APWU: Clerk Division Protects Jurisdiction Over SDUS and SIPS Machines in Arbitration

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On Oct. 26, Arbitrator Margaret Brogan upheld the Postal Service's jurisdictional assignments to the Clerk Craft on the **Small Delivery Unit Sorter (SDUS)** and the **Small Induction Package Sorter (SIPS)**, in her first Regional Instruction-399 (RI-399) jurisdictional award.

The Postal Service developed the SDUS and SIPS to update and replace the Automated Delivery Unit Sorter (ADUS). Since the two new machines are nearly identical to the ADUS, the Postal Service applied the ADUS jurisdictional determination to them. Both the APWU and the National Postal Mail Handlers Union (NPMHU) challenged the Postal Service's ADUS jurisdiction determination, but Arbitrator Sharnoff affirmed the Postal Service's decision, including the work assigned to the Clerk Craft. Nonetheless, the Mail Handlers tried again with the SDUS and the SIPS to acquire work that the Postal Service assigned to the Clerk Craft.

On Nov. 14, 2022, the Postal Service assigned the Clerk Craft primary jurisdiction over the following functions on the SDUS/SIPS:

- (3) Retrieval of full containers from staging/swim lanes and pull, scan, and sort the large non-machinable packages from each container
- (4) Singulating/separating packages and facing/feeding packages onto induction belt
- (6) In Function 4 (F4) operations, operating a SDUS, monitor discharge bins and pull, scan and sort medium and large no read/no barcode packages into the proper discharge bin, including sort plan switch out

Arbitrator Brogan rejected the Mail Handlers' attempt to take this work from the Clerk Craft. She noted that the Postal Service appropriately relied on its earlier determination for the ADUS, an "essentially identical" machine to the SDUS/SIPS and adequately followed the RI-399 jurisdictional review process.

She also noted, "[it] is well settled in RI-399 arbitration proceedings the Union or Unions protesting the Postal Service's national craft determinations must meet the 'heavy burden' of

proving that the USPS acted improperly and in a manner which was arbitrary, capricious, unreasonable, and/or constituted an abuse of USPS discretion, in the issuance of a national craft determination letter." After carefully reviewing the record, the parties' arguments, and arbitral precedent, the Mail Handlers, she concluded, did not meet "this heavy burden."

Arbitrator Brogan dismissed the Mail Handlers' specific arguments and found that the facts did not support their claims. Additionally, she determined there was insufficient evidence that the SIPS were being run like the SDUS in co-located Function 1/Function 4 facilities or that six-sided cameras have been installed nationally on the SIPS. Moreover, she accepted the APWU's argument that she should not decide jurisdiction over the allegedly retrofitted SIPS before the parties have had a chance to go through the full RI-399 process. As she noted, "While it is important for us to keep our eye on the goal of moving the RI-399 system forward efficiently, it cannot be accomplished in a manner denying due process to all parties."

Arbitrator Brogan favorably observed that facing is work typically awarded to clerks. She also noted that craft determinations "should be based on the facts reasonably known to the USPS officials at the time [they] made their determinations." She reminded the parties that enhancements to machines are subject to notice from the Postal Service and should be reviewed through the RI-399 process, including regional or national arbitration as appropriate. As she noted, "I see no reason to diverge from this well-reasoned arbitral authority and make new law on this issue." Accordingly, Arbitrator Brogan concluded that "the Postal Service's Craft Determination on the SDUS and SIPS were reasonably based in line with RI-399 guidelines and should be upheld."
"I would like to give special thanks to APWU National Dispute Resolution Committee (NDRC) Representative Ron Suslak, Assistant Clerk Craft Director Bob Romanowski, and former Assistant Clerk Craft Director Lynn Pallas-Barber for putting together the APWU's defense, successfully securing Clerk Craft jurisdiction over the SDUS and SIPS machines," said Clerk Division Director Lamont Brooks.

"I congratulate Director Brooks and the Clerk Craft for being victorious in this battle, but the war continues. What this represents is a brighter tomorrow for the Clerk Craft even in the midst of these dark times," said APWU President Jonathan Smith.

Locals are reminded that the work on the SDUS/SIPS listed above is Clerk Craft work. If it is being performed by Mail Handlers in any of your facilities, Article 7.2 grievances should be filed. If you become aware of any SDUS/SIPS enhancements, please notify your Regional Dispute Resolution Committee (RDRC) Representative as soon as possible.