

Calendar No. 235108TH CONGRESS
1ST SESSION**S. 678****[Report No. 108-112]**

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, Mr. SARBANES, Mr. DURBIN, Mr. JOHNSON, Mr. CARPER, Ms. SNOWE, Mr. SUNUNU, Mr. BINGAMAN, Mr. DAYTON, Mr. HATCH, Mrs. BOXER, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. BIDEN, Mr. LEVIN, Mr. FEINGOLD, Mr. LEAHY, Mr. HARKIN, Mr. BUNNING, Ms. CANTWELL, Mrs. MURRAY, Mr. BURNS, Mrs. LINCOLN, Mr. LAUTENBERG, Mr. PRYOR, Mr. BENNETT, Mr. BAUCUS, Mr. HAGEL, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mr. REID, Mr. COLEMAN, Mr. KOHL, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

JULY 25 (legislative day, JULY 21), 2003

Reported by Ms. COLLINS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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”.

6 **SEC. 2. POSTMASTERS AND POSTMASTERS ORGANIZA-**
7 **TIONS.**

8 (a) **IN GENERAL.**—Section 1004 of title 39, United
9 States Code, is amended—

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

12 (2) in subsection (b)—

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

15 (B) in the second sentence—

16 (i) by striking “or that a managerial
17 organization (other than an organization
18 representing supervisors)” and insert “that
19 a postmaster organization represents a
20 substantial percentage of postmasters (as
21 defined under subsection (j)(3)), or that a
22 managerial organization (other than an or-
23 ganization representing supervisors or
24 postmasters)”;

1 (ii) by striking “relating to super-
2 visory” and inserting “relating to super-
3 visory, postmasters,”;

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

7 (4) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “and the post-
11 masters organization (or organizations)”
12 after “the supervisors’ organization” both
13 places it appears;

14 (ii) in subparagraph (B), by striking
15 “organization” and inserting “organiza-
16 tions”; and

17 (iii) in subparagraph (C), by striking
18 “organization” and inserting “organiza-
19 tions”;

20 (B) in paragraph (2)—

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

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

4 (C) in paragraph (3)—

5 (i) in subparagraph (A), by inserting
6 “and the postmasters organization (or or-
7 ganizations)” after “supervisors’ organiza-
8 tion”; and

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

12 (D) in paragraph (4), by inserting “, and
13 the Postal Service and the postmasters organi-
14 zation (or organizations),”;

15 (5) in subsections (c)—

16 (A) in paragraph (1), by inserting “and
17 the postmasters organization (or organiza-
18 tions)” after “supervisors’ organization”;

19 (B) in paragraph (2), by inserting “, the
20 postmasters organization (or organizations),”
21 after “The Postal Service”; and

22 (C) in paragraph (3), by inserting “and
23 the postmasters organization (or organiza-
24 tions)” after “supervisors’ organizations”;

25 (6) in subsection (h)—

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

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

5 (C) by inserting after paragraph (2) the
6 following:

7 “(3) ‘postmasters organization’ means, with re-
8 spect to a calendar year, any organization whose
9 membership on June 30th of the preceding year in-
10 cluded not less than 20 percent of all individuals em-
11 ployed as postmasters on that date; and

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

16 (7) by redesignating subsection (h) as sub-
17 section (j), and inserting after subsection (g) the fol-
18 lowing:

19 “(h)(1) If, notwithstanding the mutual efforts re-
20 quired by subsection (e) of this section, the postmasters
21 organization (or organizations), believes that the decision
22 of the Postal Service is not in accordance with the provi-
23 sions of this title, the organization may, within 10 days
24 following its receipt of such decision, request the Federal
25 Mediation and Conciliation Service to convene a fact-

1 finding panel (in this subsection referred to as the ‘panel’)
2 concerning such matter.

3 “(2) Within 15 days after receiving a request under
4 paragraph (1) of this subsection, the Federal Mediation
5 and Conciliation Service shall provide a list of 7 individ-
6 uals recognized as experts in supervisory and managerial
7 pay policies. The postmasters organization (or organiza-
8 tions) and the Postal Service shall each designate 4 indi-
9 vidual from the list to serve on the panel. If, within 10
10 days after the list is provided, either of the parties has
11 not designated an individual from the list, the Director
12 of the Federal Mediation and Conciliation Service shall
13 make the designation. The first 2 individuals designated
14 from the list shall meet within 5 days and shall designate
15 a third individual from the list. The third individual shall
16 chair the panel. If the 2 individuals designated from the
17 list are unable to designate a third individual within 5
18 days after their first meeting, the Director shall designate
19 the third individual.

20 “(3)(A) The panel shall recommend standards for
21 pay policies and schedules and fringe benefit programs af-
22 fecting the members of the postmasters organization (or
23 organizations) for the period covered by the collective bar-
24 gaining agreement specified in subsection (c)(1) of this
25 section. The standards shall be consistent with the policies

1 of this title, including sections 1003(a) and 1004(a) of this
2 title.

3 “(B) The panel shall, consistent with such standards,
4 make appropriate recommendations concerning the dif-
5 ferences between the parties on such policies, schedules,
6 and programs.

7 “(4) The panel shall make its recommendation no
8 more than 30 days after its appointment, unless the Postal
9 Service and the postmasters organization (or organiza-
10 tions) agree to a longer period. The panel shall hear from
11 the Postal Service and the postmasters organization (or
12 organizations) in such a manner as it shall direct. The
13 cost of the panel shall be borne equally by the Postal Serv-
14 ice and the postmasters organization (or organizations),
15 with the Service to be responsible for one-half the costs
16 and the postmasters organization (or organizations) to be
17 responsible for the remainder.

18 “(5) Not more than 15 days after the panel has made
19 its recommendation, the Postal Service shall provide the
20 postmasters organization (or organizations) its final deci-
21 sion on the matters covered by factfinding under this sub-
22 section. The Postal Service shall give full and fair consid-
23 eration to the panel’s recommendation and shall explain
24 in writing any differences between its final decision and
25 the panel’s recommendation.

1 “(i) Not earlier than 3 years after the date of the
 2 enactment of this subsection, and from time to time there-
 3 after, the Postal Service or the postmasters organization
 4 (or organizations) may request, by written notice to the
 5 Federal Mediation and Conciliation Service and to the
 6 other party, the creation of a panel to review the effective-
 7 ness of the procedures and the other provisions of this sec-
 8 tion and the provisions of section 1003 of this title. The
 9 panel shall be designated in accordance with the procedure
 10 established in subsection (h)(2) of this section. The panel
 11 shall make recommendations to Congress for changes in
 12 this title as it finds appropriate.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

17 “§ 1004. **Supervisory, postmaster, and other manage-**
 18 **rial organizations”.**

19 (2) TABLE OF SECTIONS.—The table of sections
 20 for chapter 10 of title 39, United States Code, is
 21 amended by striking the item relating to section
 22 1004 and inserting the following:

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

23 **SEC. 3. EFFECTIVE DATE.**

24 The amendments made by this Act shall take effect
 25 60 days after the date of enactment of this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Postmasters Equity Act*
 3 *of 2003”.*

4 **SEC. 2. POSTMASTERS AND POSTMASTERS’ ORGANIZA-**
 5 **TIONS.**

6 (a) *PERCENTAGE REPRESENTATION REQUIREMENT.—*
 7 *The second sentence of section 1004(b) of title 39, United*
 8 *States Code, is amended—*

9 (1) *by inserting “that an organization (other*
 10 *than an organization representing supervisors) rep-*
 11 *resents at least 20 percent of postmasters,” after “ma-*
 12 *jority of supervisors,”; and*

13 (2) *by striking “supervisors” and inserting “su-*
 14 *pervisors or postmasters)”.*

15 (b) *CONSULTATION AND OTHER RIGHTS.—Section*
 16 *1004 of title 39, United States Code, is amended—*

17 (1) *by redesignating subsection (h) as subsection*
 18 *(i); and*

19 (2) *by inserting after subsection (g) the fol-*
 20 *lowing:*

21 “(h)(1) *In order to ensure that postmasters and post-*
 22 *masters’ organizations are afforded the same rights under*
 23 *this section as are afforded to supervisors and the super-*
 24 *visors’ organization, subsections (c) through (g) shall be ap-*
 25 *plied with respect to postmasters and postmasters’ organi-*
 26 *zations—*

1 “(A) by substituting ‘postmasters’ organization’
2 for ‘supervisors’ organization’ each place it appears;
3 and

4 “(B) if 2 or more postmasters’ organizations
5 exist, by treating such organizations as if they con-
6 stituted a single organization, in accordance with
7 such arrangements as such organizations shall mutu-
8 ally agree to.

9 “(2) If 2 or more postmasters’ organizations exist, such
10 organizations shall, in the case of any factfinding panel
11 convened at the request of such organizations (in accordance
12 with paragraph (1)(B)), be jointly and severally liable for
13 the cost of such panel, apart from the portion to be borne
14 by the Postal Service (as determined under subsection
15 (f)(4)).”.

16 (c) DEFINITIONS.—Subsection (i) of section 1004 of
17 title 39, United States Code (as so redesignated by sub-
18 section (b)(1)) is amended—

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

21 (2) in paragraph (2), by striking the period and
22 inserting a semicolon; and

23 (3) by adding after paragraph (2) the following:

24 “(3) ‘postmaster’ means an individual who is the
25 manager in charge of the operations of a post office,

1 *with or without the assistance of subordinate man-*
2 *agers or supervisors;*

3 “(4) ‘postmasters’ organization’ means an orga-
4 *nization recognized by the Postal Service under sub-*
5 *section (b) as representing at least 20 percent of post-*
6 *masters; and*

7 “(5) ‘members of the postmasters’ organization’
8 *shall be considered to mean employees of the Postal*
9 *Service who are recognized under an agreement—*

10 “(A) *between the Postal Service and the*
11 *postmasters’ organization as represented by the*
12 *organization; or*

13 “(B) *in the circumstance described in sub-*
14 *section (h)(1)(B), between the Postal Service and*
15 *the postmasters’ organizations (acting in con-*
16 *cert) as represented by either or any of the post-*
17 *masters’ organizations involved.”.*

18 (d) *THRIFT ADVISORY COUNCIL NOT TO BE AF-*
19 *FECTED.—For purposes of section 8473(b)(4) of title 5,*
20 *United States Code—*

21 (1) *each of the 2 or more organizations referred*
22 *to in section 1004(h)(1)(B) of title 39, United States*
23 *Code (as amended by subsection (b)) shall be treated*
24 *as a separate organization; and*

1 (2) *any determination of the number of individ-*
2 *uals represented by each of those respective organiza-*
3 *tions shall be made in a manner consistent with the*
4 *purposes of this subsection.*

5 **SEC. 3. EFFECTIVE DATE.**

6 *The amendments made by this section shall take effect*
7 *60 days after the date of the enactment of this Act.*

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