



American Postal Workers Union, AFL-CIO

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Vance Zimmerman
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Initiate National Dispute

August 28, 2020

Sent via Email and First-Class Mail

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Mr. Doug Tulino
Vice President, Labor Relations
U.S. Postal Service, Room 9014
475 L'Enfant Plaza SW
Washington, D.C. 20260

RE: Unilateral Implementation of FMCSA Clearinghouse Consent Form
and Program

Dear Mr. Tulino:

In accordance with the provisions of Article 15, Section 2 and 4 of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute regarding the Postal Service's unilateral implementation of work requirements related to, but not mandated by, the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse.

The Postal Service is requiring Motor Vehicle employees to sign a consent form as a term and/or condition of their continued employment. This consent form, titled "Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse," contains several provisions that are not required by the National Agreement, properly-promulgated postal policy, or Department of Transportation (DOT) or FMCSA rules and regulations. These provisions of the consent form must therefore be bargained for with the APWU. Management has nonetheless unilaterally imposed these discretionary provisions in violation of Article 1 and Article 5 of the National Agreement, and the Step 4 settlement in Case No. Q15V-4Q-C 18046276/HQTV20170529.

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The interpretive issue to be decided is whether the USPS-created form, "Consent for Limited Queries of the Federal Motor Carrier Safety Administration Drug and Alcohol Clearinghouse," must be bargained for between the APWU and the USPS. The APWU believes this form does have to be bargained.

The APWU has submitted multiple requests for information about the FMCSA Clearinghouse rules and regulations and how they would be applied to postal employees. Since May 11, 2020, the Union has been requesting any consent forms the USPS planned to use with respect to the FMCSA Clearinghouse. The USPS finally provided a copy of the general consent form it intended to use on August 7, 2020, and on August 14, 2020, the Union requested to meet on the form. Before the Parties could meaningfully discuss the form and the underlying program, management began using the consent form and requiring MVS drivers to sign it or risk being disqualified from their driving job.

The APWU is particularly interested in bargaining over the provisions of the consent form and the underlying program it implements concerning:

- (1) Authorization for using a third-party administrator,
- (2) Authorization for conducting annual queries for the entire duration of employment,
- (3) Authorization for the Postal Service to choose the day it conducts an annual query.

Postal employees who operate commercial motor vehicles that require a Commercial Driver's License (CDL) have been under FMCSA and DOT regulations since 1995. The USPS has taken the position since the inception of these requirements for its drivers that it would parallel, mirror, or follow DOT regulations for CDL employees. Over the years, the "follow," "mirror," or "parallel" terminology has been interchangeable, but the intent has not been. The Postal Service is well-aware of the requirement to bargain over issues that affect or impact working conditions of the CDL employees.

The APWU demands to bargain over the FMCSA Clearinghouse consent form and program. It is requested that you or your designee contact Michael Foster at 202-842-4240 in order to schedule a meeting to discuss this important issue pursuant to Article 15, Section 2 and 4 of the CBA.

Sincerely,



Vance Zimmerman
Industrial Relations Director

VZ/MOF/clf:
OPEIU#2
AFL-CIO

APWU #: HQT20200376
Dispute Date: 08/28/2020
cc: Resident Officers

Case Officer: Michael O. Foster
Contract Articles: 1, 5