

MICHIGAN MESSENGER



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President's Report

Gary VanHoogstraten
President

During this time of the year keep in mind the struggle of those who earn substandard wages and benefits, such as these farm workers.



I would not feel right if I didn't start off this article by not talking about this year's Educational Convention. As one who is involved in the preparations and everything that goes into running a Convention, this convention was nothing but spectacular. I would personally like to thank the Radisson Hotel in Kalamazoo for what was nothing but miraculous. Going back some two years when we first went there to review the hotel and up and through the entire convention, I feel this way. It is hard to believe when I went there the first time, with the hotel doing some remodeling construction that we would be able to pull this off. I know that we did have construction during the convention, but if there was any time that we felt that it would be a problem for our classes, the hotel assured me that they would stop and continue after we left. The only burden would be on them to back their time frame up for completion. I did not hear a lot of complaints but when we do get them, we take them constructively and try to make the corrections for future meetings/conventions. I know this was Marks first Convention and he was thrown into the wolves, but as I assumed, he totally took charge and

made it a success. Great job Mark, remember they do get easier. I spoke with Detroit District Area Local President, Pat Chornoby recently and we are in the final planning stages of next years constitutional Convention to be held at the Marriott Hotel in Detroit. I have high hopes that by the time next issue of the Michigan Messenger comes out, we will have this final and in writing for all the Locals.

I recently attended the National Presidents Conference in New Orleans. While the attendance was down a bit from previous ones, which was probably due to it being Fathers Day Weekend, but for those of us that were there, work was accomplished and we did hear of some contract news from President Burrus. Some of the items he touched on in the beginning was the reorganization of the National AFL-CIO. What we talked about was that if certain large Unions were not satisfied with the direction the AFL-CIO is going, then something should be done at election time, which was in July at their convention. The mere fact that we were told that approximately 1.8 million were talking about pulling out of the

AFL-CIO is not the answer. My philosophy has been and will always be - Deal with a problem when you see it there, do not run away from it. Burrus also spoke of local COPA contributions being credited to the correct Locals. In addition, he also mentioned the grievance dealing with Address Management System Specialist. This case was in the national's hands and Arbitrator Snow issued a decision on April of 2003 that this position is a part of the APWU bargaining unit and it should be our work. Vice President Guffey also addressed this issue on Sunday and he gave the delegates suggestions on what to do if this work continues in your office. The most important item that came out of this conference was the contract extension. By the time you receive this edition of the Messenger, the contract had already been ratified with a vote of 69,736 voting "Yes," and 9,238 voting "No." For more information on the extension, go to APWU.org.

Until Next Time

Gary Van Hoogstraten
President



The Long and Short of It

Michael A. Long
Editor

Well, summer is about over, and we are now looking to the fall time, holiday seasons, and time with friends and family. Looking back at this summer, how things have changed. When we started this summer, we thought Gas was high starting at \$2.15 a gallon, we are ending it at \$2.70 a gallon. We started this summer with a strong and massive AFL-CIO, we ended with the possibility of a split but a new collation. We started off this summer with us going into negotiations for a new contract with the Postal Service, we ended it with an one-year extension....and this is just the beginning. With what has happened recently, I am looking forward to the next three months and beyond.

By the time you receive this edition of the Messenger, many of us will have returned from the Multi-craft and the PPA conferences. I plan to ensure next edition to have pictures of both of these conventions for you to enjoy. However, if you want to see them now, go to the MPWU.com website and enjoy.

Union Label Week 2005 begins on Labor Day, Monday, September 5 and runs through Saturday, September 10. The message this year: **Add Value to Your Life -- Buy Union!** **Union Label Week** and **Buy Union Week** provide us with opportunities to spotlight the American way and focus on the values that we hold and the pride we feel in our unions. Products and services that bear the union brand--union labels and union shop cards-- symbolize that pride and those values. By demanding goods and services that carry the union label, we declare our support for a fair marketplace, responsible employers and communities that work the American way

Dental Open Season. By the time you receive the next edition of the Messenger, the Dental Open Season will be in full bloom. If you are looking for Dental Insurance, be sure to log on to the website to see what we have to offer.

Until Next Time,

Mike



Legislative Report

Regina Favors
Legislative Director

Voting Rights Issue

I was going to try and cover a variety of issues for this article but two issues in particular kept gnawing at me. As I heard from friends and relatives alike about losing our **right** to vote in 2007 I began to try and gather as much information as I could. I went on line to the voting rights act and what I found was articles and affirmations from Senators, Representatives and the NAACP that this was a rumor that surfaces every time these portions come up for renewal. What they are saying is that the 15th amendment guarantees our right to vote and that the 15th amendment does not and will not expire. What will expire however are certain provisions of the voting rights act of 1965, such as section 4 and section 5 etc. But this to me is still too important to ignore. We know that the voting rights act of 1965 was signed into law as a result of "Bloody Sunday," March 7, 1965 when some 600 civil rights marchers headed out of Selma, Alabama going to Montgomery. They got only as far as the Edmund Pettus Bridge six blocks away where state and local lawmen met and ordered them to disburse, but did not wait for them to heed the warning before attacking them with Billy clubs and tear gas driving them back into Selma. We know that even though the 15th amendment gave blacks/other minorities the right to vote, and even though the 1964 voting rights act expanded, clarified and further detailed these rights, there were **still** places especially in the south where blacks were not allowed to vote or even be registered, which is what led to "Bloody Sunday." This is not meant to be a history lesson and space does not allow all of the particulars but I just wanted to give this brief info because even though the voting rights act itself will not expire, and even though it is said that blacks will not lose their right to vote I find it appalling that even in this day and time there is even any hindrance or question about any portion of the act, the amendments, the sections or anything not being extended. Remember when Bush met with the Congressional Black Caucus in Jan. of this year and told Rep. Jesse Jackson Jr. that he knew nothing about the act, when asked of his plans to re-authorize the portion that comes up for renewal every 25 years. How could he not know? How and why is he so concerned about the rights and freedom of Iraqis to vote and take ours so lightly or casually? I

(Continued on page 4)

APWU Wins Landmark FMLA Ruling!.....or did we?

A federal appeals court has ruled that the Postal Service's return-to-work requirements for absences of more than 21 days are in conflict with the Family and Medical Leave Act.

The unanimous ruling by the U.S. Court of Appeals for the Seventh Circuit invalidates key USPS regulations that require employees returning from approved FMLA leave of more than three weeks to submit detailed medical documentation — including diagnosis, prognosis, treatment and medication — and/or to submit to a medical examination by a physician selected by the Postal Service before it will allow them to return to work.

"We have fought long and hard to protect our members' rights under the Family and Medical Leave Act," said APWU President William Burrus. "This is a very sweet victory."

The court ruled that the Family and Medical Leave Act requires employers covered by the law to return employees to work after their approved FMLA leave upon a basic showing that they are able to perform their duties. This is done by presenting a statement to that effect from the employee's own physician, the court concluded.

"The provisions of the FMLA simply require an employer to rely on the evaluation of the employee's own health-care provider," the court said. "[T]he return-to-work certification need not contain specific information regarding diagnosis, prognosis, treatment and medication."

The court also ruled that the Postal Service cannot enforce regulations that impose greater burdens on employees when they return to work than provided under the FMLA. The USPS provisions "impose a greater burden on the employee and therefore cannot be employed."

"The FMLA and its regulations simply prevent an employer, including the

Postal Service, from denying a return to work by an employee who has been absent on FMLA leave and who presents, upon his return, the requisite certification from his physician."

APWU Industrial Relations Director Greg Bell hailed the decision. "This ruling will enhance the rights of all workers covered by the Family and Medical Leave Act," he said, noting that the ruling applies to all employers, not just the Postal Service.

The court ruling was based on the case of Rodney Harrell, a Decatur (IL) Local APWU member. After selecting Harrell's case to pursue in court, the union paid the expenses associated with the litigation, with its law firm representing the complainant.

The unusual arrangements were made in late 2002 when Burrus invited APWU members whose FMLA rights had been violated to file suit — at the national union's expense.

The July 19, 2005, decision by the appeals court overturns a ruling by the U.S. District Court for the Central District of Illinois on Nov. 10, 2003; there are no contrary or competing decisions in the other circuits.

The appeals court ruling notes that the USPS can require fitness-for-duty exams of employees after they return from FMLA-approved leave, provided such exams are "job-related and consistent with business necessity in accordance with the Americans with Disabilities Act."

Editor's Note and Follow-Up. With the above "win" for employees of the USPS, Anthony Vegliante has come up with a way to screw everyone else. On July 26, 2005, Mr. Vegliante sent out a memo to all Vice Presidents, and Area Operations with direction on

"Procedures for Returning Craft Employees to Work Following FMLA-Protected Absences."

This memo was to "clarify the procedures for clearing craft employees to return to work." He cites the above win; however, and I quote the remaining of his memo, however, I will bold for emphasis.

"The Postal Service will comply with the Harrell decision in those facilities located within the states subject to the court's jurisdiction: Indiana, Illinois, and Wisconsin. Effective immediately, in facilities located in these three states, management may not request any of the information contained in ELM 865.1 before a craft employee returns to work from a FMLA-protected absence. In these three states, employees must be allowed to return to work upon presenting a simple statement from their health care providers that they are above to return to work. **Once these employees have returned to work, consistent with the Rehabilitation Act, management may request information concerning an employee's fitness for duty, providing management has a reasonable belief, based upon reliable and objective information, that:**

The employee may not be able to perform the essential function of his/her position, or

The employee may pose a direct threat to the health or safety of him/herself or others due to that medical condition.

In all facilities *not* located within Illinois, Indiana, or Wisconsin, continue to apply ELM 865.1 as written. This is, under the circumstances set out in ELM 865.1,..."

(Continued from page 2)
Legislative Report Continued

find it appalling that this is the only President, along with "his" Republican House and Senate that has to "think," or hesitate to re-authorize the amendments. To me it should be automatic that Congress and the President continue what had already been put in place to protect our rights. It is my belief that even though I am told nothing will be lost, we cannot trust this President or his Congress when they have already tried and continue to try and dismantle every other right (affirmative action, etc.) Need I say more? The other issue which also still closely relates to this is the nominations and more than possible appointments to the Supreme court (which are lifetime appointments). Rights are at risk here also. Here is some info that I got from the National AFL-CIO Webpage. This is an excerpt from America@Work 2003, "With the Senate now in Republican hands, the Bush administration and its Senate allies are moving quickly to pack the courts with ultra-conservative appointees. If they get their way, the federal judiciary could be thrown out of balance for a generation or more to come, and jeopardize a whole range of rights and protections that we hold dear."

Do you know who the federal judges are and what they do? Don't you realize that they hear and decide cases involving crucially important rights and protections? Do you really want more judges like Texas Supreme Court Judge Priscilla Owen, who has a track record of making decisions hostile to workers and consumers, and federal Judge Charles Pickering, who sought to reduce the sentence of a man convicted of burning a cross on an interracial couple's lawn. And what about Clarence Thomas whose decision doesn't favor us when it comes to affirmative action. Hmmm, I wonder what would happen if any of the voting rights act is not renewed and has to be revisited, re-defined, or even re-fought, with a Bush picked court. People, Sisters and Brothers, fellow union members, get yourselves involved and get more info on what is really happening in our country while Dubya (G.W.B.) is plotting *Democracy, Freedom etc.* elsewhere. Please find out what you can do to preserve, protect and save our unions, pensions, jobs, rights, choices and civil liberties before it is too late. Hope I didn't bore you with this but like I said it is just gnawing at me.

Regina

How Did We in Michigan Vote in the Contract Extension?

(Obtained via the APWU Website)

Local Name	Yes	No
Alpena Local	6	0
Battle Creek Local	14	2
Central Michigan AL	191	5
Charlotte Local	2	0
Detroit District AL	861	59
Farmington Local	29	16
Fenton Local	3	0
Flint Michigan AL	41	144
Gaylord Local	27	4
Hillsdale Local	1	0
Jackson AL	39	7
Ludington Local	6	0
Manistee Local	1	2
Michigan - MALs	76	4
Muskegon AL	31	0
Petoskey Local	4	1
Pontiac AL	26	1
Roger City Local	2	0
Saginaw 486-487 AL	120	28
Saint Ignace Local	2	0
Sault Ste Marie Local	5	0
Southwest Michigan AL	182	19
Stevensville Local	3	0
Traverse City AL	68	14
Troy Local	20	5
Western Michigan AL	255	61
480-481 AL	706	61
498-499 AL	59	10
Michigan Totals	2780	443

Next COLA Raise Will Be Biggest in 25 Years

APWU members will receive their largest COLA increase in more than 25 years next month. The annual raise of \$728 will be the biggest Cost-Of-Living-Adjustment since mid-1980, when inflation was raging at an annual rate of approximately 14 percent. The latest adjustment for APWU-represented postal workers will take effect Sept. 3. The eighth Cost-Of-Living Adjustment period in the National Agreement ended July 31; the adjustment amounts to a 35 cents per hour increase, which equals \$28 per pay period. The COLA increase will be reflected in Sept. 23, 2005, paychecks (Pay Period 19-2005). As of that date, Level 5-O postal employees will earn approximately \$46,000 per year in base salary. Since Nov. 18, 2000, Grade 5 employees have received COLAs and raises totaling \$5,525. The ratification of the one-year contract extension means there will be two additional COLA adjustment periods, in March and September 2006, and an annual raise effective March 18, 2006.

APCs - "Axing Postal Clerks"? USPS Plan to Cut Window Clerk Jobs

by David Yao, Greater Seattle Local

An internal postal management memo, leaked to the APWU but legally obtainable, is hard evidence that Automated Postal Centers (APCs) will be used to try to cut clerk jobs, specifically those of Sales and Service Associates, or window clerks. At a June 15th management teleconference, the "Pilot APC Project" was announced:

"APCs will be deployed 'in the counterline' and will be utilized in much the same way as the automated check-in machines are used at the airport (two or three machines staffed with one person...). For counterlines with 6 retail stations, 2 APCs will be deployed and **staffing adjusted accordingly** (emphasis added). For these sites, the APC in the lobby will remain...(H)aving them in the counterline will encourage usage, reduce wait time in line, provide SSA assistance [note- HA!], and **reduce SSA staffing** (emphasis added)."

In Seattle as elsewhere, station managers are being pushed hard by their bosses to raise their APC sales figures – with the ultimate goal of eliminating our jobs. Offices with low APC revenue may lose their machines – improved job security for the clerks there, and poor marks on the record of whatever manager allows that to happen. The managers, of course, are passing this pressure along – to their supervisors, rehab clerks, and window clerks (talk about being asked to "cut your own throat!").

How many jobs they can cut is the big question, as this pilot project will be followed by more efforts to force-feed the use of APCs by understaffing. Self-service counters have made a big impact on the grocery industry. I was in an Albertson's that

had only one checkout counter staffed by a retail clerk, while another was tending to five self-service lines. Doubtless that is the ideal that postal management is striving for, although the skills they are trying to automate are far more complex than those in a grocery store. They know their lackeys would do anything to get bigger raises or promotions, but at what cost? Degraded service to the public and the loss of that most precious asset - living-wage jobs!

Of course, we have to fight this trend, and the mailing public is our most valuable ally. Customers don't want reduced service or staffing, and by enlisting their help, postal workers have turned back some efforts to cut staffing in Seattle, Bellingham, Royal Oak (Michigan) and elsewhere. On a smaller scale, window clerks can help by giving friendly, helpful service – not enough by itself to prevent job loss, but it lays the basis for mobilizing the public when that time comes.

Don't forget the many drawbacks to the APC that our customers may not be aware of.. For starters, how many people would be comfortable with the fact that their picture is being taken with each transaction? The APC often produces poor results due to the many choices on many screens. I have seen a number of small items sent "Parcel Post" at a much higher cost than faster First Class mail, which would not happen had a window clerk been involved.

Short paid items are another problem that anyone pulling mail from an APC should watch for. First-class flats are frequently and improperly sent with Delivery Confirmation. Flat-rate postage is put on non-flat-rate containers. The surcharge for oversized one-ounce letters is ig-

nored. Packages end up somehow weighing more than they did when the APC label was printed. Priority mailers are sent with First Class or Parcel Post postage labels affixed. All of these are required to be marked Postage Due, or in some cases returned (see the DMM rules), though it may inconvenience the sender and/or the recipient.

Please read the article, "Management Overzealous In Efforts to Promote APCs" in the July/August issue of the APWU national magazine. It is also readable at www.apwu.org – go to Departments and Divisions and click on Clerk Division. I'll quote one line from it: "The purpose of APCs is to replace retail professionals." It also notes that APC dates might not be considered legal postmarks, for example, by the IRS.

While the concerns about APCs that I expressed on behalf of my co-workers were publicly and repeatedly scoffed at by an elected officer at the 2004 Clerk Division meeting, this magazine article makes it clear that in 2005 the Clerk Division is fully aware of the threat posed by APCs. Please ask your delegates for the latest information on this struggle when they return from the August 8-10 national Clerk Division Conference. Automation is a daunting foe, but education, organization, and mobilization can save our jobs!

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Information and Postal Shorts

USPS orders 1,400 Bulldogs

The U.S. Postal Service (USPS) has awarded Mack Trucks Inc. a contract for over 1,400 trucks. The order includes 1,800 Mack Vision on-highway model, and 226 of its MR vocational models by the end of 2006.

"We're particularly pleased with the number of Vision models in the contract," said Kevin Flaherty, senior vp—sales. "We're working very hard to grow our highway business, and we view this as a very significant step in that process."

The contract also calls for Mack to provide training and other services.

Stewards,

Represent only the employees in your designated section. If you are not designated a steward in a particular section, and if you are the only steward available, take the complaint from the employee and leave it for the properly designated steward. If you know that steward will be absent for a long period of time, leave the complaint for your Clerk Craft Director or President.

If you are confused as to what section(s) you represent, refer to the steward designation list. If someone who is designated in a section (alternate stewards included) is available, the employee will need to address their concerns with that person.

If you file a grievance for someone in a section you are not designated to represent, management can deny the grievance based solely on that defect. We could potentially be handing management an automatic win. There is no reason for this to ever occur. NBAs have alerted us to management's new form of defense. Evidently, they have been somewhat successful in making this argument. Let's not give them reason to use it here!

Editor's Note: This was sent out to our stewards in our local. I thought it important enough to share with everyone in the state. Remember the union designates the stewards, NOT management.

Federal Retirement Thrift Investment Board Announces Roll-out of Lifecycle Funds

WASHINGTON--(BUSINESS WIRE)--July 18, 2005--The Federal Retirement Thrift Investment Board announced today that TSP Lifecycle Funds will be made available to Plan participants beginning August 1, 2005. The announcement was made during the Board's regular monthly meeting, which included readiness reports from the Executive Director, Gary A. Amelio, and the Agency's senior staff.

Lifecycle funds are asset allocation portfolios with investment mixes tailored to a participant's target time horizon. The target horizon is the time when the participant intends to withdraw the funds. As the withdrawal date approaches, the lifecycle fund's investment mix automatically becomes more conservative (i.e., less risky). Participants who select lifecycle funds do not need to reallocate their account assets to achieve this result; the lifecycle investment models automatically reallocate the accounts for the participants.

Amelio and Pamela-Jeanne Moran, the Agency's Director of Benefits Services, described the extensive communications effort that will be launched in connection with the roll-out of the new "L" Funds. Amelio compared this comprehensive approach to "the best of the best" that he saw during a private sector career spanning 23 years.

According to Amelio, the roll-out will commence today with new lifecycle fund information on the TSP Web site at www.tsp.gov. This will include the July edition of the newsletter TSP Highlights with a feature story entitled "L Funds Offer a New Approach" as well as the L Funds Information Sheet that provides more technical details about the funds.

A "teaser" post card is being mailed to all Plan participants, inviting them to consider putting their TSP investments on "cruise control." The post card will also notify participants to "watch for future mailings." This is because after August 1st, the date when the full complement of TSP lifecycle fund materials will be placed on the Web site, a specially-made DVD will be mailed to all participants.

According to Amelio, "Proper asset allocation is critical to optimum long-term growth in retirement savings. Whether participants have it done automatically for them by using the L Funds, or do it themselves, this DVD will help them understand this important concept."

TSP participants now have four broadly diversified stock and bond funds, as well as a Government Securities (G) Fund, in which to invest their retirement savings. Taken together, the Common Stock Index Investment (C) Fund, the Small Capitalization Index Investment (S) Fund, the International Stock Index Investment (I) Fund, the Fixed Income Index Investment (F) Fund, and the G Fund cover "all the major food groups at an exceptionally low cost to participants" according to Amelio. "The new L Funds will automatically allocate assets among the five underlying funds at no additional cost to TSP participants. This is a wonderful opportunity for participants to receive the benefit of professionally determined asset allocations with virtually no ongoing effort on their part and at no charge."

The TSP is a retirement savings plan for Federal employees; it is similar to the 401(k) plans offered by many private employers. As of June 30, 2005, TSP assets totaled more than \$159 billion, and retirement savings accounts were being maintained for more than 3.4 million TSP participants. Participants include Federal civilian employees in all branches of Government, employees of the U.S. Postal Service, and members of the uniformed services.

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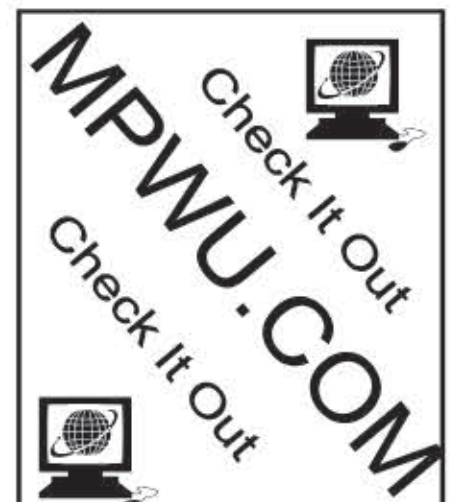


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Your articles are welcome! They must be signed to be printed, but your name will be withheld upon request. Articles sent via electronic media will be treated as being signed. Be aware that articles may be edited to fit the confines of this publication.

In addition, this paper is designed with everyone in mind, please be aware that all mistakes are intentional for the express purpose of keeping those happy that are most happy when finding errors in others.



Upcoming Events to Plan For:

October 2005 - Deaf/Hard of Hearing Conference - Reno, NV

Area 4, 5, 6 District Meeting (more information forthcoming)

April/May 2006 - MPWU Biennial Convention, Detroit, MI

August 2006 - APWU National Convention, Philadelphia, PA



How to Show Respect to the Flag By: Alan Cropsey, Michigan Senator

It happens quite often, we stand at attention, face the flag, and put our hands over our hearts. As the 4th of July nears we must give the same proper adherence to how we fly the flag. Here are some reminders on how to fly the flag of this great nation of ours, the United States of America.

1. The flag should be hoisted briskly and lowered ceremoniously.
2. The flag is never allowed to touch the ground or floor.
3. When hung over a sidewalk on a rope extending from a building to a pole, the union stars are always away from the building.
4. When vertically hung over the center of the street, the flag always has the union stars to the north in an east/west street, and to the east in a north/south street.
5. The flag of the United States of America should be at the center and at the highest point to the group when a number of flags of States of localities or pennants of societies are grouped and displayed from staffs.
6. The flag should never be fastened, drawn back, nor up, in folds but always allowed to fall free.
7. Never fly the flag upside down except as a signal of distress in instances of extreme danger to life or property.
8. The flag is never flown in inclement weather except when using an all-weather flag.
9. The flag can be flown every day from sunrise to sunset and at night if illuminated properly.

I hope this was helpful to you as you fly the flag on our Independence Day. Flag care is something that should be learned by everyone. I hope that each of you have a great day enjoying the freedoms that our forefathers fought so hard for.

Keeping the Members Informed. Michigan PPA Members in attendance at the National PPA Convention - August 10 - 14, 2005; Reno, Nevada



From Left to Right: Front Row: Kenna Gay (Flint); Paul Felton (480-481); Denise Spreitzer (Southwest Michigan). Back Row: Geoff Higgins (Detroit); Barb Tubbs (Western Michigan); Michael Long (Michigan); Tony Carobine (PPA President (Iron Mountain)); Bob Atkinson (Saginaw); Perry Schweitzer (Central Michigan). Also in attendance but not in photo: Michael Waters (498-499 (Iron Mountain))

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