

108TH CONGRESS
1ST SESSION

S. 678

To amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2003

Mr. AKAKA (for himself, Ms. COLLINS, Mr. DASCHLE, Mr. JEFFORDS, Mr. INOUE, Ms. MIKULSKI, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Postmaster Equity Act
5 of 2003”.

1 **SEC. 2. POSTMASTERS AND POSTMASTERS ORGANIZA-**
2 **TIONS.**

3 (a) IN GENERAL.—Section 1004 of title 39, United
4 States Code, is amended—

5 (1) in subsection (a), by inserting “, post-
6 master,” after “supervisory” both places it appears;

7 (2) in subsection (b)—

8 (A) in the first sentence, by inserting “,
9 postmaster,” after “supervisory”; and

10 (B) in the second sentence—

11 (i) by striking “or that a managerial
12 organization (other than an organization
13 representing supervisors)” and insert “that
14 a postmaster organization represents a
15 substantial percentage of postmasters (as
16 defined under subsection (j)(3)), or that a
17 managerial organization (other than an or-
18 ganization representing supervisors or
19 postmasters)”;

20 (ii) by striking “relating to super-
21 visory” and inserting “relating to super-
22 visory, postmasters,”;

23 (3) in subsection (c)(1), by inserting “, and the
24 Postal Service and the postmasters organization (or
25 organizations),” after “supervisors’ organization”;

26 (4) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
 3 graph (A), by inserting “and the post-
 4 masters organization (or organizations)”
 5 after “the supervisors’ organization” both
 6 places it appears;

7 (ii) in subparagraph (B), by striking
 8 “organization” and inserting “organiza-
 9 tions”; and

10 (iii) in subparagraph (C), by striking
 11 “organization” and inserting “organiza-
 12 tions”;

13 (B) in paragraph (2)—

14 (i) in subparagraph (A), by inserting
 15 “and the postmasters organization (or or-
 16 ganizations)” after “supervisors’ organiza-
 17 tion”; and

18 (ii) in subparagraph (B), by striking
 19 “organization” and inserting “organiza-
 20 tions”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (A), by inserting
 23 “and the postmasters organization (or or-
 24 ganizations)” after “supervisors’ organiza-
 25 tion”; and

1 (ii) in subparagraph (B), by striking
 2 “organization” and inserting “organiza-
 3 tions”; and

4 (D) in paragraph (4), by inserting “, and
 5 the Postal Service and the postmasters organi-
 6 zation (or organizations),”;
 7 (5) in subsections (e)—

8 (A) in paragraph (1), by inserting “and
 9 the postmasters organization (or organiza-
 10 tions)” after “supervisors’ organization”;

11 (B) in paragraph (2), by inserting “, the
 12 postmasters organization (or organizations),”
 13 after “The Postal Service”; and

14 (C) in paragraph (3), by inserting “and
 15 the postmasters organization (or organiza-
 16 tions)” after “supervisors’ organizations”;
 17 (6) in subsection (h)—

18 (A) in paragraph (1), by striking “and”
 19 after the semicolon;

20 (B) in paragraph (2), by striking the pe-
 21 riod and inserting a semicolon; and

22 (C) by inserting after paragraph (2) the
 23 following:

24 “(3) ‘postmasters organization’ means, with re-
 25 spect to a calendar year, any organization whose

1 membership on June 30th of the preceding year in-
2 cluded not less than 20 percent of all individuals em-
3 ployed as postmasters on that date; and

4 “(4) ‘postmaster’ means an individual who is
5 the manager-in-charge, with or without the assist-
6 ance of subordinate managers or supervisors, the op-
7 erations of a post office.”; and

8 (7) by redesignating subsection (h) as sub-
9 section (j), and inserting after subsection (g) the fol-
10 lowing:

11 “(h)(1) If, notwithstanding the mutual efforts re-
12 quired by subsection (e) of this section, the postmasters
13 organization (or organizations), believes that the decision
14 of the Postal Service is not in accordance with the provi-
15 sions of this title, the organization may, within 10 days
16 following its receipt of such decision, request the Federal
17 Mediation and Conciliation Service to convene a fact-
18 finding panel (in this subsection referred to as the ‘panel’)
19 concerning such matter.

20 “(2) Within 15 days after receiving a request under
21 paragraph (1) of this subsection, the Federal Mediation
22 and Conciliation Service shall provide a list of 7 individ-
23 uals recognized as experts in supervisory and managerial
24 pay policies. The postmasters organization (or organiza-
25 tions) and the Postal Service shall each designate 1 indi-

1 vidual from the list to serve on the panel. If, within 10
 2 days after the list is provided, either of the parties has
 3 not designated an individual from the list, the Director
 4 of the Federal Mediation and Conciliation Service shall
 5 make the designation. The first 2 individuals designated
 6 from the list shall meet within 5 days and shall designate
 7 a third individual from the list. The third individual shall
 8 chair the panel. If the 2 individuals designated from the
 9 list are unable to designate a third individual within 5
 10 days after their first meeting, the Director shall designate
 11 the third individual.

12 “(3)(A) The panel shall recommend standards for
 13 pay policies and schedules and fringe benefit programs af-
 14 fecting the members of the postmasters organization (or
 15 organizations) for the period covered by the collective bar-
 16 gaining agreement specified in subsection (e)(1) of this
 17 section. The standards shall be consistent with the policies
 18 of this title, including sections 1003(a) and 1004(a) of this
 19 title.

20 “(B) The panel shall, consistent with such standards,
 21 make appropriate recommendations concerning the dif-
 22 ferences between the parties on such policies, schedules,
 23 and programs.

24 “(4) The panel shall make its recommendation no
 25 more than 30 days after its appointment, unless the Postal

1 Service and the postmasters organization (or organiza-
2 tions) agree to a longer period. The panel shall hear from
3 the Postal Service and the postmasters organization (or
4 organizations) in such a manner as it shall direct. The
5 cost of the panel shall be borne equally by the Postal Serv-
6 ice and the postmasters organization (or organizations),
7 with the Service to be responsible for one-half the costs
8 and the postmasters organization (or organizations) to be
9 responsible for the remainder.

10 “(5) Not more than 15 days after the panel has made
11 its recommendation, the Postal Service shall provide the
12 postmasters organization (or organizations) its final deci-
13 sion on the matters covered by factfinding under this sub-
14 section. The Postal Service shall give full and fair consid-
15 eration to the panel’s recommendation and shall explain
16 in writing any differences between its final decision and
17 the panel’s recommendation.

18 “(i) Not earlier than 3 years after the date of the
19 enactment of this subsection, and from time to time there-
20 after, the Postal Service or the postmasters organization
21 (or organizations) may request, by written notice to the
22 Federal Mediation and Conciliation Service and to the
23 other party, the creation of a panel to review the effective-
24 ness of the procedures and the other provisions of this sec-
25 tion and the provisions of section 1003 of this title. The

1 panel shall be designated in accordance with the procedure
 2 established in subsection (h)(2) of this section. The panel
 3 shall make recommendations to Congress for changes in
 4 this title as it finds appropriate.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—

6 (1) SECTION HEADING.—The section heading
 7 for section 1004 of title 39, United States Code, is
 8 amended to read as follows:

9 **“§ 1004. Supervisory, postmaster, and other manage-**
 10 **rial organizations”.**

11 (2) TABLE OF SECTIONS.—The table of sections
 12 for chapter 10 of title 39, United States Code, is
 13 amended by striking the item relating to section
 14 1004 and inserting the following:

“1004. Supervisory, postmaster, and other managerial organizations.”.

15 **SEC. 3. EFFECTIVE DATE.**

16 The amendments made by this Act shall take effect
 17 60 days after the date of enactment of this Act.

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