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Local and State Presidents  
Local and State Maintenance Craft Directors  
Stewards

Re: MS-47 Settlement and Restoration of the 1983 MS-47

Dear Brothers and Sisters,

I have enclosed the national settlement of our long-protracted MS-47 dispute. This settlement resolves nearly all remedy issues remanded to the parties by Arbitrator Shyam Das in his award of November 16, 2006. Arbitrator Das stated,

“Under the circumstances, it is appropriate that the Postal Service be directed to rescind the 2001 MS-47, to reinstate the 1983 MS-47, and to reinstate or prepare staffing packages as soon as practicable. As the Postal Service has stressed, the building inventories still are in use and the performance standards have not been changed. Prior staffing documents based on the frequencies determined by the appropriate level of management under the 1983 MS-47 presumably still exist, and can be revised under that Handbook where needed.”

[Q98C-4Q-C 02013900]

Coupled with the national settlement, the implications ought to be clear enough. However, I remain concerned that lack of enforcement at your level may jeopardize one of the most significant successes the Maintenance Craft has experienced. **Please take careful note:**

- The national settlement required the Service to produce new staffing packages “*according to the principles of the 1983 MS-47*” no later than February 28, 2008.
- The national settlement also states that the Union is specifically entitled to obtain a copy of such new package for every office, “*including forms 4869, 4839, 4851, 4776 and 4852 . . .*”

1. “*According to the 1983 MS-47*” means, in part:

The contents of this handbook are intended to be used by management to develop the custodial maintenance staffing requirements for all postal facilities where the U.S.P.S. is responsible for such services.

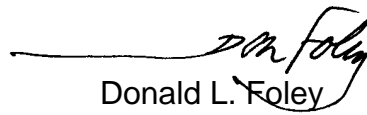
[Part 121]

This means **all** postal facilities – the only exception being those few federal buildings in which the General Services Administration (GSA) has the responsibility. (See ASM 533.5) This is true regardless whether the Postal Service owns or leases the facility, and is true regardless whether the work is done by Postal employees or someone else (see MS-47, 243.t.).

2. The local installation head must have (at least) some input to the determinations that go into a properly completed custodial staffing process:  
Local management must exercise its judgement in order to develop a level of staffing that, based on current inventory, will maintain an acceptable level of cleanliness and a safe and healthful working environment for all employees.  
[Part 124]  
This means evidence that the installation head has not been involved at all in the process gives proof of violation of the MS-47 and violation of the national settlement.
3. Because the national settlement required the performance of a new staffing survey in every office by a certain date – February 28, 2008 – failure of the Service to do this has its own implications. Because Arbitrator Das allowed the Service to “*reinstate or prepare staffing packages as soon as practicable*”, in those offices where we find the Service has failed to perform a new staffing survey between January 29, 2008 and February 28, 2008, the only appropriate result must be the **reinstatement** of the former staffing level. This will be dictated by a PS Form 4852 dated prior to January 01, 2002, or in the absence of such document, by the staffing that existed prior to any reduction that occurred on or after January 01, 2002.
4. Where the Service has performed staffing MS-47 staffing procedure within the 30-day period, Local and State representatives **must take the time to assure** that appropriate analysis of the new package is performed promptly, and that grievances are filed to challenge these packages when appropriate.
5. Proper enforcement of these principles is important in every office. It may be critically important in those offices where a **part-time regular (PTR)** custodial employee’s hours were reduced on or after January 01, 2002.

If the Service violates the requirement to perform the new staffing procedure, your actions should be clear. If the Service does perform the new staffing procedure, your action will be somewhat different but should also be clear. We must assure proper enforcement of the national settlement and of the MS-47. Our success in having the MS-47 reinstated must not be diminished by lack of enforcement.

As always, if you have any questions, please call or write.

  
Donald L. Foley  
National Business Agent  
Maintenance Craft