

Capital Reporting Company
Postal Police Officers Association Interest Arbitration 01-29-2014

614

BEFORE THE BOARD OF INTEREST ARBITRATION

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In the Matter of: :
 :
UNITED STATES POSTAL SERVICE :
 :
and : Volume 4
 : (Pgs. 614 to 773)
POSTAL POLICE OFFICERS :
ASSOCIATION :
-----:

Washington, D.C.
Wednesday, January 29, 2014

The following pages constitute the proceedings held in the above-captioned matter at the United States Postal Service, 475 L'Enfant Plaza, Southwest, Washington, D.C. before Erick M. Thacker, RPR, of Capital Reporting Company, a Notary Public in and for the District of Columbia, commencing at 9:07 a.m., when were present on behalf of the respective parties:

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<p>1 A P P E A R A N C E S 2 Before Arbitrators: 3 James C. Oldham, Impartial Chair 4 Robert A. Dufek, USPS Member 5 James Bjork, PPOA Member 6 On behalf of the PPOA: 7 ARLUS J. STEPHENS, ESQUIRE 8 DONNA MCKINNON, ESQUIRE 9 MURPHY ANDERSON, PLLC 10 1701 K Street, Northwest 11 Suite 210 12 Washington, D.C. 20006 13 (202) 223-2620 14 On behalf of the U.S. Postal Service: 15 TERESA A. GONSALVES, ESQUIRE 16 JULIENNE BRAMESCO, ESQUIRE 17 United States Postal Service 18 475 L'Enfant Plaza, Southwest 19 Washington, D.C. 20260 20 (202) 268-6704 21 22 ALSO PRESENT: 23 Chris Vitolo, PPOA 24 Eric Freeman, PPOA 25 Joshua Pierce, PPOA 26 Mike Plaughter, PPOA 27 Shawn Fletcher, PPOA 28 Joe Alexandrovich, USPS 29 Sonya J. Penn, USPS 30 Katherine P. Sullivan, USPS 31 Janet Peterson, USPS 32 * * * * *</p>	<p>1 P R O C E E D I N G S 2 ARBITRATOR OLDHAM: All right. Folks, 3 I think we're all here. I think we're still 4 proceeding with the union case. Am I not right? 5 MR. STEPHENS: That's correct. 6 ARBITRATOR OLDHAM: All right. Arlus, 7 whenever you're ready. 8 MR. STEPHENS: Okay. 9 MS. GONSALVES: We have a couple of 10 issues to discuss before we begin with the 11 testimony. Do you want to discuss that, or would 12 you rather just wait and see? 13 MR. STEPHENS: On which one? On the -- 14 MS. GONSALVES: The witness. 15 MR. STEPHENS: With -- sure. I can -- 16 do you want me to go ahead and address that? 17 MS. GONSALVES: It's up to you. 18 MR. STEPHENS: So the -- we had 19 anticipated having two live witnesses today. One 20 of our live witnesses is here. The other live 21 witness -- 22 ARBITRATOR OLDHAM: Is still alive, I</p>
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<p>1 C O N T E N T S 2 WITNESS: DIRECT CROSS REDIRECT 3 REXCROSS 4 DALE BELMAN, PH.D. 652 738 -- -- 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 (Exhibit books were tendered to the arbitrator.) 21 22</p>	<p>1 trust. 2 MR. STEPHENS: He is still alive, 3 thankfully. Thankfully, the cause for his 4 absence is not -- is not as extreme as that. 5 He -- due to the Senate having scheduled a markup 6 of the postal bill for today, he -- he's 7 representative of the Letter Carriers and was 8 going to testify about a round of bargaining in 9 1999 and about bargaining with the post office 10 generally. But he's unnecessarily engaged on the 11 Hill today, this morning, and so was unable to 12 testify here. 13 So Teresa and I, if his testimony ends 14 up being necessary, if the panel wants to hear 15 it, we'll have to find a way to make him 16 available on a -- on a later date. He's not 17 available on either of the two next days that 18 seem to make sense. So I'm going to make a short 19 presentation on some facts about it, and that may 20 just be sufficient. And, consequently, the 21 hearing day may be a little bit shorter today 22 than we had initially planned.</p>

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619	<p>1 ARBITRATOR OLDHAM: All right. 2 MS. GONSALVES: And the other note for 3 the record was just that I said that I'd come 4 back and talk a little bit about the maintenance 5 craft, and I just wanted to note for the record 6 that the provisions of the collective bargaining 7 agreement between the Postal Service and the APWU 8 that are specific to the maintenance craft are 9 set forth in Article 38 of that contract, which 10 is Joint Exhibit 3. 11 And just to -- this -- this particular 12 article talks about things such as the senior 13 qualified that we had a little bit of testimony 14 about, selection registers, banded scoring, and 15 it also talks about promotions contingent upon 16 satisfactory completion of training. 17 So I just wanted to note that for the 18 record in case the panel was interested. That's 19 where you could find those provisions. 20 ARBITRATOR OLDHAM: Thank you. 21 MR. STEPHENS: And, actually, the only 22 other exhibit we'd like to add that we didn't --</p>	621	<p>1 that position. 2 MS. GONSALVES: And if I may, since 3 this is the only opportunity I have a chance that 4 I -- I can take to add my own exhibits, I just 5 want to ask: What is the purpose for the entry 6 of these documents into the record? Is it for 7 private sector comparability? 8 MR. STEPHENS: That's correct. 9 MS. GONSALVES: Okay. So I thought 10 there was going to be a Harvard witness. I was 11 looking forward to that, in fact. 12 And why was Harvard chosen in 13 particular? 14 MR. STEPHENS: In terms of -- there's a 15 relative dearth of information about private -- 16 any -- any private entities that purport to have 17 any police powers that we were able to find. 18 MS. GONSALVES: You couldn't find 19 collective bargaining agreements and salary 20 information, things like that? 21 MR. STEPHENS: It's not something 22 that's -- there's not that many -- I think</p>
620	<p>1 it's a little minor cleanup, if I can pass that 2 down. I'll give this to Teresa. 3 We forgot we had promised to give the 4 panel the -- Mr. Scarpello's earning statements 5 showing that he is, in fact, paid at a rate 6 higher than custodian now, which I think is shown 7 on this -- on this form. 8 So that would be Union 88. 9 ARBITRATOR OLDHAM: All right. Thank 10 you. 11 MR. STEPHENS: In terms of exhibits, 12 the Union doesn't have a witness to testify to 13 this exhibit, but we'd like to bring it to the 14 panel's attention. And it speaks to private 15 sector comparability. These are exhibits 16 number -- 17 MS. MCKINNON: Seventy. 18 MR. STEPHENS: Union Exhibits No. 70 19 and 71. 70 is a collective bargaining agreement 20 between Harvard University and the union 21 representing its campus police officers, and 22 Union Exhibit 71 is a posted job description for</p>	622	<p>1 there's the -- the court in New Jersey approved 2 an arbitrator disregarding the New Jersey law 3 requiring prior accepted comparability for police 4 because the Court recognized there's -- it's hard 5 to find information on that. 6 MS. GONSALVES: Okay. What -- then I 7 would like to introduce a couple exhibits. If a 8 witness were here, it would be my intention to -- 9 to demonstrate that Harvard's different than 10 other universities, because Harvard has a 11 \$32.7 billion endowment as of June of last year, 12 and it's one of the wealthiest, if not the 13 wealthiest university in the country. 14 And I have a document on that, which 15 will be Postal Service Exhibit 13. And this is 16 a -- an excerpt from the Harvard Magazine, which 17 talks about the Harvard endowment. 18 ARBITRATOR OLDHAM: So what's the 19 exhibit number? 20 MS. GONSALVES: Thirteen. C-13. I 21 apologize for the lack of the three-hole punches. 22 I guess we can punch them quickly.</p>

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623	<p>1 And C-14 and C-15, which we'll now be 2 distributing, this is just background information 3 about the Harvard Police. It's in that lovely 4 crimson color. And the points that these 5 particular exhibits highlight is the fact that 6 Harvard Police are licensed state police officers 7 and deputy sheriffs, that they have jurisdiction 8 over all crimes from beginning to end that are 9 committed on Harvard campuses, and what that 10 means is -- with one exception. With certain 11 types of homicides, Harvard Police don't have 12 sole jurisdiction, but they have exclusive 13 jurisdiction over other crimes that are committed 14 on Harvard property. 15 And the crimes that they have 16 jurisdiction over include -- the crimes include 17 rape, domestic violence, hate crimes and, of 18 course -- it's Harvard after all -- alcohol and 19 drug crimes. And you'll see in one of these 20 attachments, if you peruse it, that, basically, 21 these are the same types of crimes that take 22 place in any large urban area, and they have</p>	625	<p>1 arbitrator. 2 We have not included the post office's 3 briefs for two reasons. One, I don't have them, 4 and, second, as you'll see, the arbitrator 5 largely sided with the Union's position. So 6 we're not intending to not present the position 7 both sides were making, but just the arguments 8 that were -- that we contend that were ultimately 9 persuasive to the arbitrator. 10 So by way of background, the post 11 office and the Letter Carriers were parties to a 12 contract that expired in November 1998. The 13 Letter Carriers were proposing a -- a longer 14 agreement than the post office was prepared to 15 accept, and the carriers were also proposing wage 16 increases every year and also a pay upgrade for 17 every carrier, moving them from Grade 6 of the 18 old Postal Service scale to Grade 7 on account of 19 what the Letter Carriers contended were 20 fundamentally changed duties that had not been 21 compensated. The parties reached an impasse in 22 bargaining, and Arbitrator Fleischli was chosen</p>
624	<p>1 exclusive jurisdiction over them. 2 ARBITRATOR OLDHAM: Thank you. 3 MR. STEPHENS: So the two principal 4 parts of the Union's case today will be the 5 attorney presentation of three exhibits that the 6 panel has. These are Exhibits 67, 68 and 69, 7 which are -- two of them are briefs filed by the 8 National Association of Letter Carriers in a 1999 9 arbitration proceeding. And the third document 10 is the award issued by the panel in that case, 11 and that -- I'll give a short presentation on -- 12 on that. 13 So if the -- so the -- the Union would 14 like to make a presentation on the 1999 interest 15 arbitration award by Arbitrator George R. 16 Fleischli. Again, the Union had intended to have 17 a representative of the National Association of 18 Letter Carriers, but he was unable to be here 19 today. The information that I'll be presenting 20 is not based on personal knowledge. It is based 21 on the prehearing brief and post-hearing brief 22 filed by the Union and the award of the</p>	626	<p>1 to head the arbitration panel. 2 In the meantime, the two other large 3 unions had recently completed their negotiations 4 with the post office and ratified them, and those 5 contracts called for lesser economic terms than 6 what the Letter Carriers were proposing. And to 7 jump to the conclusion, Arbitrator Fleischli 8 adopted the Letter Carriers' proposal that every 9 city letter -- letter carrier be upgraded from 10 the old Grade 5 to Grade 6 on internal 11 comparability concerns compared to other postal 12 and employees and what he concluded were 13 fundamental changes in the nature of letter 14 carrier work resulting from postal automation. 15 The Letter Carrier's principal argument 16 was that the carriers should receive a pay 17 upgrade due to what they described as significant 18 changes due to technology. In short, they 19 contended that carriers were carrying more mail 20 and spending more time outdoors doing so than 21 they had previously. The technology change was 22 called DPS.</p>

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627	<p>1 Prior to 1993, when DPS was -- began to 2 be introduced, there was testimony that letter 3 carriers spent approximately 50 percent of their 4 workday in the office preparing mail for delivery 5 and then 50 percent of the time in the street 6 delivering it. According to the Letter Carriers, 7 DPS shifted an average of 80 minutes per workday 8 from office time to street time. 9 This -- simplifying it greatly was 10 the -- the argument justifying the -- the pay 11 upgrade. The -- the Union had proposed this pay 12 upgrade concept in the previous arbitration in 13 1995. The arbitrator then, Arthur Stark, 14 declined to adopt it at the time, because he felt 15 that the implementation of this technology change 16 was -- had only begun. It was far from complete. 17 By 1999, by contrast, the Union argued 18 to the panel that the -- there was nothing 19 premature about this request because the 20 implementation was essentially complete, that 21 85 percent of city delivery routes had been 22 converted to this technology, resulting in the</p>	629	<p>1 sophisticated enough that they could read the 2 addresses in such a way that the carrier would 3 get the trays exactly in the manner in which he 4 would deliver it on the street. 5 ARBITRATOR OLDHAM: Great. Thank you. 6 MR. STEPHENS: And the award -- and I 7 apologize for the -- the simplified -- the -- the 8 award -- the opinion accompanying the award goes 9 into pretty good detail about the different 10 contentions of the parties about how -- what -- 11 all of the factual results of that, the 12 consequences. The post office's case was that 13 this had actually made the job easier for the 14 carriers in -- in important respects. 15 The Union's argument was that it 16 actually had made it more difficult, not just 17 because you're outdoors, but it required more on 18 the fly -- a lot of stuff that used to be done in 19 the office, a lot of problem -- advanced problem 20 solving was delayed until the street, but the -- 21 so I guess the -- Arbitrator Fleischli's opinion 22 is probably a better source of this than I am, so</p>
628	<p>1 increased time outdoors. 2 ARBITRATOR OLDHAM: Does it matter if 3 we know what the technology was? 4 ARBITRATOR DUFEK: It might be useful. 5 MR. STEPHENS: Sure. 6 ARBITRATOR DUFEK: It might be helpful 7 if I just mention it. It's called delivery point 8 sequence. 9 MR. STEPHENS: Yes. 10 ARBITRATOR DUFEK: And it was an 11 automation process that allowed the mail to be 12 delivered to each carrier specific to the route 13 in a delivery point sequence, so that the 14 carriers no longer had to what they call case the 15 mail in order to get it into a delivery point 16 sequence. That's what DPS stands for. It's -- 17 it's much more complicated, I'm sure, than that, 18 but that's the basic -- basic sense of it. 19 ARBITRATOR OLDHAM: So it was delivered 20 to the carriers, in some sense, presorted? 21 ARBITRATOR DUFEK: Yes, in trays 22 presorted. And the technology just got</p>	630	<p>1 I'm trying to keep it a little short. 2 But as you'll see from the opinion, 3 the -- the Union estimated that the percentage of 4 city carrier work performed outdoors had risen 5 from 58.4 percent in 1989 to 68.4 percent by 6 1998, about a 10 percent shift from indoor to 7 outdoor. And the Union contended that by 8 spending more time on the street, this exposed 9 carriers to greater time exposed to inclement 10 weather and at increased risk of both physical 11 injury associated with visiting residences and 12 also increased risk of crime, being victim of 13 crime. 14 Thus, the Union argued that the job was 15 more physically demanding. They had to carry 16 more mail. They had to carry an additional 17 bundle called a DPS -- DPS bundle, had to carry 18 handheld scanners when working their routes. The 19 Union presented evidence that due to this 20 increased strain, carriers were suffering 21 increased injuries, and they presented evidence 22 of a correlation -- strong correlation between</p>

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631	<p>1 outdoor work and increased risk of injury. 2 The Union also argued that this 3 automation had made the carriers' job more 4 mentally demanding, that the carriers were 5 required to exercise greater concentration during 6 street delivery, as carriers now had to perform 7 work in the street that they previously had 8 performed in the office prior to automation, 9 including fixing mistakes that machines had made, 10 removing undeliverable mail from their bundles on 11 the street rather than in the office, and finding 12 accountable items such as registered mail that 13 were improperly mixed in with the DPS mail. 14 The Union also argued that the 15 carriers' jobs now required greater use of 16 memory. Carriers were required now to have 17 greater knowledge of their routes, including the 18 names of residents on their routes and current 19 mail delivery status, for example, mail 20 forwarding. Whereas, prior to automation, 21 carriers had in-office memory aids to help them 22 with those tasks.</p>	633
632	<p>1 And the Union presented evidence -- 2 expert testimony on changed job duties, presented 3 a professional compensation analyst who testified 4 about the methods used to establish compensation 5 programs. Again, this is spelled out in greater 6 detail in both the Union's briefs and in 7 Arbitrator Fleischli's award. 8 But in sum, the experts described that 9 DPS had changed the job of carrier in the 10 following ways: Increasing the depth of 11 knowledge required to handle mail on the street, 12 increased responsibility for independent 13 decision-making resulting from the need to handle 14 mail on the street, increased physical dexterity 15 due to the additional bundles and increased 16 mental demands. 17 And, again, the post office argued that 18 DPS had not had a significant impact on the 19 letter carrier's job and presented several 20 witnesses to that effect. There -- the ultimate 21 testimony was that the work changes before and 22 after the implementation of DPS had actually</p>	634

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635	<p>1 manner of difficulty with future bargaining. 2 Jumping to the conclusion, Arbitrator 3 Fleischli ruled for the Letter Carriers, adopting 4 their final economic proposal, including wage 5 increases and the overall pay upgrade. He wrote 6 an opinion explaining his decision. I will 7 summarize quickly. 8 He explained that the -- the evidence 9 in the case convinced him that the DPS had indeed 10 made the city letter carrier work more difficult 11 than it had been. He explained that regardless 12 of whether, as the post office argued, the letter 13 carriers were already enjoying a wage premium, he 14 concluded that an outdoor premium applied 15 warranting higher pay for outdoor work. He 16 concluded that it had become more difficult to 17 deliver mail than it had been previously. Thus, 18 the 10 percent change in letter carrier duties 19 from indoors to outdoors was significant enough 20 for him to award a job upgrade of approximately 21 two-and-a-half percent of pay. 22 He recognized in his decision that the</p>	637	<p>1 that the letter carriers were not being properly 2 compensated vis-à-vis other postal employees, 3 including due to their changed duties as a result 4 of DPS in the 1990s. 5 And, again, the Union brings this to 6 the panel's attention for two reasons, first that 7 we believe it -- it's relevant to the -- showing 8 where PPOs have been historically relative to 9 other postal employees. And we'll be presenting 10 evidence this morning about that historic 11 linkage, which the Union contends has fallen 12 away, and that while we were at a certain -- used 13 to be at a certain point, vis-à-vis, other postal 14 employees, we've actually slipped quite a bit 15 compared to them in the years since. 16 And, second, that that does not even 17 price in the -- what we contend is a fundamental 18 transformation of our jobs during that same time 19 period. So while we believe, had the historic 20 linkage been -- been the same, we would already 21 be slightly above the other postal employees, at 22 which point we would be entitled to additional</p>
636	<p>1 impact of automation on letter carriers was 2 somewhat uneven. There was some variability 3 based on route and location, but that neither 4 party argued that letter carriers should be 5 evaluated other than as a whole, so whatever 6 unevenness there was would roughly even out. 7 And his opinion emphasized that he was 8 awarding -- his award was based on internal 9 equity among postal employees and not necessarily 10 comparability with the private sector. And, 11 again, he noted that work of city letter carriers 12 was arguably more difficult than the work of a 13 clerk even before automation. 14 Finally, he acknowledged the post 15 office's arguments in favor of adhering to 16 existing patterns with the other employee unions. 17 He wrote, however, that while adherence to 18 patterns often make sense, there are exceptions 19 to every rule. He wrote that one exception is 20 where the evidence tends to prove an inequity in 21 treatment. On the facts of the -- produced in 22 the 1999 hearing, Arbitrator Fleischli concluded</p>	638	<p>1 compensation based on increased job hazards and 2 transformed duties. We believe Arbitrator 3 Fleischli's award also speaks to that point. 4 And, again, I guess I would recommend 5 the panel to turn to Arbitrator Fleischli's 6 opinion as a far better source of what he 7 actually said than what I'm saying he said. 8 MS. GONSALVES: May I make a brief 9 response? 10 ARBITRATOR OLDHAM: Certainly. 11 MS. GONSALVES: We are going to have a 12 witness testify about the Fleischli decision and 13 testify more generally about interest arbitration 14 history at the Postal Service, but I'd just like 15 to make five brief points. 16 First of all, I think Mr. Stephens 17 already alluded to this, but the Postal Service 18 offer in that case was premised on the pattern 19 that had been made in previous collective 20 bargaining agreements. 21 And the second point is that this was a 22 last best offer arbitration. It's the only one</p>

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639	<p>1 in Postal Service history where an arbitrator was 2 faced with accepting all or nothing of one 3 package versus all or nothing of another. So to 4 the extent that he awarded the wage package 5 proposed by the NALC, that is the reason why. 6 Third -- and we'll be talking about 7 this more later, like I said, but -- and I think, 8 again, Mr. Stephens already stated this, but I 9 just wanted to make it clear that Arbitrator 10 Fleischli found not only a change in the mix of 11 the carriers' duties, but he found a fundamental 12 change in the duties themselves. 13 So one example is that additional 14 bundle that was created by DPS letters. The 15 letter carriers still had to case some mail that 16 was not machinable. It couldn't go through the 17 machines. But those were put in separate 18 bundles, and there was this additional bundle 19 that was added. 20 And in addition to that, with -- with 21 the -- with DPS letters coming on to the scene, 22 the letter carriers also had another duty, which</p>	641
640	<p>1 was what's called thumbing the mail. The DPS 2 mail was in delivery point sequence, but the 3 letter carriers still had to go through and check 4 each letter to make sure that it was properly 5 sorted by the machinery, and that was done on the 6 street. So that was another important changed 7 duty. It was a new duty that they didn't have 8 prior to this new automation. And there's 9 probably other details as well. That's just a 10 couple of the new duties that were created by 11 this new automation. 12 Fourth, as Mr. Stephens noted, this was 13 a decision that was based -- the thrust of it, 14 its focus, was internal comparability. Again, 15 this is the only decision in Postal Service 16 history which awarded wage changes on the basis 17 of internal comparability. It's the only one. 18 It's an outlier. 19 And the fifth point is just that it's 20 unprecedented -- unprecedented in the sense that 21 it not only was last best offer, but it also was 22 based on internal comparability. And you'll see</p>	642

1 through the testimony of Mr. Alexandrovich that
2 all subsequent interest arbitrators rejected the
3 Fleischli analysis because of the damage it could
4 cause to Postal Service labor relations in the
5 long run.
6 ARBITRATOR OLDHAM: Thank you.
7 MR. STEPHENS: So we are prepared with
8 our -- our live witness for today.
9 ARBITRATOR OLDHAM: Fine.
10 MR. STEPHENS: And, Teresa, he's going
11 to have a PowerPoint.
12 MS. GONSALVES: Well --
13 MR. BELMAN: I don't have to do that.
14 MS. GONSALVES: We can set it up. We
15 can take a break.
16 MR. STEPHENS: I apologize --
17 MS. GONSALVES: I'm sorry. I asked you
18 to tell me in advance. I mean, they asked me --
19 MR. STEPHENS: You're right. It's my
20 fault --
21 MS. GONSALVES: -- should I get it in,
22 and I said I don't think so.

1 MR. STEPHENS: It's my fault.
2 MS. GONSALVES: I'm sorry about that.
3 MR. STEPHENS: It's my fault. It's my
4 fault. It's my fault.
5 MS. GONSALVES: Okay. We can get it
6 set up.
7 MR. STEPHENS: We -- we printed off --
8 we printed off the slides in addition, so --
9 MR. BELMAN: It would be a bit clumsy,
10 because I'll be there, and the computer will be
11 somewhere down here, probably.
12 MR. STEPHENS: Okay. What --
13 MR. BELMAN: And so why don't we see
14 how well we do with it, since we've got all the
15 slides --
16 MR. STEPHENS: Okay.
17 MR. BELMAN: -- printed out. That will
18 save the panel the trouble of squinting at the
19 screen. Oh, okay.
20 ARBITRATOR DUFEK: And, Dr. Belman, I
21 may admit that that's getting more difficult with
22 the passage of each year.

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643	<p>1 MR. BELMAN: I just update my glasses, 2 so it's not so bad, but since I'm usually the one 3 doing the showing, I don't notice. 4 ARBITRATOR OLDHAM: Before you sit 5 down, sir, we're going to need to swear you in as 6 a witness. You can stay where you are. 7 MR. BELMAN: Okay. 8 ARBITRATOR OLDHAM: Just listen to the 9 reporter in the corner. 10 WHEREUPON, 11 DALE BELMAN, PH.D. 12 called as a witness, and having been first duly 13 sworn, was examined and testified as follows: 14 THE WITNESS: I do. 15 MS. GONSALVES: I think, Arlus, we're 16 going to need to make more copies, because -- 17 MR. STEPHENS: Okay. I apologize -- 18 MS. GONSALVES: Can we go off the 19 record for a moment? 20 ARBITRATOR OLDHAM: Off the record. 21 (Brief recess.) 22 ARBITRATOR OLDHAM: Okay. Folks, I</p>	645	<p>1 distributed. And the reason why -- maybe with 2 any run-of-the-mill case -- with any 3 run-of-the-mill witness, it wouldn't necessarily 4 be an issue, but this is -- my understanding is 5 that this is the Postal Police's primary and only 6 comparability expert witness. 7 And though we did receive loose 8 exhibits from the Postal Police that, in part, 9 are replicated here, although I don't think 10 in full, I think there are some references in the 11 PowerPoint that weren't included in the exhibits. 12 We had no context for them. We didn't know how 13 many witnesses would be. We did not know who 14 would be testifying as to the witnesses, and, 15 therefore, our efforts, our ability to prepare 16 for cross-examination was compromised. 17 So what we suggested was that we go 18 ahead and hear Dr. Belman's testimony today and 19 that we either cross-examine a little or maybe 20 not at all and reserve the right to bring Dr. 21 Belman back at a later date to afford us the 22 opportunity to prepare for cross-examination.</p>
644	<p>1 think we're all back. Let's get going as soon as 2 we can. 3 MR. STEPHENS: So, Teresa, do you want 4 to raise your point? 5 MS. GONSALVES: I can. The ground 6 rules require that the parties exchange exhibits 7 by five o'clock a full day before the next day of 8 the hearing. So, for example, the Postal Police 9 Officers Association received the Postal 10 Service's exhibits for tomorrow last night. I 11 wrote down five o'clock. 12 And there's a reason for that, and the 13 primary reason for that is so that people can 14 prepare for cross-examination and have an idea 15 about what witnesses are testifying about. The 16 Postal Service, as a matter of practice, includes 17 any and all PowerPoint presentations in its 18 disclosures under the ground rules. 19 Due to a misunderstanding, Mr. Stephens 20 did not include this PowerPoint presentation in 21 his exhibits that he sent to us. We just 22 received them at the time that they were</p>	646	<p>1 MR. STEPHENS: So a couple points. 2 First of all, we believe we did comply with the 3 ground rules. We have submitted by five o'clock 4 all of the documents underlying the testimony of 5 our witness today, all of the information about 6 which he is testifying. It was presented -- it 7 was e-mailed to the panel and to the post office 8 by five o'clock on Monday. 9 The PowerPoint we did not intend as an 10 exhibit. The PowerPoint was actually not even 11 completed until this morning, to be candid, and 12 we did not intend for it to be marked as an 13 exhibit or we didn't three-hole punch to put it 14 in the binder. And we had no reason to believe 15 that it was something that was supposed to be 16 sent in advance. 17 We had -- the post office, of course, 18 was supposed to go first in this case, and had it 19 gone first and had it sent over all of these 20 PowerPoints which it now says we will be getting, 21 I guess that would have given us some notice that 22 that was the post office's construction, that</p>

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647	<p>1 PowerPoint presentations, the visual, is an 2 exhibit meant to be substantive evidence along 3 with the testimony. 4 My understanding was that it was not 5 substantive evidence, that the evidence was the 6 testimony, and that the -- putting two and two 7 together is what the witness does. The 8 PowerPoint only helps illustrate it. So we 9 respectfully disagree. 10 As for the identification of the 11 witness, among the exhibits exchanged was the CV 12 for our witness. It's Exhibit No. 72. So we 13 believe we made a full disclosure of who our 14 witness was going to be. There would be no 15 reason to send a CV of someone who we didn't 16 intend to have testify. 17 We -- if the post office believes it 18 needs additional time for cross-examination, we 19 expect this witness will be done with our 20 presentation by lunchtime. We have at least 21 until three o'clock or so today. So we're happy 22 to take whatever -- however long a break is</p>	649	<p>1 itemized in the ground rules. You said that this 2 has been by practice understood to be within the 3 ground rules, but Arlus does not seem to have 4 been -- 5 MR. STEPHENS: I think this is our 6 first -- the post office has had practice with 7 other unions. We, unfortunately, have not been 8 privy to that. 9 ARBITRATOR OLDHAM: Yes. But I think 10 what we'll do is, we're going to take a 11 wait-and-see approach to this. As the day goes 12 on, we'll see how it falls. We do -- as it 13 happens, because we don't have a second live 14 witness, we have more time with this witness than 15 we had anticipated, and if we have a somewhat 16 longer lunch hour than usual, this will give 17 additional time for assessing the 18 cross-examination. And let's just see if -- if 19 it's adequate as the afternoon arrives. All 20 right? 21 MS. GONSALVES: All right. 22 MR. STEPHENS: So our witness -- the</p>
648	<p>1 necessary. 2 We would object, however, to the need 3 to bring the witness back, principally on cost 4 grounds, that it's not inexpensive for this union 5 to bring in live witnesses from out of town, 6 especially witnesses like Dr. Belman, who charges 7 a very reasonable hourly rate, but nevertheless, 8 an hourly rate plus expenses. The plane ticket 9 this time alone on short notice to DCA was over a 10 thousand dollars. So that would be our -- our 11 response. 12 And to the extent it was -- 13 expectations were not met, we do apologize. 14 There was no intension to do anything that was 15 out of -- 16 ARBITRATOR OLDHAM: Well, so as not to 17 extend this procedural issue, just let me say a 18 few things and tell me if I'm wrong. But it 19 seems to me from what you said, Teresa, that 20 PowerPoints may be something of a gray zone with 21 regard to whether they fit within the ground 22 rules. I take it they are not specifically</p>	650	<p>1 exhibits to which Dr. Belman will be -- the 2 underlying documents are beginning -- will be 3 Union Exhibit 72 through Exhibit 87. 4 MS. GONSALVES: I -- I do have one 5 thing I would just -- if I could have one minute 6 to respond to what Mr. Stephens said, if you 7 don't mind. 8 ARBITRATOR OLDHAM: Certainly. 9 MS. GONSALVES: I just wanted to say 10 that in terms of the practice, although it's not 11 exactly a pattern in terms of the practice, we 12 did e-mail a copy of our slides for Curtis 13 Whiteman, our finance expert, prior to -- at the 14 time that we thought we were going to be 15 presenting our first -- our witness first. 16 And, also, I just want to note that the 17 Postal Service has been very accommodating to the 18 Postal Police Officers Association, but this 19 witness is a little bit different than the other 20 witnesses we've heard from, because I believe -- 21 I haven't heard the testimony yet, but I believe 22 he's going to be a very key witness in the Postal</p>

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651	<p>1 Police's presentation. And there are people who 2 are not present in this room who -- who need to 3 review this in order to have an adequate 4 cross-examination. I hope that wasn't too much 5 longer than a minute. 6 MR. STEPHENS: If I could have a real 7 short -- 8 ARBITRATOR OLDHAM: Sure. 9 MR. STEPHENS: The one document that 10 was referenced, the one PowerPoint that was 11 presented to us when the post office believed it 12 was still going to be going first, there were no 13 other underlying documents associated with that 14 witness's testimony. 15 We understood there were -- there were 16 assertions made in the PowerPoint that were not 17 supported by evidence, and we just -- that's the 18 difference here. We thought if we had the 19 documents, that was what met the rules. So, 20 again, no intention of anyone doing anything 21 underhanded. 22 ARBITRATOR OLDHAM: Well, and we'll</p>	653	<p>1 slide is regarding his qualifications. 2 A Well, thank you, and thank you for the 3 panel to listen to my presentation. 4 In addition to having a doctorate in 5 economics, having served as a faculty member in 6 the economics department, now the school of human 7 resources and labor relations since 1986, 8 publishing extensively in the area of public 9 private comparability, labor relations and 10 collective bargaining, I have served as a witness 11 in previous postal arbitrations as well as a 12 number of other interest arbitrations. 13 So I began my work for -- in postal 14 interest arbitrations in 1995 in the Arthur Stark 15 arbitrator between USPS and the National 16 Association of Letter Carriers. I was also a 17 expert witness in the Fleischli arbitration 18 between the Letter Carriers and the Postal 19 Service. And after a long hiatus of testifying, 20 but I actually -- well, I testified in 2012 in 21 the National Rural Letter Carriers Association 22 with Arbitrator Clarke. In most of these</p>
652	<p>1 operate -- we'll go forward on the 2 assumption that -- we'll take at face value what 3 you said, that is, that the PowerPoint is going 4 to correspond to the information that was 5 submitted. 6 MR. STEPHENS: Correct. 7 ARBITRATOR OLDHAM: And let's see how 8 it plays. 9 MR. STEPHENS: Dr. Belman is sworn? 10 ARBITRATOR OLDHAM: He is. 11 MR. STEPHENS: Okay. I'm going to in 12 some is ways turn this over to Dr. Belman to 13 testify on -- mostly on certain economic -- on 14 economic matters and on some labor economics 15 matters. We would call the panel's attention to 16 his curriculum vitae, which is at Union Exhibit 17 72. 18 DIRECT EXAMINATION BY COUNSEL FOR 19 THE 20 UNION 21 BY MR. STEPHENS 22 Q I'll -- I will ask Dr. Belman to -- if he can further give some context. And the first</p>	654	<p>1 cases -- in some of these cases, I was doing 2 work -- a lot of metric work with regression in 3 some cases, and other -- more recently, I tended 4 towards external comparables. 5 In addition to this, I have testified 6 in a number of other interest arbitrations, 7 teacher arbitrations in Wisconsin with the 8 Wisconsin Education Association, basic steel wage 9 reopener in the late '90s for the United Steel 10 Workers. But probably more important to this 11 arbitration, I have been an expert witness on 12 outside comparables and internal comparability 13 several times for the Milwaukee Police 14 Association, for the Milwaukee Police Sergeants 15 and Lieutenants Association, for the Toledo 16 Police Association, and twice I have provided 17 testimony but have not testified before the 18 Detroit Police Officers Association. So I have 19 some familiarity with public safety issues. 20 I will not bother you with going 21 through my research stream or things like that, 22 not that it's not fascinating. I, of course,</p>

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655	<p>1 will be happy to provide any articles that people 2 would like to read. 3 The issues that I will be addressing in 4 this presentation is, first of all, using O*NET 5 to set some benchmark standards distinguishing 6 between police and security guards. Then I will 7 move on to applying the comparability standard to 8 Postal Police, and here, I will compare Postal 9 Police Officer salaries to those of other postal 10 crafts. They have declined, particularly since 11 2008. 12 I will show how their salaries compare 13 to salaries determined by the United States 14 Department of Labor wage and hours administration 15 under the Service Contract Act, so that's a 16 direct private sector comparison. I will be 17 comparing PPO salaries to other federal law 18 enforcement personnel engaged in similar work, 19 and they, again, are low. 20 And I will also provide some costing of 21 the PPOA and USPS proposals, as well as showing 22 the proportion of PPOA -- Postal Police Officer</p>	657	<p>1 peace officer work coming from extensive work 2 with police unions on their work, but I have not 3 done a specific study of Postal Police. 4 MR. STEPHENS: And to be clear on this, 5 the Union -- as -- as Dr. Belman said, the Union 6 is not offering Dr. Belman as an expert to make 7 the ultimate conclusion based on job study of 8 Postal Police Officers. It's more -- as the 9 panel will see, more to describe to the panel 10 what the economic -- what the literature 11 describes as the separation between security 12 guards and Postal Police Officers and for the 13 panel in some ways to draw their own conclusion. 14 THE WITNESS: What I will be doing in 15 this section is using a very widely-accepted 16 source of occupational information to distinguish 17 between the tasks, knowledge, skills, abilities 18 and other characteristics of police officers and 19 security guards. And, hopefully, this will 20 provide an objective basis for assessing the -- 21 or a possible objective basis for assessing where 22 Postal Police Officers fit between those two</p>
656	<p>1 costs are relative to total collective bargaining 2 labor costs in the Postal Service. 3 So that's quite a few topics, but, 4 hopefully, I will be able to be succinct. It's 5 not my style, but I will try. 6 MR. STEPHENS: So on the -- in this 7 next -- calling the panel's attention and the 8 post office's attention to -- Union Exhibit 73, 9 74, 75 and 76 are all exhibits which will be 10 underlying his testimony. 11 THE WITNESS: So the first of my 12 testimony will be distinguishing the tasks and 13 other characteristics of individuals and jobs, 14 police patrol jobs and security guards. What I 15 should make clear at the start of this is that I 16 have not done a study of the work of police -- of 17 Postal Police Officers. I have some anecdotal 18 evidence through discussions. I have not yet 19 read the transcripts because the transcript's not 20 available from the first -- from the testimony on 21 that. 22 So I do have a general knowledge of</p>	658	<p>1 occupations. 2 The data which I'll be using is O*NET, 3 which is the Occupational Information Network. 4 This is the successor to the Dictionary of 5 Occupational Titles. It is used -- it is 6 developed by contract and subcontracting by the 7 Employment & Training Administration of the U.S. 8 Department of Labor. And O*NET is a very 9 extensive and very rich database or source of 10 data on almost a thousand distinct occupations in 11 the United States economy. It was originally 12 developed by the U.S. Department of Labor by 13 occupational analysts working -- working on these 14 different groups of occupations. 15 Since that time, it's been updated 16 through survey work, but I will go through it, 17 and it very clearly lays out considerable amounts 18 of information about the occupations that will 19 turn out to be useful. Just to -- and by the 20 way, all this information is available on the 21 Internet. I happen to be using -- to capture 22 that and put it in PowerPoints simply because the</p>

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659	<p>1 Internet is undependable at some times and 2 particularly when one is testifying. 3 And I guess another very brief slide 4 about O*NET, O*NET Resource Center, there's a 5 content model which is within occupational 6 information, and as we'll see, there are actually 7 488 distinct measures of occupational 8 characteristics, as well as what they call their 9 taxonomy, which are related groups of occupations 10 and something on data collection. So there's 11 quite a bit of information available. 12 I should point out that O*NET has been 13 used regularly in postal interest arbitrations, 14 typically by the Postal Service, in some 15 statistical analysis used by Drs. Wachter and 16 Hirsch to try to control for occupational 17 characteristics. I, too, have used it. So it's 18 already been used extensively, and in that sense 19 is an accepted basis for occupational analysis by 20 the parties. 21 As I say here, it's a very rich source 22 of information on job characteristics. There are</p>	661
660	<p>1 a total of 488 distinct measures. These 2 include -- they're divided between the importance 3 of particular tasks and other characteristics and 4 their levels. Standard with occupational 5 analysis, it does focus on knowledge, skills, 6 abilities and working conditions. It's also 7 viewed as an excellent place to start a job 8 analysis by the human resources profession. 9 For example, if you look at the 10 Milkovich text, Compensation, which is a standard 11 graduate text on compensation, he recommends that 12 firms take O*NET, use it as a starting place to 13 do job analysis. So it is widely accepted. 14 And this is perhaps the first case 15 where it's far better to look at your handout 16 than it is at the screen. 17 ARBITRATOR DUFEK: Not far better. 18 THE WITNESS: The screen is -- yeah, 19 well, it gets worse later on. We may have a 20 problem or two because the slide -- the Xeroxes 21 are not always the best quality. 22 But, here, all I've done is I put the</p>	662
659	<p>1 word "police" in, and you can see you get a 2 cluster of occupations, starting with first-line 3 supervisors of police and detectives, police fire 4 and ambulance dispatchers, transit and railway 5 police and police detectives. If you go through, 6 the occupation I'm going to focus on are police 7 patrol officers. 8 Now, I have to say that if you look at 9 what it says about police patrol officers and 10 police and sheriff's patrol officers, they're 11 virtually identical. Okay. So you can look at 12 either one, and you get very similar information. 13 They have a bright occupational outlook, meaning 14 they'll be, in a sense, substantially above 15 average job growth. 16 Security guards also show up a bit 17 further down. They also have a bright 18 occupational outlook, so things are generally 19 bright. But I've used police patrol officers. 20 And if we go to the next slide, just to show you 21 what's in O*NET, there are -- there are different 22 pieces of information. There's a summary report,</p>	662

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663	<p>1 persons, situations, safety hazards and so on. 2 So this will lay out the different tasks that are 3 expected of a police patrol officer. Render aid 4 to accident victims and other persons requiring 5 first aid for physical injuries. 6 In fact, in my work with police 7 officers, that has been one thing they all 8 mention is that, whereas, other people can walk 9 away from the scene of the accident, they are 10 required and can be disciplined if they fail to 11 render first aid in accident -- in cases where 12 people are injured. 13 And, in fact, the summary report will 14 include tasks, tools and technology, knowledge, 15 skills and abilities, work activities, work 16 context, job zone, which is a very broad summary, 17 required education, work styles and work values, 18 because many times this is used by vocational 19 counselors. And work styles, work values, you 20 want to align people's interest with the work 21 they do. So it's a very complete set of 22 information.</p>	665
664	<p>1 If we look at security guards, for 2 example, their first task will be to monitor and 3 authorize entrance and departure of employees, 4 visitors and other persons to guard against theft 5 and maintain security of premises. Call police 6 and fire departments in cases of emergencies, 7 such as fire or presence of unauthorized persons, 8 answer alarm and investigate disturbances and so 9 on. So, again, this lays out core, shared tasks 10 of security guards. 11 We could actually -- we can compare 12 these -- and I've created a sheet that just 13 compares the tasks from the summary measures that 14 contrast this. So, for example -- and let me 15 just -- the fourth task down for police patrol 16 officer would be to identify, pursue and arrest 17 suspects and perpetrators of criminal acts. The 18 third task down for a security guard would be to 19 call police or fire departments in cases of 20 emergency, such as fire or presence of 21 unauthorized people, persons. 22 So that is an important distinction.</p>	666

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667	<p>1 on. I'm simply going to do this for illustrative 2 reasons. 3 Okay. So, for example, if we turn the 4 page, take a look at the very first knowledge. 5 Public safety and security, knowledge of relevant 6 equipment, police procedures, strategies to 7 provide, promote effective local, state or 8 national security operations for the protection 9 of people, data, property and institutions has an 10 importance level of 91. 11 I'll skip down to English language. 12 Knowledge of the structure and content of the 13 English language, including the meaning and 14 spelling of words, rules of composition and 15 grammar, that has a importance level of 82. 16 We then flip the page to look at 17 security guards. A security guard's knowledge of 18 public safety and security is 57 compared to a 91 19 rating for police patrol officers. And while the 20 rating for police patrol officers for English 21 language was 82, you drop down one, two, three, 22 four to the fourth knowledge area, English</p>	669	<p>1 the opinion of a number of academics who have 2 taken a look at that. 3 So what I would say is -- well, I was 4 going to start saying, I don't do an evaluation 5 here of Postal Police Officers, but I think that 6 the O*NET provides a very strong basis for doing 7 a factual evaluation and clear objective criteria 8 to do that evaluation. 9 MR. STEPHENS: Now, the next subject 10 area that Dr. Belman is going to testify to -- 11 the principal exhibits here are Union Exhibit 77, 12 which is a graph -- two graphs detailing an 13 analysis of Postal Police and salaries received 14 by certain classifications of the National 15 Association of Letter Carriers and the American 16 Postal Workers Union. So that's exhibits -- 17 two-page exhibits, No. 77. 18 BY MR. STEPHENS 19 Q Dr. Belman, you -- it was earlier in 20 the presentation on Arbitrator Fleischli. Were 21 you, in fact, involved in that arbitration? 22 A Yes. I presented testimony.</p>
668	<p>1 language for security guards is 27. It's not 2 very important for security guards. 3 You can go through the rest and make 4 comparisons. In general, knowledge for security 5 guards is quite low relative to police officers, 6 but there are very important distinctions. And 7 what I would suggest is that, one, police patrol 8 officers and security guards are very different 9 occupations. At least that's what O*NET 10 suggests. O*NET is really designed to provide, 11 among other things, a factual basis for the 12 evaluation of occupations. It is probably the 13 best developed of these instruments available to 14 the panel. 15 And so, for example, I would suggest 16 that the criteria provided in it are much more on 17 point, much easier to use than, for example, the 18 criteria developed as part of the National 19 Compensation Survey. In part, NCS has relied 20 from the federal white collar survey and over 21 emphasizes white collar tasks to the expense of 22 other tasks. That's not just my opinion. That's</p>	670	<p>1 Q And what -- on the comparability, can 2 you testify briefly about the role of 3 comparability in the post office in your 4 experience? 5 A I -- I'd have to range a little bit 6 beyond the arbitration, but it's very clear that 7 internal comparability has been an extreme -- an 8 important standard. In fact, in the most recent 9 interest arbitration I was involved in, the 10 settlement of the APWU played a central role in 11 the Union's decisions about a settlement for, you 12 know, what -- what was going to be a reasonable 13 settlement for the NRLCA. So there is -- have -- 14 have been very strong patterns within the postal 15 unions. 16 Now, what should be said is that the 17 PPOA, in '94, agreed to a wage formula that was 18 at variance with the pattern that existed for all 19 the other unions. Back in the 1980s, Clark Kerr, 20 who arbitrated -- I believe that was when all of 21 the large unions were still bargaining together, 22 APWU and the NALC -- suggested a wage formula of</p>

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671	<p>1 the employment cost index minus one. The postal 2 unions have -- were very reluctant to accept 3 that, the big unions, and have never accepted it. 4 The PPOA did -- did accept that, I 5 believe -- I've been told, in 1994, and they 6 implemented ECI minus one. So they've actually 7 been out of pattern using a very different way of 8 determining wages, and I will be taking a look at 9 the consequences of that. They've been somewhat 10 out of pattern. But patterns, I think that -- 11 you know, Arbitrator Dufek knows this all too 12 well -- play a very important role, at least in 13 terms of determining wage increases. And that's 14 not unusual in public sector bargaining. 15 Q Turn to exhibit -- Union Exhibit 77. 16 A Okay. This is the -- and I have the 17 good fortune of providing a bit of color, which 18 is good, because, otherwise, you'd never tell the 19 difference between the two groups. But this 20 is -- what I've done here with the -- is 21 comparing PPOA and NALC base salaries. Now, the 22 base salaries are the annual salaries inclusive</p>	673	<p>1 THE WITNESS: Well, let's try -- let's 2 see. 3 MR. STEPHENS: Here it comes. 4 THE WITNESS: If multiple -- I think I 5 know what to do. 6 ARBITRATOR OLDHAM: So we can just 7 observe that, Teresa, in the transcript, you can 8 quote the doctor as saying, I've lost it. 9 THE WITNESS: Very good. This is a 10 case where I need to work back to get -- no doubt 11 many of my students would agree with you. 12 So what we can see from -- 13 ARBITRATOR OLDHAM: Dr. Belman -- 14 THE WITNESS: I can bring the 15 PowerPoint up as a PowerPoint. 16 ARBITRATOR OLDHAM: Just to be sure, 17 I'm a little bit color blind even from here, but 18 the -- at the very end of your ascending lines, 19 the one on top is the Letter Carriers? 20 THE WITNESS: Yes. The blue -- okay. 21 ARBITRATOR OLDHAM: I -- 22 THE WITNESS: Let me take a moment to</p>
672	<p>1 of COLA, and I've gone a back to May 1994 in the 2 Exhibit U-77 and up through June 2011 in this. 3 And this graph, where the red line -- 4 which you can't see in your Xerox, if you would, 5 this upper line depicts the Postal Police Officer 6 Association base salary and Carrier 1. So we are 7 not putting in the carrier technicians who have 8 multiple routes. We are only using the Carrier 1 9 in here. 10 I think what you can see from this 11 graph, very quickly, is that, historically, and 12 really up until the mid-to-late 2000s, Postal 13 Police Officers earned more than Carrier 1s. 14 And, in fact, if you take a look at Exhibit 77, 15 what you will find is that -- 16 ARBITRATOR DUFEK: Dr. Belman -- yeah, 17 you lost it just for a second. 18 THE WITNESS: I've lost it. Let us 19 see. I see what's happened. Okay. It should 20 come up in -- it seems much happier. 21 MS. GONSALVES: It's not happy up 22 there.</p>	674	<p>1 get the display up again properly, because right 2 now, it isn't, and that's -- I see what's going 3 on. Let's shrink this a little bit. There. 4 There. That's -- 5 MR. STEPHENS: That's APWU. 6 THE WITNESS: We can go back up. All 7 right. So what we can see here is this upper 8 line are the Postal Police Officers, and the 9 red -- you know, the red line. So this upper 10 line are Postal Police Officers, and from 11 May 1994 through about mid-2008, November 2008, 12 Postal Police Officers typically were paid more 13 than Carrier 1s. That changed around 14 November 2008, where the carriers substantially 15 increased their pay while the Postal Police 16 Officers' pay fell behind. 17 And this graph is based off of actual 18 dollar values. We've, of course, got the amounts 19 on the left-hand side on the vertical axis and 20 time on the horizontal axis for that. Now, if we 21 take a look at Exhibit 77 -- and the graph is 22 largely a reproduction of the dollar values in</p>

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675	<p>1 Exhibit 77. So if you look at the right-hand 2 side, I have the percentages. 3 And what we can see here is that, for 4 example, in May 1994, a Postal Police Officer 5 earned 102.3 percent of the pay of a carrier -- 6 by the way, I am using the top step of the -- and 7 I should have mentioned this to start with. This 8 is the top step of the Carrier 1 pay schedule, 9 and I used that because it's a fixed point. It's 10 not sensitive to different rates of step increase 11 and so on. 12 It's also the most populous category. 13 The largest number of carriers are there. But 14 it's insensitive to things such as people moving 15 through the system. So it's a very standard 16 thing. This -- very typically, in interest 17 arbitrations -- and again, I'm taking coals to 18 Newcastle -- to simply use a fixed point like 19 that in a schedule. 20 But as we take a look at this, what 21 we'll see is that throughout most of the period, 22 we're at 104. We get up to 108, 107 percent.</p>	677	<p>1 2000s, performed reasonably well, but since then, 2 because of a very large slow-down in the increase 3 in employee costs in the private sector, post -- 4 the pay of Postal Police Officers has fallen 5 considerably behind the pay of the letter carrier 6 craft. 7 So as I said, during the 2000s, it was 8 tending to fluctuate in the 101 to 103 range. 9 Once we hit March 2008 -- and with one 10 exception -- it's below 100 percent, and by the 11 end of -- by July 2011, it's at 96.9 percent. So 12 there's been a substantial decline in the 13 relative pay of Postal Police Officers because of 14 the slow growth of the ECI compared to -- but the 15 combination, the other units get base pay 16 increases plus a cost of living adjustment. 17 So all those have come together since 18 2008 to reduce Postal Police Officer pay relative 19 to letter carriers. And that shows up in the 20 graph, that 2008 change, Postal Police Officers, 21 letter carriers. 22 If we go to the next slide, I've chosen</p>
676	<p>1 But then, in November of 1999, Postal Police 2 Officers fall back to 102.8 percent and really 3 are -- are in the 101 to 103 percent ratio. What 4 happened in November 1999 was the Fleischli 5 decision awarded a grade increase to the 6 carriers. So it changed the relativities between 7 carriers and Postal Police Officers. Postal 8 Police Officers fell from running, let's say, 9 around 104, 105 percent down to the 101 to maybe 10 102, possibly lower 103 percent. So that grade 11 increase had a large effect on the relative pay. 12 Now, what's happened, if we go toward 13 the end of this, if you look from 2008 on -- all 14 right -- with the coming of the Great Recession, 15 the employment cost index slowed down 16 considerably. And Postal Police Officer pay has, 17 since 1994, with some exceptions, been driven by 18 a formula of employment cost index minus one. 19 And as I was saying, the Postal Police are the 20 only of the postal units that bought off on the 21 Clark Kerr suggestion. None of the others have 22 done it, and if I were to say, up until the late</p>	678	<p>1 to compare Postal Police Officers here to APWU 2 Grade 6. Now -- 3 BY MR. STEPHENS 4 Q This is the second page of Exhibit 77. 5 A In point of fact, we can take a look -- 6 yeah. And it's the chart on the second page, 7 plus this slide. 8 Now, I chose the Grade 6 clerk because 9 it is the most populous of the grades for the 10 APWU. There are also Grade 7 clerks and Grade 8 11 clerks at somewhat higher pay levels. They all 12 move very closely in tandem, so it seemed 13 appropriate to choose the most populous group, 14 rather than ones that were -- you know, any other 15 one. I would get about the same results. 16 Again -- and here I've made a horrible 17 color mistake. Now the PPO are blue and APWU are 18 red. So I don't know if I'm permitted to correct 19 that before -- if we distribute this, but I 20 should. My students would be mocking me at this 21 very moment. But, again, salary on the 22 right-hand side, time. Now, this only starts in</p>

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679	<p>1 19- -- May 1998. This information was provided 2 to me by Jim Bjork. Prior information was 3 provided to me by the -- the NALC information 4 comes directly from the NALC research department. 5 But in this case, we can see that 6 with -- you know, there are some moments in 7 bargaining when the contracts and increases are 8 out of sync. But PPO wages are consistently 9 above, although slowly falling to the level of 10 APWU wages, until, again, mid-to-late 2008, at 11 which point, they start falling below the APWU 12 wage or just even with it. 13 So, historically, Postal Police 14 Officers have been paid above and sometimes 15 substantially above APWU Clerk 6s, but now, 16 because of the pay formula that they're under and 17 the slow growth of the ECI, they have been 18 disadvantaged relative to other units. In fact, 19 again, if you take a look at the chart, 20 right-hand side, we have the data of the ratio of 21 PPOs as a percentage and APWU 6. 22 If we look prior to -- you know,</p>	681	<p>1 ECI minus one formula has served to reduce 2 relative pay. 3 I should say that the clerks got a 4 grade increase from Arbitrator Goldberg, although 5 he didn't want to talk about having to do for the 6 APWU what had been done for NALC. It's very 7 common in interest arbitration that -- it's, in, 8 fact extremely hard for one unit to get that type 9 of increase, a grade increase, and for another 10 unit not to. There's a case I'm familiar with 11 because of my long years in Wisconsin in which an 12 arbitrator boosted the police relative to 13 firefighters in the mid-1980s, and the 14 firefighters struck twice. And ever since that 15 time, they have been -- arbitrators have 16 originally locked the police and firefighters 17 together as a way of avoiding that sort of 18 interunit conflict. 19 So that's the past. What about the 20 future? 21 Q This is Union Exhibit 78. 22 A And the future has really two</p>
680	<p>1 actually, for most of the chart, they're running 2 between 105 percent and 102 percent, although it 3 tends to drop over time. The ECI minus one 4 formula has not performed as well as a 5 combination of bargaining and COLA clauses for 6 the larger unions. 7 But, again, as we get towards the end 8 of this series, you can see that starting, say, 9 August 2008, PPOs are earning just about the same 10 as Clerk 6s, 100 percent, 101 percent, somewhere 11 in that range. And so that suggests that the ECI 12 minus one formula has not worked as well as the 13 combination of traditional bargaining and COLA 14 clauses for Postal Police Officers. They're 15 simply less well off relative to the other postal 16 crafts. So that's the past. 17 The ECI minus one formula has -- in 18 part because NALC received a grade increase from 19 Fleischli and -- in 1999, which changes those 20 relativities and was based on a change in the 21 work of letter carriers. That substantially -- 22 that has reduced the relative pay, but, also, the</p>	682	<p>1 components to it. The PPOA -- and I'm going to 2 compare the PPOA and the USPS proposal. And so 3 the PPOA proposal consists of a grade increase, 4 which, from the point of view of an economist, is 5 a 2.5 percent increase in annual salary across 6 all steps and then the addition of a step for 7 \$408. 8 Now, in my work, I'm going to be a 9 little bit lazy, but I think it will help the 10 panel. There are Postal Police Officers who are 11 below the top step, but there are relatively few 12 of them, and so I have simply treated this as if 13 everyone was at the top step and everyone would 14 get that step increase immediately. It has a 15 relatively small financial effect and greatly 16 reduces the calculations. It makes it very 17 simple to do the calculations, which I think -- 18 so that -- in the interest of transparency, of 19 course, I have never met a number I didn't like 20 and I enjoy a complex formula, but I think it's 21 probably better for us if we just ignore the 22 modest effect of that.</p>

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683	<p>1 So there's -- in the first year of the 2 contract, the 2011 -- sorry -- 2012, 2013, 3 there's a grade increase and a step increase. 4 Then there are three annual 3 percent increases 5 in base salary, and in the last year of the 6 contract, 2016, 2017, there is a 1 percent 7 increase. And what I have done -- and that's a 8 PPOA proposal. 9 If you take a look at the top panel, 10 PPOA and USPS salary proposals, 2012, 2017, I 11 have worked all of those in to the far left-hand 12 column for the PPOA proposal. So in 20- -- we'll 13 take 2011 as our base wage. In 2012, the wage 14 would rise because of the grade and step 15 increases to 55,587. The 3 percent increase 16 would then boost that to 57,254; another 17 3 percent, 58,972; a third 3 percent, 67,041; and 18 a 1 percent will take that to 61,349. 19 All right. Now, however, PPOAs also 20 propose that they get COLA increments identical 21 to the formula used in the other contracts where 22 the Postal Service has the cost of living</p>	685
684	<p>1 adjustment clause. That requires both 2 calculating the COLA amount and in those cases 3 where they're, in the future, forecasting 4 inflation and the COLA increase. So if we now go 5 to the bottom panel, let me just walk you through 6 that. Okay. In January 2012, which would be 7 before the current -- it was the base for the 8 pay -- the COLA increases. The Consumer Price 9 Index was at 224.251. 10 Now, one of the nice things about 11 interest arbitration is that because it takes so 12 bloody long, I don't have to predict all the 13 future path of the CPI. A lot of this is now 14 history. And so if we go through, where you see 15 the single crosses to the right of the date, 16 these are actual values of the CPI. So for 17 July 2012, it's 225.269, for July 2013, et 18 cetera. Starting January 2014, because the CPI 19 for January 2014 is not yet available and won't 20 be until next month, I have had to forecast the 21 value of the CPI. 22 Now, forecasting is not my business,</p>	686
683	<p>1 and so, instead, I've used the consensus forecast 2 produced by the Philadelphia Federal Reserve for 3 2013 to 2017. They take the forecast of a number 4 of prominent economic forecasters, DRI, other 5 groups, and essentially average them. And so 6 their consensus forecast -- and that's where we 7 have the double cross, if you will -- is 8 2.1 percent. So what I've done starting in 9 January 2014 is increased the CPI by 2.1 percent 10 for each year by 1.05 percent for each six 11 months, because the COLA's paid in six-month 12 increments. 13 So, for example -- and now I've 14 calculated the change in the COLA. That would 15 be, for example, from January 2012 to July 2012. 16 The point change would be 1.018. Okay. So 17 that's the point change. That gets divided by a 18 factor of .4, and so what we get is cents per 19 hour. The hourly rate, because of the July 20 increase in the CPI, would be 2.55 cents per 21 hour. 22 Calculated on a 2,080 hour work year,</p>	685
684	<p>1 that would be \$53. However, because of the 2 timing of the contract, Postal Police Officers 3 would only receive half of that. It's actually a 4 little more than half because there's an extra 5 week in there, but, again, I'm being lazy, 6 frankly, and it has a very small dollar effect. 7 But they get half of that increase. In point of 8 fact, we have this as an ongoing issue. 9 If you go on down this far column, 10 which is simply the cumulative effect weighted 11 for time worked, that 229, because COLAs are 12 cumulative, you not only get the current COLA 13 increases. Of course, your wage has been pushed 14 up by prior COLA increases. 15 That 229 includes half of the increase 16 that they receive in July 2012, so they actually 17 get the full July increase at that point. They 18 get the full \$118 and then half of that \$117, 19 because that goes into effect in July, and their 20 contract here, they get their -- the contract 21 here ends in April. So in aligning this with 22 contract years, there are a few complications.</p>	686

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687	<p>1 I have, at the end, if you take a look 2 at this, my forecast -- and it's largely a, if 3 you will, artifact of the Philadelphia Federal 4 Reserve -- is that over the five-year period, the 5 cost of living adjustment would raise PPO 6 salaries by \$994 annually, almost a thousand 7 dollars. So that's right at the bottom lower 8 right-hand corner. And that would be due to the 9 CPI. 10 Now, if we return to the upper panel -- 11 and I just wanted to make the COLA -- how I've 12 calculated the COLA as clear as possible. I'm 13 not sure I've succeeded, but -- if we take a look 14 at the upper panel again, I have -- gave you the 15 wages, the base salary that would come out of the 16 PPO proposal, but the column immediately to the 17 right, which is labeled "Plus COLA," is exactly 18 that. It is the -- 19 ARBITRATOR OLDHAM: Hang on. I'm -- 20 I've -- I'm -- 21 THE WITNESS: Okay. 22 ARBITRATOR OLDHAM: -- out of sync with</p>	689	<p>1 living adjustment, we'd be almost a thousand 2 dollars higher, 62,343. So that is my, as you 3 will, forecast of what the PPOA proposal would do 4 in the way of wages. 5 If you look at the upper panel to the 6 right, I have in turn taken the USPS proposal and 7 essentially done the same thing. The USPS 8 proposal is for a freeze in the first two years 9 of the contract. So, in 2012, it would be 10 53,833. In 2013, it would be 53,833. But in 11 2014, there would be a 1 percent increase, 12 raising the base to 54,371, 2015, 1.5 percent, 13 55,187, and 2016, 55,739, another 1 percent. 14 And then I've added in the appropriate 15 COLAs. There are no COLA increases in the first 16 two years. There would be a deferred COLA that 17 looks a lot like a bonus payment the way I've 18 calculated things. But starting in 2013 -- what 19 I've labeled here 2014, I start directly adding 20 in, say, the COLA increase of \$476. So, by the 21 end, the 2016, 2017 year, post -- PPOA -- or PPO 22 wages under the USPS proposals would be 56,733.</p>
688	<p>1 you. 2 THE WITNESS: All right. So what we 3 have here are the COLA increases associated with 4 the bargaining cycle. So for the 2013, 2014 5 bargaining cycle, the total cumulative increase 6 would be \$229 annually. 2014, 2015, 7 \$476 annually. 2015, 2016, \$732 annually. 2016, 8 2017, the cost of living adjustment would add 9 \$994 annually on a cumulative basis, almost a 10 thousand dollars. 11 What I've now done over here is -- 12 on -- in this column, I simply have the increases 13 in the base that are specified in the contract. 14 It does not include the COLA. In this column, 15 I've added in these COLA increases to come up 16 with the total annual -- the predicted total 17 annual salary. So, for example, because of the 18 COLA increase in 2012, we would end up in the 19 2012, 2013 contract with a total wage of \$55,613, 20 and the next contract year, 57,483 and so on. 21 And so, by the end, while the specified 22 base salary would be 61,349, with that cost of</p>	690	<p>1 Now, again, I've probably simplified by 2 treating the postal proposal as lasting five 3 years rather than 4.5 simply to align it with the 4 PPOA. 5 BY MR. STEPHENS 6 Q And this also factors in the assumption 7 of COLA? 8 A Yes. Oh, yes. The Postal Service 9 would seem to indicate that it will provide 10 COLA-like increases to the Postal Police 11 Officers, but haven't committed to any particular 12 increase. I've simply assumed that they will 13 provide the same increases as specified for the 14 other collective bargaining units. So it's a -- 15 you know, is it a given that we don't have 16 anything more specific? I've used this, and I've 17 assumed that they would treat things that way. 18 So that -- if we go on to our next 19 slide -- and these become -- they're somewhat 20 harder to read because the -- of the color or 21 lack of color in the -- your Xerox. What I've 22 done here is I've repeated this exercise for -- I</p>

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691	<p>1 not only simply reproduced the PPOA proposal plus 2 COLA and the USPS proposal plus COLA; I've taken 3 NALC plus COLA and placed it in this chart to 4 contrast the two. 5 And one thing we'll find here is 6 that -- and by the way, the NALC for these two 7 is -- are actual wages since those have already 8 been determined. The, of course, PPO are 9 prospective, and I've made appropriate COLA 10 adjustments that follow my prior -- follow my 11 other COLA adjustments. 12 MR. STEPHENS: Just -- just to be clear 13 -- 14 MS. GONSALVES: Mr. -- yeah. 15 MR. STEPHENS: -- this is -- this is 16 Union Exhibit 77. 17 MS. GONSALVES: That's not the one I 18 have. 19 MR. STEPHENS: It's at the bottom of -- 20 the bottom of the page is the August -- this 21 graph is just taking that and putting it on a 22 single page.</p>	693	<p>1 just take a quick look. 2 BY MR. STEPHENS 3 Q Dale, if I can call your attention back 4 to Union Exhibit 77 -- 5 A Yes. 6 Q -- in the June 2011 -- 7 A Okay. Okay. Makes sense. This should 8 be -- so we have my error, and that should be 9 96.5 percent. So these should both be 10 96.5 percent. And I apologize for my error on 11 that. So, currently, PPOAs earn 96.5 percent of 12 what a Letter Carrier 1 earns at the top step. 13 In 2012, under the PPOA proposal, that 14 would rise to 98.4 percent. It's still less than 15 100 percent. It's still less -- remember, we 16 could say, depending that, historically, before 17 the grade increase received by the letter 18 carriers, Postal Police Officers were in the 103 19 to 105 percent. After that, they're in the 101 20 to 103 percent range. 21 But what this says is that as we move 22 forward in time, the Postal Police Officer</p>
692	<p>1 MS. GONSALVES: That one's just the 2 2011, right? The -- the slide starts at 2011. 3 MR. STEPHENS: Which is the -- 4 THE WITNESS: Yes. 5 MR. STEPHENS: Just above -- 6 THE WITNESS: Yeah. 7 MR. STEPHENS: It's the last line -- 8 THE WITNESS: The slide starts -- 9 MR. STEPHENS: -- the historical 10 analysis. 11 THE WITNESS: This is the current 12 annual salary. These are the prospective annual 13 salaries under the different proposals. 14 All right. So what I've done here, 15 taking these, is formed the ratio of the PPOA to 16 the letter carrier, and it's, again, top step, 17 Carrier 1 for NALC. Currently, in 2011, PPOAs 18 earn 98.4 percent of letter carriers. That's an 19 error on my part in both cases because this is 20 the current wage. So these should both be at 21 98.4 percent. 22 2012 -- I see what happened. Let me</p>	694	<p>1 Association proposal raises PPOs to 101.7 percent 2 of letter carriers paid in 2013; 2014 to 103.9; 3 2015, 103.0; and 2016, 103.8 percent. So it 4 restores the relativities that existed prior to 5 the grade increase, and it's slightly higher than 6 they did after the 1990 great increase. But it's 7 certainly -- the 96.4 percent in 2011 is well 8 below the historic pattern. 9 In terms of the USPS proposal, the 10 bottom line is, it basically is going to leave or 11 worsen the position of the PPOs relative to 12 letter carriers, so substantially worsen, leaves 13 them 4 to 5 percent below the equivalent pay of 14 the -- of letter carriers; whereas, the PPOA 15 proposal largely simply restores Postal Police 16 Officers. 17 I repeat this exercise with the APWU. 18 These two columns are identical to the ones in 19 the previous chart. Here, APWU plus COLA, that 20 on goes through 2015, so I've cut it off there. 21 In this case, we're starting off at around 22 101 percent. 100, 101 percent is our base prior</p>

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695	<p>1 to this, and that's a steady decline because of 2 the slow growth of ECI minus one. 3 With the increases proposed by PPOA, we 4 would go to 104.7 percent in 2012; 2013, 103.4; 5 2014, 105.4; 2015, 108.5 percent. So this 6 restores earlier relativities. This goes a bit 7 above the historic relativities. In contrast, 8 the USPS proposal actually results in a further 9 decline in the relative position of the PPOA 10 relative to the APWU Clerk 6. 11 My final chart, I simply go through and 12 look historically at the ratio of PPOA to NALC 13 and PPOA to APWU 6 pay. As I've said before, in 14 the earlier period, PPOA to NALC pay was actually 15 104 to as high as 107, 108 percent. After the 16 grade increase received by NALC, it declined to 17 103 to 101 percent range. Now we're at 96.2. 18 PPOA proposal, 2014, restores it to 104 percent, 19 about the same in 2016. 20 PPOA to APWU, as we can see here, it's 21 running in the 104 to 106 percent range. It 22 declines to the 102 to 101 percent range. The</p>	697	<p>1 The -- you know, should they be better 2 than their historic levels? That would be a 3 matter of have their duties changed and so on. 4 We do have one arbitration that shows, as duties 5 change, arbitrators have been willing -- 6 Fleischli -- have been willing to put more money 7 at grade levels, and, de facto, I would argue 8 that Arbitrator Goldberg, despite any denials, 9 essentially did exactly the same thing. 10 BY MR. STEPHENS 11 Q So we're moving now to a different 12 topic area, and this will be Union Exhibit 79, 80 13 and 81 from the binder. 14 A And here, I'm taking a look at what the 15 wage levels established by the Service Contract 16 Act for police officers. Service -- and again, 17 I've simply reproduced several pages, webpages 18 from the Wage and Hour Division about the Service 19 Contract Act. It is, in essence, a prevailing 20 wage law that requires that contract employees be 21 paid the wage that -- hired by federal agencies 22 be paid the same wage that they would be -- that</p>
696	<p>1 proposal by PPOA initially, 2014, 105.6, and in 2 2016, 108.9. So -- 3 Q And, again, this is all from Union 4 Exhibit 77. 5 ARBITRATOR OLDHAM: And just so that I 6 understand, why is 2015 in parens at the end? 7 THE WITNESS: Because the APWU contract 8 ends in 2015, and I would hate to speculate what 9 the settlement would be in 2016. 10 All right. My conclusion from this is 11 that the PPOA proposal does much to restore the 12 pay of Postal Police Officers relative to the 13 other bargaining units. And I should say, the 14 other bargaining units, of course, their wages 15 have been established according to the postal 16 comparability standard of equality with the 17 similar work in the private sector. So there's 18 no reason, if we believe that those wages are 19 appropriate, that the relativities of the police 20 officers should have changed relative to those 21 other units. So they should be at their historic 22 levels.</p>	698	<p>1 a private contractor would pay for work that was 2 in the private sector. So I've provided a page 3 of overview about the Service Contract Act, and 4 I've gone -- pulled out the SCA Directory of 5 Occupations, Fifth Edition, simply so we can get 6 a definition of police officers from that. 7 And in this case, what you'll find -- 8 and we'll focus on Police Officer I, which is at 9 the bottom of this page and the start of the 10 next. This officer carries out general and 11 specific assignments from superior officers in 12 accordance with established rules and procedures, 13 maintains order, enforces law and ordinances, 14 protects life and property in an assigned patrol 15 district or beat, performing a combination of 16 duties. The duties could include patrolling a 17 specific area on foot or in vehicle, directing 18 traffic, issuing traffic summons, investigating 19 accidents, apprehending and arresting suspects, 20 processing prisoners and protecting scenes of 21 major crimes. The officer may participate with 22 detectives or investigators in conducting</p>

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699	<p>1 surveillance operations. So that is the Service 2 Contract Act occupation which I will be focusing 3 on. 4 Obtaining wage determinations has 5 become much easier than it used to be. I can 6 simply go to the WageDeterminationsOnLine.gov, 7 and I've actually recovered the service contract 8 wage determinations for each of the cities in 9 which the Service Contract Act -- in which there 10 are Postal Police Officers. So I'm just going to 11 skip through these next two slides rather than 12 going into great depth about how one uses the 13 website. It's fairly straightforward. 14 I've chosen -- by the way, I've chosen 15 the reports that are not covered by collective 16 bargaining and also have -- for previously 17 existing occupations. So I don't think that's 18 too much of a matter. But in this case -- and 19 I've -- for illustrative purposes only, I've 20 chosen the New York value. And so we have Police 21 Officer I, Occupational Code 27131, and their 22 hourly rate, because the Service Contract Act</p>	701
700	<p>1 provides it, \$35.37. 2 I should acknowledge in advance, moving 3 on through this exhibit, that there are 4 requirements for -- that come with this. This is 5 just the salary portion. For vacation, for 6 holidays, the voluntary benefit amount is quite 7 low under the Service Contract Act. It's \$3.81. 8 And that applies across every occupation covered 9 by the Service Contract Act. So be they a 10 laborer, a janitor or a radiological technician, 11 that's the amount in the size for voluntary 12 benefits, but we're going to focus on the wage 13 piece. 14 And so that takes us on to Union 15 Exhibit 81. Of course, Postal Police Officers 16 are scattered across a number of cities. The 17 largest number are in New York. There are 145 18 Postal Police Officers. There are quite a few in 19 San Francisco, 32. There are a quite a few in 20 Washington, D.C., 26. But there are also police 21 officers in Atlanta and Memphis, a number of 22 other locations, and so what I've done is created</p>	702
699	<p>1 a weighted average for this. I have collected 2 the wages, the Service Contract Act hourly wage 3 in 2013 -- I simply collected those wages for 4 each of these locations. I'm able to use the PPO 5 numbers for each city to essentially create an 6 appropriate weight. 7 So, for example, 31.59 -- call it 8 31.6 percent -- of all PPOs work in New York 9 City. So I created 31 -- .1359. Atlanta is 10 .0305, 3.05 percent, so I create that weight. I 11 multiply the hourly wage by the weight. I sum 12 them all, and I get an average hourly wage across 13 all of these different locations of \$29.45 per 14 hour. If you calculate that on a 2,080-hour work 15 year, that would be \$61,253. 16 The current PPO average annual salary 17 in 2013 is 53,833. That's \$7,500 below the 18 Service Contract Act amount. Under the PPOA 19 proposed annual average salary, that would rise 20 to 57,483, and that's in the neighborhood of 21 \$3,700 below the amount currently required for a 22 police patrol officer.</p>	702
700	<p>1 ARBITRATOR OLDHAM: I have to stop you 2 here for a moment, because Union Exhibit 81 stops 3 short of your slide, and you were just quoting 4 data that is not readable on my printed copy. 5 MR. STEPHENS: The data -- 6 THE WITNESS: Oh, I see what's going 7 on. 8 MR. STEPHENS: It's in Exhibit 77. 9 THE WITNESS: Oh, I see what's 10 happening. So it stops right here, 61,000. What 11 I've done down here is I've said, well, what is 12 the PPO's current annual salary in 2013? That's 13 \$53,833. Okay. That's, as I said, roughly 14 \$7,500 less than would be required under the 15 Service Contract Act. 16 Under the PPOA proposed average annual 17 salary in 2013, PPOA salaries would be 57,483, 18 which, as I said, remains below the level 19 required by the Service Contract Act. 20 So using this, if you will, it would 21 appear that Postal Police Officers are paid 22 well -- substantially below, even under the PPOA</p>	702

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703	<p>1 proposal, under the amount that they would -- 2 that would be required of police officers hired 3 through outside contractors. And, in fact, at 4 the end of the contract in 2017, they would not 5 be substantially above the amount in terms of 6 annual salary of the amount currently required 7 under the Service Contract Act. 8 Now, I should say that I know that the 9 Postal Service does not believe that Postal 10 Police Officers are indeed appropriately compared 11 to police officers, but I will leave that to 12 their experts to make that comparison. 13 MS. GONSALVES: I think he just did it, 14 but I just want to note for the record the Postal 15 Service's ongoing objection to any comparison 16 between the Postal Police Officers and the 17 federal sector, because 1003(c) is wholly 18 inapplicable to Postal Police Officers. 19 MR. STEPHENS: And this is the -- not 20 the objection to the Service Contract Act number, 21 but to the -- 22 MS. GONSALVES: The Service Contract</p>	705	<p>1 individuals who are hired into federal agencies. 2 And before going through this, I should make a 3 point about a distinction between what lawyers 4 are concerned with in terms of comparability and 5 what labor economists are concerned with. 6 Lawyer -- you know, legally, it's 7 going -- it is apparently important to 8 distinguish between security guards and police 9 officers. For an economist's point of view, what 10 we're interested in are how occupations relate to 11 each other. So I don't really -- if a federal 12 agency regularly hires cooks in as police 13 officers because they believe that their 14 occupational qualifications make them 15 appropriately trained to do that, I, as a labor 16 economist, say, well, that's a little strange, 17 but it's the market telling us what the 18 comparable jobs are. 19 So to the degree, for example, what 20 would a labor economist look at? We would 21 actually look at patterns of movement between 22 employers and occupations to try to determine</p>
704	<p>1 Act is based on private, so, no, no objection as 2 to that. 3 MR. STEPHENS: Okay. All right. 4 THE WITNESS: Okay. 5 MR. STEPHENS: And just -- in 6 introducing Dr. Belman's testimony on this 7 subject, we are again -- Dr. Belman has not done 8 a -- an analysis of the actual tasks being 9 performed by Postal Police Officers around the 10 country. We're not offering him as an expert on 11 that subject or asking him to testify about 12 comparing actual job duties based on an analysis 13 of the -- the federal agencies that we're going 14 to be referencing here. It's more in terms of -- 15 because they go into quite a bit of variety, but 16 it's more to give a -- a bit of -- of a 17 evidentiary background of what different agencies 18 are hiring in at based on publicly-available 19 documents. 20 THE WITNESS: So I'll be looking at two 21 pieces and comparing PPOs to federal police 22 officers. And one is the grade rankings of</p>	706	<p>1 what comparable is and what isn't comparable. So 2 if we see movement of Postal Police Officers into 3 other police officer positions in the federal 4 government, from a labor economist's point of 5 view, that would be useful information in 6 establishing comparability, and it wouldn't 7 matter whether they're legally considered Postal 8 Police Officers, security guards or cooks. So 9 it's an empirical relationship rather than a legal 10 relationship from our point of view, but that 11 still has to be established whether there is such 12 a relationship. 13 And it should also be said that it 14 doesn't take a lot of that type of movement, 15 because economists are always concerned with 16 marginal changes in terms of looking at wages and 17 so on. It doesn't take a lot of that movement to 18 really establish that there's reasonable 19 comparability, although there's a certain low 20 level at which it doesn't. Okay. But it is an 21 empirical relationship, which we can argue -- no 22 doubt can argue over.</p>

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707	<p>1 MS. GONSALVES: Sorry. Mr. Stephens, 2 would you mind -- can we please take a 3 five-minute comfort break? 4 ARBITRATOR OLDHAM: I think that would 5 be wise. 6 (Brief recess.) 7 ARBITRATOR OLDHAM: All right. It 8 looks like we're back. Carry on, Arlus. 9 MR. STEPHENS: Okay. So where we 10 were -- had left, we're -- there's a couple of -- 11 in addition to the other testimony that the Union 12 has introduced about other federal agencies and 13 federal comparability, the Union introduces now 14 Exhibits 82, 83, 84 and 85, which are all 15 publicly-available job descriptions at different 16 federal agencies announcing hiring of federal 17 police officers with a description of duties. 18 And then that will lead us to the next 19 two exhibits, which would be Exhibits 86 and 87, 20 that Professor Belman will be -- 21 THE WITNESS: So the two issues I'm 22 going to look at is: Are Postal Police Officers</p>	709	<p>1 security guard restricting access, verifying 2 identification and general crime prevention, 3 assisting a police officer on a police force, 4 assisting in techniques and procedures for the 5 collection and preservation of evidence, 6 assisting in the development of crime scene 7 analysis techniques. 8 So to come in at a GS-4 level, a police 9 officer at NIH, you simply have to have either 10 been a security guard doing fairly modest tasks, 11 restricting access, verifying identification, or 12 simply been assisting -- 13 ARBITRATOR OLDHAM: You said -- 14 THE WITNESS: -- a police officer. 15 ARBITRATOR OLDHAM: You said GS-4. I 16 think you meant GS-5. 17 THE WITNESS: What I'm saying is -- 18 this is GS-5. Okay. Sorry. Yes, I meant GS-5. 19 In contrast with the GS-6 level, you must 20 demonstrate in your resume at least one year of 21 qualified experience equivalent to at least the 22 GS-05 level in the federal service. Examples of</p>
708	<p>1 the equivalent of Grade 6 or Grade 7 officers at 2 other federal agencies? And to this end, I've 3 put in several job postings, federal job 4 postings, one from FEMA for a police officer, one 5 from NIH and one from the Veterans 6 Administration, also one from the Mint at the 7 Treasury. The NIH one is actually the most 8 interesting. I won't go through the others 9 because they're similar. 10 NIH, they not only list Grade 6 and 11 Grade 7 for what the qualifications are; they 12 start out with Grade 5. So I'm going to read 13 that simply to show how little is required in 14 terms of qualifications for a Grade 5 and then go 15 through the Grade 6s. Like I said, it's very 16 similar to others. 17 But for Grade 5, you must demonstrate 18 in your resume at least one year of qualified 19 experience equivalent to at least the GS-4 level 20 of the federal service. Examples of qualified 21 experience include performing the following types 22 of tasks under close supervision: Working as a</p>	710	<p>1 qualified experience include working as an 2 officer on a police force, serving as a military 3 police officer, performing criminal investigative 4 duties for misdemeanors and felonies, performing 5 law enforcement in parks, forests or other 6 natural resource or recreational environments. 7 So one year doing those sorts of tasks qualifies 8 you at a GS-6 level according to NIH. The other 9 agencies have very similar requirements, so I 10 won't bother going through them, but they are 11 there for the panel. 12 All right. What I've then done is 13 taken the OPM LEO police annual pay for 2011, 14 2013. And I have to be honest about this. What 15 I did was I took a 2014 schedule and reduced it 16 by 1 percent, since -- 17 BY MR. STEPHENS 18 Q And this is Union Exhibit 86? 19 A Right -- to get the 2011, 2013 LEO pay 20 schedule. My procedure, I have weighted it 21 according to the distribution of Postal Police 22 Officers using the same method I used for the</p>

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711	<p>1 Service Contract Act, so I will not repeat that. 2 But I've done this both for Grade 6 and for Grade 3 7. And, again, it's the top step of each of 4 those grades, and that's where most of the Postal 5 Police Officers are. 6 For weighted Grade 6, annual LEO salary 7 is \$56,106 -- okay -- which is substantially 8 above the current pay of Postal Police Officers. 9 For Grade 7, \$60,838, which is actually closer to 10 the top 2016 LEO proposal than it is to their 11 current pay. So -- 12 ARBITRATOR OLDHAM: Tell me where you 13 are on the chart. 14 THE WITNESS: Okay. If we take a look 15 down here, here's the weighted Grade 6 pay, 16 56,016. Here is the weighted Grade 7 pay, 17 60,838. 18 Another -- now, as it turns out, the 19 OPM schedules often represent the minimum police 20 pay in the federal service. Different agencies 21 pay different amounts, and so I again have been 22 provided with the 2014 base schedule for the</p>	713	<p>1 issue of where a Postal Police Officer would fit 2 in this schedule. We really got -- we've got 3 entry level. We've got entry level with 4 training. We have senior patrol. And, clearly, 5 officers with experience come in above entry 6 level, so they may be entry level with training. 7 Traditional police departments are that 8 there are increase -- you know, the only real 9 position in a police force -- you know, you've 10 got patrol officer, you've got sergeant, or they 11 go off into detectives. This is slightly more 12 complex. It says that we have this thing called 13 a senior patrol officer. I haven't adopted that. 14 Okay. I don't -- I don't really know what the 15 distinction is, how much time, what sort of 16 experience, what sort of qualifications you have 17 for a senior patrol officer, but -- so I simply 18 used entry level with training. It seems to be a 19 conservative choice in this case. 20 And in that case, if you take a look at 21 entry level with training, at step one, you'd be 22 at 55,670, and at top step, 74,604. Okay. So</p>
712	<p>1 Mint. And so the exhibit -- union -- let's 2 see -- 3 MR. STEPHENS: Union 12, I believe. 4 MS. MCKINNON: It's Union 12. 5 THE WITNESS: The Union 12 exhibit is 6 the Mint pay schedule, but that's the base 7 schedule. The next page -- and I should go 8 through these -- which I obtained by myself off 9 of the Mint website is the D.C. schedule. So 10 rather than work my way through the same 11 weighting -- 12 MS. MCKINNON: That's the second page 13 of Union 12. 14 MR. STEPHENS: Second page of Union 12. 15 THE WITNESS: Actually, I don't think 16 it is the second page. Oh, yes, it is. I just 17 got a better copy. 18 So, in this, I'm simply using the D.C. 19 as rough and ready because it has locality pay in 20 it, and I wasn't able to find Mint schedules for 21 Philadelphia or other locations. 22 But in this case, we -- we do have an</p>	714	<p>1 that's quite a range in there. So I put this 2 together in a chart, and, again, I'm comparing 3 the proposals of PPOA, again, as a top step 4 proposal from 2011 to 2016, the USPS proposal, 5 again, based off the top step, including a COLA, 6 LEO Grade 6, LEO Grade 7 and a range for Treasury 7 with training. All right. 8 So let's actually just look at the year 9 2014 rather than go through this in great depth, 10 but the information is there. The PPOA top step 11 proposal is 59,529. The USPS top step is 54,847. 12 LEO Grade 6 top step is 56,673. So the PPOA 13 proposal is above the Grade 6 top step LEO, but 14 the USPS proposal is below it by about \$1,800. 15 Then -- in fact, it barely overtakes 16 the LEO top step Grade 6 by 2016. The LEO Grade 17 7 is 61,452. That's a bit above the 2014 level. 18 And it's -- if we go out to 2016, the PPO would 19 be above that -- the 61,452 by about \$1,200, but 20 we expect the LEO schedule to rise. 21 If we look at the Treasury with 22 training, so not the senior patrol, but an entry</p>

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715	<p>1 level with training, the range in 2014, including 2 the 1 percent federal increase, would be from 3 55,670 to 74,604. And the PPOA proposal would 4 actually -- if we go back to the Mint D.C. 5 schedule that level, you would have to be -- 6 you'd be at a Step 6 at -- in the Treasury Mint 7 Police, and you would be -- Step 5 or Step 6 8 would bring you roughly in line with where PPOA 9 would be in 2016. Okay. So at Step 5 or 6, 10 you'd be between 61,000 and 62,500 in 2014, and 11 PPO doesn't hit those levels really until 2015 12 and 2016.</p> <p>13 So, in that case -- and that's not even 14 top step. That's not even fully realizing PPOA 15 seniority. So what this says is that after a few 16 years, six or seven years at Treasury, the 17 Treasury Mint Police are exceeding -- would be as 18 well paid or -- and very shortly after that, 19 better paid than PPOA members at top step.</p> <p>20 What this suggests very clearly is that 21 PPOA members are paid less and substantially less 22 than their -- than individuals engaged in</p>	717	<p>1 THE WITNESS: I can make another 2 statement that I think is safer, which is that 3 PPOA officers are paid less and substantially 4 less than typically Grade 6 or Grade 7 or other 5 police officers in the federal service.</p> <p>6 ARBITRATOR DUFEK: Can you make that 7 statement without only -- only on the basis of 8 incorporating locality pay, which you weighted? 9 THE WITNESS: What? 10 ARBITRATOR DUFEK: You can't make that 11 statement geographically across lines, can you? 12 THE WITNESS: Well, what I can say 13 there is -- 14 ARBITRATOR DUFEK: Let's be accurate as 15 to what you -- what you did.</p> <p>16 THE WITNESS: I am working with an 17 average. So, under this, you would be 18 underpaying officers in -- substantially 19 underpaying officers in New York and 20 substantially, perhaps -- I haven't looked -- 21 overpaying officers in Memphis. But the Postal 22 Service has a long and glorious history, and so</p>
716	<p>1 comparable duties --</p> <p>2 MS. GONSALVES: I object to that 3 statement since he's already testified that he's 4 not doing a comparison. He's not familiar with, 5 he has no basis to know, to do a comparison 6 between the PPOs and the federal police.</p> <p>7 MR. STEPHENS: I think the response is, 8 we've introduced the -- as exhibits, job 9 descriptions in -- as Union Exhibits 83 forward, 10 and, again, it is an argument that the Union is 11 making, ultimately, since there is a fundamental 12 disagreement in the case between the post office 13 and the Union as far as what it is that Postal 14 Police Officers do, and that's a factual dispute 15 that the panel would -- may render a decision on. 16 The panel, I sort of thought, can decide whether 17 we meet it or don't meet it.</p> <p>18 ARBITRATOR OLDHAM: Thank you. We 19 can --</p> <p>20 MR. STEPHENS: So I think it's fair.</p> <p>21 ARBITRATOR OLDHAM: So we don't need 22 that conclusion by this witness.</p>	718	<p>1 your police officer pattern adheres to your 2 clerk, NALC and so on pattern. You also have 3 that same --</p> <p>4 ARBITRATOR DUFEK: And the federal 5 government does not? 6 THE WITNESS: The federal government 7 has locality pay, so that's why I've averaged 8 it --</p> <p>9 ARBITRATOR DUFEK: I understand.</p> <p>10 THE WITNESS: -- except in the case of 11 Treasury.</p> <p>12 ARBITRATOR DUFEK: I understand. The 13 point's made.</p> <p>14 MR. STEPHENS: So why don't we take 15 a -- if we could take a break. Teresa and I have 16 discussed -- with the panel's indulgence -- about 17 a five-minute break to talk before we get to the 18 cost part of the presentation.</p> <p>19 ARBITRATOR OLDHAM: I have no 20 objection. That's fine.</p> <p>21 (Brief recess.)</p> <p>22 MR. STEPHENS: Teresa and I, Joe, Donna</p>

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719	<p>1 and I all spoke in the hallway, and as it turns 2 out, there -- well, we thought we had produced 3 all of the underlying evidentiary documents. We 4 did not do so with the -- with respect to the 5 costing. Those were not sent in advance, which 6 they should have been, and I take sole 7 responsibility for that. 8 So what we've agreed to is that Dr. 9 Belman will go ahead and testify on his costing, 10 that the post office will have the opportunity to 11 cross-examine him today, and if they feel the 12 need to bring him back for additional 13 cross-examination, we'll -- we'll -- we'll 14 facilitate that and make -- and we'll -- subject 15 to -- we'll talk to Dr. Belman, and we'll 16 schedule to make it work. But I wish to 17 apologize for -- for the mistake. It's -- it's 18 my mistake, and I'm sorry that it's interrupted 19 the proceedings. So -- 20 ARBITRATOR OLDHAM: Thank you, Arlus. 21 I understand what you agreed to, and let's go 22 forward.</p>	721	<p>1 Postal Service costs. 2 Everything which I -- the base numbers 3 that this is taken from -- and I'll go through my 4 calculations -- are from national payroll hours 5 summary report period, report pay period 20, 6 fiscal year 2012. So this is the end of the 7 fiscal year, and it's for the security officers 8 in the bargaining unit. So this is a very 9 detailed summary of Postal Service cost. 10 Now, I used the 2012 year because 11 although that is the first year of the new 12 collective bargaining agreement, that agreement 13 isn't in effect. So it's been a good summary, 14 the 2012 fiscal year, of the base cost, base 15 salary and other costs from which this is 16 computed. I should say that this is a static 17 costing. It follows very closely the costing 18 that we did for the rural letter carriers in 19 terms of structure. 20 So 2012 base salary for time worked was 21 \$20,994- -- 994,406. If -- with a base of -- 22 plus 2.5 percent grade increase, that would raise</p>
720	<p>1 THE WITNESS: To move forward, it's, of 2 course, useful to cost the two proposals and 3 compare their costs. Just to summarize, because 4 we're about to work with an awful lot of numbers, 5 over the five years, salary costs, including 6 costs of time paid not worked and overtime, will 7 rise by 15.2 percent under the PPOA proposal. 8 Call it 3.1 percent annually. Under the USPS 9 proposal, costs will rise by 5.3 percent. 10 Call it -- over five years, call it 1.1 percent 11 annually. 12 PPOA proposal, of course, restores the 13 position of PPOs relative -- largely restores 14 them relative to other crafts and to federal 15 police officers. Achieving that end will raise 16 USPS costs by less than sixteen thousandths of 17 1 percent of bargaining unit salary costs. And 18 the difference in terms of the labor costs of the 19 Postal Police and Postal Service proposals are 20 four thousandths of 1 percent of their total 21 labor costs. This is a very small unit, and as a 22 result, it really doesn't have much effect on</p>	722	<p>1 the base salary to 21,519,200 and -- \$519,266. 2 So it's the line immediately below. 3 ARBITRATOR OLDHAM: Sorry. I need to 4 interrupt you for a moment. You're talking about 5 base salary? 6 THE WITNESS: Right. 7 ARBITRATOR OLDHAM: Who is included in 8 that figure? 9 THE WITNESS: The bargaining unit PPOs. 10 ARBITRATOR OLDHAM: Okay. Just the 11 bargaining unit -- 12 THE WITNESS: That is -- 13 ARBITRATOR OLDHAM: -- PPOs? 14 THE WITNESS: -- correct. There is 15 a -- there is also a summary page, but this is 16 for the bargaining unit. So, to my knowledge, 17 this is simply PPOs. It's not the Inspection 18 Service. And I can provide you with the page 19 number I worked from. 20 So as I said, the 2.5 grade increase 21 adds slightly over half a million dollars to base 22 salary. That would go up to \$21,519,266. With a</p>

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723	<p>1 step of \$480, this, in turn, would rise by 2 another 187,272. The total would be 21,007 -- 3 \$21,706,538.</p> <p>4 Then, first, 2012, 2013, there would be 5 no further increase. We have a three, a three, a 6 three, and then a 1 percent increase. Just 7 looking at base pay -- all right -- that 8 3 percent increase, first 3 percent increase, 9 would take us from 21,706 -- or \$21,706,538 to 10 \$22,336,370 and on through. So the increase in 11 base pay without COLA would be, in 2017, 12 \$23,805,979. And that's simply due to the grade 13 and step increases and the percentage increases 14 in base pay.</p> <p>15 There is, roughly, in 2012 -- and yours 16 is mislabeled in this slide -- it's labeled 2016, 17 2017. It should be 2012. Okay. There is a 18 48 percent roll-up factor for time paid not 19 worked, the high roll-up factor, overtime and 20 over payments. So, in 2012, our total labor cost 21 was \$31,071,721.</p> <p>22 I have to compliment the Postal Service</p>	725	<p>1 in salary in the first year is \$1,068,794.</p> <p>2 In the second year, there's no grade 3 increase. There's no step increase. There is a 4 3 percent increase in base salary, and because we 5 don't compound in labor relations calculations, 6 this 3 percent is calculated off of the 2012 7 September base. So that's \$629,832. The COLA 8 increase -- and I've shown you how I've 9 calculated the COLA previously -- \$76,700, a 10 total of 706,532. We again calculate in the 11 roll-up, and the cost of year two -- the increase 12 in cost associated with year two is \$1,045,667.</p> <p>13 The -- because we're offering -- 14 operating off the same base, the only thing 15 that's really changing for the next two years is 16 the COLA amount, and in the last year, there's a 17 1 percent increase. So that's 209,944. COLA is 18 a little bigger. Total increase in labor costs 19 in the last year is 457,386, but we're usually 20 concerned with lift rather than any particular 21 year's outcome.</p> <p>22 Our total increase in base salary</p>
724	<p>1 on their excellent data. I switched over -- I 2 teach a collective bargaining class in which I 3 teach costing, and I switched over to using a 4 postal -- the postal data for that, because it's 5 so clear and -- so this makes this relatively 6 easy.</p> <p>7 Now, what I've done here is broken out 8 by year the costs of each of the increases. So 9 let me just go through first two years, show you 10 how I'm costing this, how I get my total cost at 11 the end and my further computations. So.</p> <p>12 For example, as I've said, in the first 13 year, we get a grade increase which is slightly 14 over half a million dollars. We get a step 15 increase that's 187,000-and-some-odd dollars. 16 There is no increase in base salary, so that's 17 zero. The COLA increase ends up costing a little 18 over \$10,000. It's small and only affects base 19 salary for half a year. The total increase to 20 base salary in the first year, 2012, 2013, is 21 \$722,158. We have a roll-up factor of .48, so we 22 have to add to that \$346,636. The total increase</p>	726	<p>1 without allowing for the roll-up is about 2 \$3.2 million, and that lift over the five years 3 would be 15.2 percent. It averages -- call it 4 3.1 percent annually. In terms of total salary, 5 total cost will rise by \$4.7 million, again, 6 15.2 percent, but \$4.7 million. And, again, our 7 annualized lift is three point -- call it 8 1 percent.</p> <p>9 Now, I can go to -- you know, 3 percent 10 is a substantial increase. \$4.7 million is -- I 11 wouldn't mind getting that. But how does this 12 compare to the Postal Service's total bargaining 13 unit labor cost? And so I've taken balance line 14 25, page B of the national payroll hours summary 15 report, pay period 20, fiscal year 2012, and 16 their 2012 annual labor cost was \$29,612,977,369.</p> <p>17 The 2012 PP- -- PPOA labor cost was a 18 little over 31 million as against 29 billion, or 19 it comprised -- call it 1.1 --.11 percent of 20 total postal bargaining unit labor costs. It's a 21 small unit. It's roughly a tenth of percent, a 22 little over that, eleven hundredths of a percent.</p>

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727	<p>1 If under the PPOA proposal, that 31 million would 2 go up to 35 point -- call it \$8 million. 3 At that point -- and not allowing for 4 increases in labor costs in any other units, so 5 just using that 2012 base again -- PPOA costs 6 would rise to .12 percent of total postal 7 bargaining unit labor costs. The change in the 8 percentage, the change in the percentage of -- if 9 the Postal Police Officers' proposal was 10 implemented would be sixteen thousandths of a 11 percent of USPS bargaining unit labor costs. 12 Very, very small numbers. Very, very small 13 numbers relative to the costs of the Postal 14 Service. 15 This is a small unit. It doesn't, you 16 know -- the former director of my school, now 17 vice president of human resources for Michigan 18 State, would say that's decimal cost. That's the 19 sort of thing that vanishes in calculations, 20 but -- it's still money, but it's a very small 21 amount relative to the bargaining unit costs. 22 Now, what happens under the USPS offer?</p>	729	<p>1 So when we work through that, the total 2 increase over the -- in this case, again, not 4.5 3 years, but I've calculated this over five years 4 of the contract -- would be \$1.1 million or a 5 five point -- sorry -- 5.3 percent increase over 6 a five-year contract. That would work out to 7 about a 1.1 percent annual increase in salary. 8 Again, 49 percent roll-up factor, the total 9 increase in costs at the end of the contract 10 would be \$1.6 million annually, again 11 5.3 percent. Over the term of the contract, 12 1.1 percent annually. 13 I've done my same calculations. 14 Basically, if we take a look, the postal proposal 15 would raise the proportion of labor costs 16 associated with PPOA from point -- call it 17 .11 percent to .12 percent. It would increase by 18 roughly ten hundredths or one hundredth of a 19 percent, a very small amount, basically leave 20 PPOA costs fixed under this. 21 Now, one of the issues we may face -- 22 in either case, under either proposal -- and the</p>
728	<p>1 I'm not going to go through this in the same 2 detail. I don't think we need to. You've seen 3 how I've done the calculations. I'm certainly 4 happy to walk through them outside of this 5 setting, because they're -- you know, it can be a 6 little complex. But in this case, what we've got 7 is -- and the way I've calculated this is I do 8 provide COLA increases that are similar to what 9 -- as I've done before, what the other bargaining 10 units would get. I've been a little lazy. In 11 point of fact, this COLA increase would not be -- 12 probably not -- it's a little unclear under the 13 postal proposal, but we'll act as if they were 14 going to pay it. These are all small amounts of 15 money. 16 So the first two years, we only get a 17 COLA increase. Third year, there's a 1 percent 18 increase plus COLA. Second year, there is a 19 1.5 percent plus COLA, and in the third year, 20 there's a 1 percent plus COLA. All these 21 percentages are, again, based on the 2012 22 September base.</p>	730	<p>1 difference between the two proposals in terms of 2 total cost is extremely small. In terms of total 3 postal bargaining unit costs, it's four 4 thousandths of a percent. It's not four 5 thousandths. It's four thousandths of a percent. 6 It's a very small number, really. But 3 percent 7 sounds big, especially coming out of the Great 8 Recession, and we kind of sit there and go, 9 3 percent, that's -- that just seems too high. 10 You know, one percent seems low, 1.1, but 3.1 11 percent seems high. 12 So in my last page, I've tried to 13 collect some wage forecasts -- or I have 14 collected some wage forecasts and some wage 15 information about the sort of wage increases that 16 have been realized in the private economy. And 17 so we're looking at how does that 1.1 percent or 18 that 3.1 percent compare with what's going out -- 19 on in the private economy. So I've gone to a 20 couple of different places. 21 Society of Human Resource Management, 22 which is the lead human resource -- national</p>

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731	<p>1 human resource organization in the United States, 2 they're looking at salary increase budgets. It's 3 based on a survey. And what they're saying is 4 the salary increase budget for the companies that 5 they surveyed was 2.7 percent in 2012, 6 2.9 percent in 2013 and 2.9 percent in 2014. So 7 that's how much these firms are looking at 8 increasing. They're right up against 3 percent, 9 not quite there, but they're right up there. 10 WorldatWork -- 11 ARBITRATOR DUFEK: Dr. Belman, I'm 12 sorry to interrupt you, but is 2.7 in 2012 and 13 2.9 in 2013 actually data, or is that -- 14 THE WITNESS: Yes. That -- 15 ARBITRATOR DUFEK: -- a projection? 16 THE WITNESS: -- is actual data, in 17 fact, slightly shocking. Both WorldatWork and 18 SHRM said, well, here's what we predicted and 19 here's what happened. In each case, they're off 20 by about a tenth of a percent. So only the 2014 21 is a prediction, but they seem to be hitting it 22 pretty closely, given their survey.</p>	733
732	<p>1 WorldatWork, salary increase budgets 2 again -- again, 2.8 percent in 2012, 2.9 for 3 2013, 3.1 percent for 2014. No one seems to want 4 to predict much beyond 2014 with wages. They do 5 it with prices. They do it with all sorts of 6 stuff, but I haven't been able to find good wage 7 forecast information out there. 8 What about the change in the ECI wages? 9 Well, our ECI wages are -- you know, since we use 10 the employment cost index, says, 2012, it was 11 1.75. 2013, it was 1.8. And BLS is very clear 12 they don't make predictions, so we don't have 13 anything beyond that. That tends to be towards 14 the lower end, but although this is wage and 15 salary, these are costs. These aren't actual 16 wages and salaries. There's a distinction there. 17 How about the Quarterly Census of 18 Employment and Wages? This is another BLS 19 series. It's generated through the unemployment 20 system, and they collect payroll data through 21 that. And here, we don't have data for 2013 yet. 22 We should in about two months, but that will</p>	734
731	<p>1 hopefully be too late for this panel. But for 2 2011, annual earnings under QCEW increased at a 3 2.9 percent rate and the same in 2012, 4 2.9 percent rate, very close -- much closer to 5 PPOA than USPS proposal. 6 Current Employment Statistics -- and 7 these are weekly wages, and these are all private 8 sector. I have not included the public sector in 9 it. Current Employment Statistics, 2012, the 10 increase was 2.4 percent in wages, 2013, 11 1.8 percent. 12 The final source that I've used is the 13 Wage Trend Indicator produced by the Bureau of 14 National Affairs, and it provides -- it's a six 15 to nine month look ahead. And what it says -- 16 what the WTI material indicates is that in 17 2011 -- 2012 and 2013, private sector wages 18 increase slightly below 2 percent, but the WTI is 19 clearly trending upwards and that wages are going 20 to rise by more than 2 percent in 2014. So 21 that's kind of the waterfront as far as I'm able 22 to collect.</p>	734
732	<p>1 What is clear if you look through most 2 of the information is we expect tightening labor 3 markets, and employers expect to be paying higher 4 wage increases in the future as the labor markets 5 continue to tighten. And the forecasts are 6 declining unemployment, higher levels of 7 employment over the next several years and, 8 therefore, higher rates of wage increase. 9 ARBITRATOR DUFEK: Does the QCEW annual 10 earnings of 2.9 percent in 2011, 2012 include 11 overtime worked? 12 THE WITNESS: Let's see. QCEW annual 13 earnings. I am not -- I would have to say -- 14 although I've used that series, I'll have to say 15 I'm not sure. But we can check that. When I saw 16 the difference between QCEW and Current 17 Employment Statistics, that looks like a larger 18 gap, but that's not unprecedented in BLS data. 19 There's a long running CPS versus QCEW data. 20 ARBITRATOR DUFEK: And then salary 21 increase budgets for both SHRM and WorldatWork 22 would obviously include their projected</p>	734

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735	<p>1 workloads? 2 THE WITNESS: Yes. 3 ARBITRATOR DUFEK: Which would 4 include -- 5 THE WITNESS: Those would potentially 6 include overtime, I believe, but -- you know, 7 again, I searched for a clear definition. It was 8 a little hard to obtain. 9 So just to finish off, a conclusion, 10 always a good thing. One, PPO officer salaries 11 have fallen relative to other postal crafts. The 12 PPO proposal largely restores that historic 13 relationship. The USPS proposal does not. 14 PPO officers salaries are below those 15 established for police officers under the Service 16 Contract Act. They are paid less than other 17 federal agencies' police patrol officers. 18 The PPOs' proposal will raise labor 19 costs by about 3.1 percent annually over five 20 years, and this isn't out of line with the 21 prospective wage increases in the economy. 22 Further, all this can be done with small to</p>	737	<p>1 worksheets that were used in Dr. Belman's costing 2 analysis, and I also want to request copies of 3 the surveys that were relied upon by Dr. Belman. 4 MR. STEPHENS: Teresa, if you -- 5 MS. GONSALVES: Just excerpts are fine. 6 THE WITNESS: Most of them are pretty 7 short anyway. 8 MR. STEPHENS: If you can e-mail it to 9 me just so I have it specifically -- 10 MS. GONSALVES: Sure. 11 MR. STEPHENS: -- as well -- 12 MS. GONSALVES: I can do that. 13 MR. STEPHENS: -- that's fine. Thank 14 you. 15 ARBITRATOR OLDHAM: All right. Folks, 16 we will resume at 1:30. 17 (Whereupon, at 12:26 p.m., a 18 luncheon recess was taken.) 19 20 21 22</p>
736	<p>1 vanishingly small effects on the Postal Service 2 budget. 3 ARBITRATOR OLDHAM: Thank you, Dr. 4 Belman. And now we'll take a break, and we'll 5 have some cross-examination, I assume, 6 afterwards. And shall we have, what, an hour? 7 What's your -- 8 MS. GONSALVES: You have to leave at 9 three o'clock, right? 10 ARBITRATOR OLDHAM: I have to leave at 11 3:00, yes. 12 MR. STEPHENS: So, again, I'm -- as far 13 as I'm concerned, however much cross you want to 14 do today, and then subject to reserving 15 additional cross, we've -- we have no objection 16 to -- 17 MS. GONSALVES: An hour is fine. I did 18 want to make a request for information, and I can 19 put it into writing if you prefer, but I don't 20 know if there's a need for that, since it will be 21 in the transcript. 22 I wanted to request all electronic</p>	738	<p>1 AFTERNOON SESSION 2 (1:33 p.m.) 3 ARBITRATOR OLDHAM: Okay. Folks, I 4 think everyone's back, so we'll turn matters over 5 to Teresa. 6 WHEREUPON, 7 DALE BELMAN, PH.D. 8 was called for continued examination, and having 9 been previously duly sworn was examined and 10 testified further as follows: 11 CROSS-EXAMINATION BY COUNSEL FOR 12 THE 13 POSTAL SERVICE 14 BY MS. GONSALVES 15 Q Good afternoon, Dr. Belman. 16 A Good afternoon. 17 Q You may remember me. I was on the 18 team, on the Rural Letter Carrier interest 19 arbitration just a short two years ago. 20 A A short two years ago. Yes, well, I 21 will look forward to -- 22 Q And I think you've already testified that you've -- you've testified on behalf of</p>

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<p style="text-align: right;">739</p> <p>1 postal unions a few times? 2 A Yes. 3 Q At least three times, correct? 4 A At -- I believe it is three times. 5 Q Plus this one? 6 A Plus this one. 7 Q Okay. And when were you retained by 8 the Postal Police Officers Association? 9 A Interesting question. I had 10 discussions with President Bjork, boy, a 11 year-and-a-half ago, but I would say that most of 12 my work has been in the last several months. 13 Q When you say the last several months, 14 could you be a little more specific? 15 A I'd have to go through my e-mails, but 16 the bulk of my work, probably the last two, 17 two-and-a-half months. 18 Q And when did you obtain information 19 about the Postal Service's proposals? When did 20 you first obtain information about the Postal 21 Service's proposals? 22 A When did I first obtain? I'd have to</p>	<p style="text-align: right;">741</p> <p>1 BY MS. GONSALVES 2 Q But your calculations don't include a 3 5 percent wage cut, do they? 4 A No, they don't. 5 Q Okay. I think you testified as to 6 this, but I just want to make sure that I'm clear 7 as to what you're testifying to and what you're 8 not testifying to. 9 You're not categorizing Postal Police 10 Officers as security guards or police officers, 11 correct? 12 A I haven't done a study of Postal Police 13 Officers, so no. 14 Q And have you -- I'm assuming that this 15 answer is implicit in what you're saying, but 16 have you observed Postal Police Officers in the 17 performance of their duties? 18 A No, I have not. 19 Q And you haven't then met with -- you 20 also haven't met with Postal Police supervisors 21 or managers, correct? 22 A No, I have not.</p>
<p style="text-align: right;">740</p> <p>1 check my e-mails. 2 Q A month ago? A week ago? Just the 3 general range. 4 A Well, it seems that the Postal 5 Service -- I got -- the information I was given 6 on their final proposals, I got fairly recently. 7 Q Could you define fairly recently? 8 A The proposals that -- the proposals 9 that I've cited here, but, again, I'd have to 10 check my e-mail. I know I have an e-mail that 11 gives me that time frame. I don't -- I'm not 12 quite sure. I would have to go back and check my 13 e-mails. I'm happy to provide that to you. 14 MS. GONSALVES: Okay. We request that. 15 I'll include that in my e-mail request. 16 MR. STEPHENS: And I'll represent that 17 it was after we got it, which was December -- 18 THE WITNESS: Yes. 19 MR. STEPHENS: -- 27th of 2013. 20 MS. GONSALVES: Okay. Thank you. 21 MR. STEPHENS: Because prior to that 22 time, it had been a different proposal.</p>	<p style="text-align: right;">742</p> <p>1 Q Now, if you heard testimony from Postal 2 Service supervisors and managers that their 3 duties were different than what has been 4 represented to you, would that change your 5 opinion, your conclusions? 6 A My -- tell me what my conclusions are 7 that you're referring to, and I'll be happy to 8 answer that. 9 Q Well, maybe that's -- 10 A I'm just -- 11 Q Maybe that's a good question. What is 12 your conclusion about -- 13 A My -- 14 Q -- whether -- 15 A My conclusion is that Postal Police -- 16 one, Postal Police Officers' pay has declined 17 relative to other crafts in the bargaining unit. 18 Certainly, that would not change, because it has 19 declined relative to other crafts in the 20 bargaining unit. 21 Q So you are not testifying that Postal 22 Police Officers --</p>

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<p style="text-align: right;">743</p> <p>1 A Well, I haven't finished yet. Please 2 give me a chance. The rest -- the balance of my 3 testimony on comparables was a comparison of 4 Postal Police Officer pay to the pay of police 5 officers under the Service Contract Act and 6 various Grade 6 and Grade 7 police officers in 7 the civil service system. So my testimony about 8 their pay relative to those positions would not 9 change.</p> <p>10 Q Are you finished now? 11 A Yes.</p> <p>12 Q Okay. So what I think you're saying is 13 that you're comparing the pay, but you're not 14 comparing the duties?</p> <p>15 A No, I am not comparing the duties. I 16 haven't done a study for the duties.</p> <p>17 Q And you're not a job evaluation expert, 18 are you?</p> <p>19 A I do some job evaluation. I don't hold 20 myself out as an expert.</p> <p>21 Q You've testified previously about the 22 private sector standard of comparability that's</p>	<p style="text-align: right;">745</p> <p>1 the relativities of the craft units, the other 2 craft units, letter carriers, clerks, potentially 3 mail handlers and rural -- they all move together 4 fairly closely -- is established according to a 5 private sector comparable under the law. And 6 there's no reason to believe that unless there 7 are big changes in the job duties that you 8 shouldn't maintain the relativity of the Postal 9 Police Officers to the other crafts, thereby 10 maintaining the private sector standard.</p> <p>11 Q Okay. Now back to my question, and I'd 12 like you to answer it.</p> <p>13 Section 1003(a) of the Postal 14 Reorganization Act talks about private sector 15 comparability. We've established that.</p> <p>16 A Right.</p> <p>17 Q Does it utter a word about internal 18 comparability?</p> <p>19 A I will leave that to --</p> <p>20 MR. STEPHENS: Objection.</p> <p>21 THE WITNESS: -- lawyers.</p> <p>22</p>
<p style="text-align: right;">744</p> <p>1 applicable to all postal employees, right?</p> <p>2 A I think that I've -- yeah, okay. We 3 can say I've testified to that, yes.</p> <p>4 Q And as to that standard, that standard 5 doesn't require internal comparability, does it?</p> <p>6 A That standard does not -- well, yes and 7 no. It's basically a legal argument, but if 8 you -- let's take a look at the peculiar position 9 of police officers. Police officers -- there are 10 very few private sector police officer positions, 11 which is what the statute fundamentally requires. 12 All right. So what can you do?</p> <p>13 This shows up in non-Postal Police 14 arbitrations all the time, because most 15 arbitration statutes -- the Wisconsin statute, 16 the Michigan statute and many other statutes -- 17 have a comparability to the private sector built 18 into them. And -- but what you end up doing is 19 saying, you know, we have -- we can't do that 20 because they're just not comparable positions in 21 the private sector.</p> <p>22 So, in this case, what we could say is,</p>	<p style="text-align: right;">746</p> <p>1 BY MS. GONSALVES</p> <p>2 Q Okay. Let's talk about O*NET.</p> <p>3 You've testified previously about the 4 limitations of O*NET, haven't you?</p> <p>5 A Specifically in the case of their use 6 in regression, yes.</p> <p>7 Q And you've also testified about their 8 limitations in the use of wage comparisons, 9 correct? You're not testifying about that here, 10 but you have talked -- you have testified --</p> <p>11 A And I'm --</p> <p>12 Q -- about it.</p> <p>13 A -- happy to go into that.</p> <p>14 Q I'm not interested --</p> <p>15 A It's being --</p> <p>16 Q -- in you going into that. I'm just 17 trying to talk about the limitations of O*NET.</p> <p>18 A And I certainly talk about limitations 19 of O*NET in its use in the Postal Police 20 arbitration, but I also use it to show that the 21 Postal Service's estimates were incorrect.</p> <p>22 Q Okay. So --</p>

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747	<p>1 A So I use O*NET all the time. I have a 2 student, Russell Ormiston, at Allegheny College, 3 who wrote his dissertation using O*NET. So the 4 fact that I say it has limitations doesn't mean 5 that I don't use it. I'm simply a knowledgeable 6 user.</p> <p>7 Q And you mentioned in your testimony 8 that O*NET has moved to a survey method of taking 9 data; is that correct?</p> <p>10 A It has some clear limitations. It is 11 not as accurate as it once was.</p> <p>12 Q Okay. And you testified about that in 13 the rural interest arbitration proceeding, didn't 14 you?</p> <p>15 A Absolutely. But it's also a question 16 of -- compared to everything else, it's 17 considerably better. So there are limitations in 18 O*NET. I wish that the federal government would 19 spend enough money to have a regular update using 20 detailed job -- using experts in job evaluation. 21 I can show you that it's probably less accurate 22 than it was in 2000, but it's still very, very</p>	749	<p>1 evaluation, which is to say, experts reviewed job 2 descriptions or -- or went out and studied jobs 3 and then came back with their evaluations in all 4 of those measures. Much more, it has moved to a 5 self-response survey, and this has been 6 troubling.</p> <p>7 And then you discussed a presentation 8 that you saw at Harvard University, and you 9 testified: I can provide that there are some 10 issues about whether O*NET is as accurate as it 11 was initially.</p> <p>12 Do you remember giving that testimony?</p> <p>13 A Yes, I do, and I would agree with that 14 testimony. But what I would also say is that any 15 data series that I use, I can probably give you 16 extensive discussion of its limitations, its 17 strength, and I'd be happy to do that. And like 18 my students would tell you, I spend a lot of time 19 on data analysis.</p> <p>20 O*NET, because of cuts in the federal 21 budget and so on, is not as good as it initially 22 was. It's still considerably better than any</p>
748	<p>1 useful, and for the type of differences we're 2 talking about between police officers and 3 security guards, it's unlikely that the type -- 4 that the changes in the method are greatly 5 affecting those -- the differences in those 6 metrics.</p> <p>7 Q Those changes that took place in 2000, 8 is that when the changes took place --</p> <p>9 A I would have to go back and check or --</p> <p>10 Q Okay.</p> <p>11 A So it's around that time, but I'm not 12 quite sure.</p> <p>13 Q So let me just bring you back to your 14 testimony in the interest -- in the rural 15 interest arbitration proceeding. And this 16 testimony was taken on February 29th of 2009. 17 And you were asked to talk about different 18 changes in O*NET, and you testified as follows on 19 pages 2,219 to 2,220: There are some important 20 changes in the methodology since O*NET, which -- 21 which was the first public version that may 22 reduce its accuracy. O*NET was done by expert</p>	750	<p>1 other source for job evaluation. I use it. The 2 Postal Service uses it. I publish using O*NET. 3 And on top of that, you know, it's considerably 4 better as setting a standard, knowing there's 5 some variance, some inaccuracies, than any other 6 that we've got to the point where, as I said, 7 Milkovich Compensation text recommends it as a 8 starting point for job analyses.</p> <p>9 Q And you would agree that visiting sites 10 personally with experts is preferable to the 11 survey method?</p> <p>12 A It depends. This establishes a 13 structure that that information gets fed into. 14 And it really depends also -- for example, it 15 seems to me in the rural letter carrier 16 arbitration that your witness, Michael Wachter, 17 got into some difficulty because he attempted to 18 use a National Compensation Survey -- and maybe 19 it was a letter carrier arbitration. I don't 20 quite recall -- where he sat down with two postal 21 managers and basically discussed with them how 22 they would do -- you know, how they would place,</p>

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751	<p>1 I guess, rural letter carriers into the National 2 Compensation Survey. 3 So it really depends on doing a neutral 4 survey. I think that -- and the emphasis here 5 would have to be on neutral. Bringing in a 6 neutral job evaluate -- person to do a neutral 7 job evaluation between the Union and the Postal 8 Service would probably make a lot of sense. 9 Certainly, you're doing that extensively with the 10 rural letter carrier unit now. But a one-sided 11 survey is unlikely to provide useful information. 12 Q But you haven't even done a one-sided 13 survey here, have you? 14 A I'm not holding myself out as an 15 expert. 16 Q Let's turn to exhibit -- Union 73, and 17 this is the O*NET summary report for security 18 guards. Just a couple things here. 19 This particular summary report doesn't 20 distinguish between armed and unarmed security 21 guards, does it? 22 A Sorry. Security guards. Let's see.</p>	753	<p>1 Nonetheless, I would say that given the 2 large gaps I pointed out between police and 3 security guards along a number of the task 4 dimensions, by the time you take a security guard 5 and add on a large number of duties, they start 6 looking an awful lot like a police patrol 7 officer. So the term you use, security guard or 8 police patrol officer, is kind of arbitrary on 9 your part. 10 Q Okay. This particular -- I don't think 11 you've been present in any of the days of 12 testimony in this proceeding, have you? 13 A No, I have not. 14 Q Okay. And you haven't read the 15 transcripts, either, have you? 16 A I've been trying to get ahold of them. 17 Q Okay. But you haven't read them? 18 A I have not. 19 Q Okay. And this particular description 20 of security guard, it doesn't take into account 21 various mixes of duties, does it? 22 A I'm not sure what you mean by that.</p>
752	<p>1 No, it doesn't. I don't see -- well, hold it. 2 Tools and technology, it indicates handguns, 3 pistols and revolvers. 4 Q It doesn't -- 5 A So those are possible, but it would 6 include -- it would seem to include both armed 7 and unarmed security guards. 8 Q But it doesn't differentiate between 9 the two? 10 A It appears not to. 11 Q Okay. And it doesn't distinguish 12 between, for example, an ordinary mall cop 13 security guard or security at high-risk 14 facilities, like at a nuclear power plant? 15 A I don't believe that it does. 16 Q So would you agree that O*NET is very 17 general? 18 A It is a general basis for analysis, and 19 there -- of course, as -- this happens with any 20 broad analysis -- and Milkovich points at this -- 21 is that you have to take specific positions and 22 then go further ahead.</p>	754	<p>1 Q You know, what percentage of time is 2 spent doing one duty versus another duty. 3 A It doesn't take into account mixes of 4 duties. But as I've said, your problem is 5 that the -- you know, you may arbitrarily say 6 we're going to give this person the title 7 security guard or police officer or cook. What 8 matters in here is we have a pretty good 9 development of the duties involved in a security 10 guard or a police officer. 11 Now, for all I know, a police -- Postal 12 Police Officer is some sort of hybrid on a 13 continuum between the two. And what this does is 14 it sets out a group of tasks that characterize 15 police officers and a group of tasks that 16 characterize security guards that make it 17 possible, because in the end, you're going to 18 say, go to the Service Contract Act. You're 19 going to say, well, really, our people are 20 security guards. And this allows you to take a 21 look roughly and say, well, you know, a security 22 guard or a security guard II under the Service</p>

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755	<p>1 Contract Act has these characteristics. 2 Q The Service Contract Act wage 3 determinations by Department of Labor don't 4 incorporate the definitions that are set forth by 5 O*NET, do they? 6 A I would agree with you, but please 7 allow me to continue. I was going to point that 8 out. But -- so you have to take your position, 9 this PPO position, take a look at the tasks 10 involved and find out -- determine to what degree 11 one or another occupational definition is 12 appropriate, because you can call someone a cook, 13 but if they're doing the work of a police 14 officer, then they should be compared to police 15 officers, and that's a matter of a task analysis. 16 I don't care what you call them. I 17 only put these forward as providing a accepted 18 rational basis for taking a look at the tasks and 19 comparing whatever it is that PPOs do with common 20 occupational definitions. 21 Q And you've already testified that you 22 didn't do that analysis, right?</p>	757	<p>1 economic conditions of the time, correct? 2 A I don't know what you mean by that. 3 Q Well, ECI one minus -- ECI minus one 4 tracks -- well, ECI tracks general wage growth in 5 the private sector of the economy, doesn't it? 6 A No. It's employment cost index, so 7 that, for example -- you know, a wage index 8 tracks wages. Employment cost index tracks 9 employer -- you know, employer costs. So factors 10 other than direct wages, for example, changes in 11 taxes and so on, will go into the ECI. So you're 12 close, but not quite right. 13 Q Okay. So it tracks general employer 14 cost trends in the private sector of the economy? 15 A That's correct, but that's distinct 16 from wage trends. 17 Q So changes in that index would, of 18 course, cause changes in -- that would make sense 19 that the PPO's changes would correlate to the 20 changes in the private sector of the economy, 21 correct? 22 A But not necessarily for comparable</p>
756	<p>1 A I have not done an analysis of the 2 police or Postal Police Officers. 3 Q Okay. Let's talk about ECI minus one. 4 A Okay. 5 Q I just want to make sure that I 6 understand this. You testified that up until the 7 late 2000s, ECI minus one, quote, unquote, 8 performed well for the Postal Police Officers, 9 right? 10 A Until 2008, there was a very slow 11 downward trend, probably caused largely by the 12 grade increase to the Letter Carriers and then 13 the -- the following grade increase for the APWU. 14 But, yeah, it performed well up until around 15 2008. They were staying at, you know, except for 16 those grade increases, roughly the same level. 17 But towards the end of the 2000s, it started 18 down -- down in 2008, it started down very 19 rapidly. 20 Q And that conclusion that you reached, 21 that ECI minus one performed well until that 22 time, that's due -- that reflects the general</p>	758	<p>1 levels of work. 2 Q It's just a general index? 3 A It's a general index of the economy. 4 Q You said a couple times -- you 5 testified about the Goldberg interest arbitration 6 award. You may be aware that Arbitrator Dufek 7 was involved in that arbitration. You 8 represented that -- I would just like to 9 clarify -- 10 ARBITRATOR DUFEK: That is not a 11 demerit by any stretch. 12 BY MS. GONSALVES 13 Q I would like you to clarify what you 14 mean by the upgrades that you say Arbitrator 15 Goldberg gave the APWU. 16 A It would appear from my reading that 17 that he essentially increased the wage of the -- 18 in the clerk's unit to reflect what had happened 19 in the NALC, and so it looked as if you were 20 getting -- no, whatever he said, it appeared that 21 way. In fact, that's the interpretation -- I was 22 talking to Jim Sauber over at NALC a week ago or</p>

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759	<p>1 so, and he said, yeah, that's basically what 2 happened. He said, because we got it, the clerks 3 got that same increase. So whatever he said, it 4 sure looked that way. 5 Q Okay. So he didn't actually use the 6 word "upgrades"? 7 A Arbitrators use many words. Often they 8 deny what they do. I'm sorry. 9 Q Could you please answer the question? 10 Did he -- did he use the word "upgrades"? 11 A I would have to take a look through and 12 read that carefully. 13 Q Okay. You didn't read it carefully 14 before? 15 A I've read it carefully in the past, and 16 I was struck by some -- what I felt, but not 17 everybody may feel are discrepancies between how 18 he described things and what actually happened. 19 Q We're getting near the end -- 20 A Apologies to the panel, but I actually 21 teach an interest arbitration -- a public 22 sector dispute resolution course.</p>	761	<p>1 service. 2 Q Are you aware -- and I -- I did do 3 research on all these positions in my -- I have a 4 thick redwell with -- with that research I did, 5 and I'm going to spare us going through all of 6 the various literature I dug up on these. 7 But are you aware that -- that a number 8 of these positions, at least half of them, 9 involve -- state that the person getting the 10 position would be performing criminal 11 investigations? 12 A I looked through these, and, you know, 13 as one of a very long list of tasks that seems 14 like so many job descriptions -- you throw 15 everything in, but people usually develop their 16 capacity as they go through. It seems like a 17 pretty standard job description in that sense. 18 Q Okay. Well, let's just -- 19 A It was very complete, as the federal 20 government requires. 21 Q Let's just talk as an example about 22 Exhibit 83, which is the NIH, I believe.</p>
760	<p>1 Q I'm looking at Union Exhibits 82. You 2 don't really have to turn to them. These are 3 just the exhibits about various federal agencies' 4 police forces. And I'm just curious about how 5 you picked the agencies that you included in 6 those exhibits. 7 A I was given these by the lawyers for 8 the PPOA. And I did some searching under USAJobs 9 in that case. 10 Q But you didn't -- so you didn't pick 11 these agencies? 12 A No, I did not. 13 Q Okay. So when you looked at these 14 particular positions that were given to you by 15 counsel, you didn't actually look at the 16 positions to see if PPOs could qualify for these 17 positions, did you? 18 A Well, of course, since I don't know 19 what PPO qualifications -- what PPOs do, it 20 wouldn't be possible for me to determine if they 21 qualify, but these are the entry-level positions 22 for, if you will, police officers in the federal</p>	762	<p>1 A Okay. 2 Q Are you aware that Postal Police 3 Officers don't have to have a year of police or 4 security experience before coming on board? 5 A That's true, but the current Postal 6 Police Officers have considerable experience. So 7 I'm not saying in this case -- what you seem to 8 be saying is are they identical positions. 9 What I'm saying is, if someone had a 10 number of years of experience, then, as a police 11 officer in another agency, would they qualify for 12 a Step 6 or Step 7 at NIH. So your -- you may be 13 entirely right, but it's not really relevant to 14 what I was testifying to. 15 Q Okay. Well, are you aware that a 16 number of our Postal Police Officers applying for 17 these various jobs couldn't meet the minimum 18 requirements? 19 A I have not been told that. 20 Q And you would agree that all of the 21 agencies for which examples were provided are 22 funded by taxpayer funds?</p>

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763	<p>1 A One assumes, since they're federal 2 agencies, they're funded by federal taxes, import 3 duties and any number of revenue sources, but 4 mostly taxes. 5 Q I want to just turn briefly -- and this 6 is -- I think is -- I have two more areas to talk 7 about, but they should both be quick. Slide No. 8 50. 9 A Slide number? 10 Q No, it can't be Slide 50, can it? Oh, 11 yes, it can. 12 ARBITRATOR OLDHAM: You mean the page 13 number in the -- 14 MS. GONSALVES: Yeah. 15 THE WITNESS: Okay. Yes. 16 ARBITRATOR OLDHAM: I got it. 17 BY MS. GONSALVES 18 Q And about halfway down, total pay with 19 roll-ups and fringes. 20 A Yes. 21 Q You said that that was 48 percent -- 22 A Yes.</p>	765	<p>1 Q Half? 2 A I don't know. I would -- I would have 3 guessed a third, but why guess when we can look 4 at the employer cost of employee benefits. 5 Q Okay. And what -- what exactly goes 6 into this roll-up factor? 7 A This is a roll-up for, essentially, 8 overtime, time paid not worked. 9 Q What about benefits? It includes 10 benefits, doesn't it? 11 A I would have to go back and check my 12 calculations. I'm not sure that it does, but -- 13 yeah, it probably includes -- yeah, it would 14 include benefits. 15 ARBITRATOR OLDHAM: And vacations? 16 THE WITNESS: What? 17 ARBITRATOR OLDHAM: And vacation time? 18 THE WITNESS: Oh, yeah. That's time 19 paid not worked. 20 BY MS. GONSALVES 21 Q It also includes paid leave, right? 22 A Yes.</p>
764	<p>1 Q -- that that 48 percent pay roll-up -- 2 and you testified that that was a high -- high 3 percentage, correct? 4 A Yeah. 48 percent is high, say, 5 relative to an average for the private sector. 6 Q So in your experience, what would an 7 average private sector roll-up be? 8 A You know, I'd have to go back to the 9 employer cost of employee compensation and check 10 that, but it -- it would be lower without a 11 doubt. 12 Q Okay. I know you're an economist -- 13 A Substantially -- 14 Q -- and you like to be -- 15 A Yeah, but I -- 16 Q -- precise -- 17 A And one of the miracles of the 18 Internet, which is very good since I'm about to 19 turn 60, is I don't have to memorize those 20 anymore. I can check quickly. But it would be, 21 I would guess, on average, across substantially 22 lower.</p>	766	<p>1 Q Okay. And -- and you just said it does 2 include benefits? 3 A I'd like to go back and -- I would have 4 to check my numbers. I can certainly provide 5 that to you. 6 Q All right. Last question, I think. I 7 think you were aware that the PPOA proposals call 8 for locality pay, are you not? 9 MR. STEPHENS: There's an objection -- 10 we object only that it assumes a fact not in 11 evidence. 12 MS. GONSALVES: Okay. It assumes a 13 fact not in evidence? You guys are seeking 14 locality pay, right? 15 MR. STEPHENS: No, that's not correct. 16 MS. GONSALVES: Oh, you are not. Okay. 17 I was wondering why that wasn't included in the 18 costing analysis, and I guess that that would be 19 the reason why. 20 MR. STEPHENS: No. And again, not 21 meaning to take attention away from the witness, 22 but our -- the proposal, when one compares to</p>

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767	<p>1 federal agencies, every federal law enforcement 2 officer that we're aware of receives locality 3 pay. You receive locality pay even if you live 4 in Dubuque. So locality pay is something built 5 in. So to the extent we're make comparisons, 6 we're making comparisons to federal employees, 7 all of whom receive locality pay. 8 So the analysis that I believe 9 Professor Belman did was a weighted average 10 analysis using the LEO scales, but weighted by 11 where PPOs are located around the country. 12 But -- so we're not seeking different -- 13 different pay for working in San Francisco versus 14 working in Memphis. 15 MS. GONSALVES: But everyone would 16 receive higher pay based upon an average of the 17 locality pay applied to the federal sector? 18 MR. STEPHENS: Not if you live in New 19 York or San Francisco. 20 MS. GONSALVES: Okay. So everyone 21 except for people that live in San Francisco in 22 New York --</p>	769	<p>1 possibility. Anything else, Arlus, for today? 2 MR. STEPHENS: No, sir. 3 ARBITRATOR DUFEK: I do have -- I have 4 a -- Dr. Belman, you would have been 5 disappointed if I hadn't asked. 6 THE WITNESS: I would have been -- 7 ARBITRATOR DUFEK: You would have been. 8 THE WITNESS: -- but notice I haven't 9 testified as to what comparability between rural 10 letter carriers and UPS drivers and -- 11 ARBITRATOR DUFEK: Yeah, I missed that. 12 I have a comment and then I have some questions. 13 The comment is -- goes to your interpretation of 14 the Goldberg award done in 2001, and I think it 15 will be part of the Postal Service's presentation 16 as to what was done precisely in that award. 17 But I find it somewhat astonishing that 18 you would conclude that there was an upgrade 19 somewhere buried in there, when, in year one -- 20 and I remember this quite vividly -- the COLA was 21 lump summed and deferred. The COLA base was 22 rebased, and the percentage increase was very</p>
768	<p>1 THE WITNESS: No. I think one whose 2 pay is -- 3 MR. STEPHENS: Which is about half 4 of -- 5 THE WITNESS: -- below that average 6 would receive above, and anyone whose pay 7 is above the average -- half the value is at the 8 average, so, you know, anyone in New York, San 9 Francisco, et cetera, would have the total value, 10 be receiving pay that's below their equality 11 equivalent. That's the nature of a mean. 12 MS. GONSALVES: I think that's the 13 end -- the end of my questions, but I just want 14 to check. We would also like to keep cross open 15 for the possibility of asking additional 16 questions, especially as to the cost proposals, 17 because that will take time and energy. As Dr. 18 Belman knows from the rural proceedings, there 19 were separate meetings specifically about these 20 exhibits, so -- because they are complicated. 21 ARBITRATOR OLDHAM: That's fine. We 22 arranged that earlier, and we will preserve that</p>	770	<p>1 modest, nowhere near a grade increase. But we 2 can develop those facts as we go along in this 3 proceeding. 4 More important issue from my vantage 5 point is, you're aware of the fact that these 6 unions, at least the four major ones, used to 7 bargain on a joint basis in something called the 8 Joint Bargaining Committee, and you referred to 9 that in your testimony, correct? 10 THE WITNESS: (Nodding.) 11 ARBITRATOR DUFEK: And you're aware of 12 the fact that, over time, that Joint Bargaining 13 Committee broke up? 14 THE WITNESS: Yes. 15 ARBITRATOR DUFEK: And are you aware 16 the reasons why it broke up? 17 THE WITNESS: They've only been hinted 18 at. 19 ARBITRATOR DUFEK: But would it 20 surprise you that different unions had different 21 bargaining priorities? 22 THE WITNESS: No.</p>

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<p style="text-align: right;">771</p> <p>1 ARBITRATOR DUFEK: And would it 2 surprise you that those bargaining priorities 3 often come to the table in terms of language 4 requests? 5 THE WITNESS: (Shaking head.) 6 ARBITRATOR DUFEK: And would it 7 surprise you that the relationship between the 8 APWU and the NALC was at one time identical? 9 THE WITNESS: I'm sorry. I didn't 10 quite -- 11 ARBITRATOR DUFEK: It was at one time 12 identical. They were -- and today, they're not. 13 MR. STEPHENS: (Nodding.) 14 ARBITRATOR DUFEK: And you canvassed 25 15 years of bargaining history from 1994 through 16 roughly 2017 in this discussion today. 17 And you're not suggesting for the panel 18 in any way that we're to ignore the bargaining 19 priorities that the parties brought to the table 20 in those negotiations and/or interest arbitration 21 proceedings? 22 THE WITNESS: I would say that you</p>	<p style="text-align: right;">773</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, ERICK M. THACKER, the officer before whom 3 the foregoing arbitration was taken, do hereby 4 certify that the testimony appearing in the 5 foregoing arbitration was taken by me in 6 stenotype and thereafter reduced to typewriting 7 by me; that said transcription is a true record 8 of the proceedings; that I am neither counsel 9 for, related to, nor employed by any of the 10 parties to the action in which this was taken; 11 and, further, that I am not a relative or 12 employee of any counsel or attorney employed by 13 the parties hereto, nor financially or otherwise 14 interested in the outcome of this action. 15 <hr style="width: 20%; margin-left: auto; margin-right: auto;"/>16 ERICK M. THACKER 17 Notary Public in and for the 18 District of Columbia 19 20 My commission expires: 21 June 14, 2014 22</p>
<p style="text-align: right;">772</p> <p>1 ought to take -- well, obviously, not. Why be 2 wordy when I don't have to be? 3 ARBITRATOR DUFEK: No further 4 questions. 5 ARBITRATOR OLDHAM: All right. Thank 6 you very much, Dr. Belman. 7 (Witness excused.) 8 Am I right that this concludes our 9 proceedings for the day? 10 MS. GONSALVES: (Nodding.) 11 ARBITRATOR OLDHAM: Are we resuming 12 tomorrow at 9:30? All right. See everyone then. 13 (Whereupon, the proceedings were 14 concluded at 2:05 p.m.) 15 16 * * * * * 17 18 19 20 21 22</p>	

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\$1,045,667 725:12	\$53 686:1	10 630:6 635:18	12:26 737:17
\$1,068,794 725:1	\$53,833 702:13	100 666:10 677:10 680:10 693:15 694:22	13 622:15
\$1,200 714:19	\$55,613 688:19	1003(a) 745:13	1359 701:9
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\$117 686:18	\$7,500 701:17 702:14	102.3 675:5	187,000-and- some-odd 724:15
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