

## Attachment "D"



May 10, 2011

Mr. John Cavallo  
A/Manager  
Labor Relations Policy Administration  
United States Postal Service  
475 L'Enfant Plaza SW  
Washington DC 20260-4100

**RE: Proposed Revision of 39 CFR Part 241**

Dear Mr. Cavallo:

This responds to your letter of April 6, 2011, inviting our “questions” or “written recommendations” regarding Postal Service proposals to revise provisions of Title 39, Code of Federal Regulations, Part 241 (“the Proposed Rules”), as well as the *Administrative Support Manual* (ASM) Section 122.1, *Employee and Labor Relations Manual* (ELM) Section 113.3, and *Postal Operations Manual* (POM) Sections 139.116, 151.22 and 665, and Handbook PO-101, *Post Office Discontinuance Guide*.

We note that the Postal Service had previously published the Proposed Rules for public comment in the Federal Register on March 31, about a week before they were provided to our organization for the “consultation and direct participation. . . in the planning and development” required by 39 U.S.C. § 1004. As you know, Section 1004 provides for our direct participation in the planning and development of programs like this which relate to our members. It appears from your letter and the Federal Register notice that all the planning and development actions were taken before notifying us of your decision. While your letter invites “questions,” it appears to implicitly assume that our input is not necessary. Therefore, we are writing to inform you that we take exception to the process by which these decisions were made. We request that you discontinue actions related to the proposed changes.

As set forth in the comments on the Proposed Rules which we submitted to the Postal Service on May 2<sup>nd</sup>, we believe that the Postal Service does not have the legal authority to make these changes to the governing statutes. The authority to make such proposed changes is left to the Congress. Therefore, consultation between our respective organizations will not cure the Postal Service’s lack of legal authority to make such changes. Moreover, for the reasons stated in our May 2<sup>nd</sup> submission, we also believe that the proposed changes are shortsighted and unwise.

Sincerely,

Mark Strong  
National President  
National League of Postmasters  
of the United States

Robert Rapoza  
President  
National Association of Postmasters  
of the United States