-of-living adjustments, and improved health care benefits.

"The negotiating atmosphere is a lot tougher in 2012 than it was 13 years ago," Rolando said, "which is why we've literally been preparing for interest arbitration since the 2010 national convention in Anaheim.

"Our members should have faith that we continue to bring all our resources to bear on this effort to achieve a new National Agreement," he said, "and will work day and night to make sure our full case gets heard by the arbitration board, just as we did at the bargaining table." ☒



NALC President Fredric Rolando