

# Michigan

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## President's Report



by John Marcotte,  
President

# Our Jobs Our Future

The postal reform legislation that emerges from the halls of Congress will greatly impact every postal worker. In my previous articles I have outlined how PMG Potter's terrible leadership has driven the USPS to the brink of insolvency and that Congressman Issa and his ilk are attempting to unfairly use this self-generated crisis to justify postal privatization. We are now at the point in time where congress must act. The following is where postal reform stands as of the deadline for this publication.

The Senate and House bills that would stabilize the Postal Service in a reasonably fair manner are S-316 and HR 630 respectively. These bills are sitting in committee at this time and are supported by the APWU. These bills contain solutions that don't require postal workers to pay the price for the USPS's horrendous string of decision making or the inexplicably aggressive pre-funding of

retiree healthcare. Unfortunately it is my opinion the Republican majority of the House committee led by chairman Issa will prevent HR 630 from ever being debated. Issa will refuse to let it out of committee and it will never see a vote much like HR-1351 that we all worked so hard on getting cosponsors for. Chairman Issa prevented 1351 from being voted on even though more than half the House cosponsored the bill. As long as Issa remains chair of this committee he will insist that postal worker wage and benefit reductions will be part of postal reform.

I expect the long awaited postal reform



John Marcotte with Congressman Dan Kildee at the MPWU Education Conference.

bill from Senator Tom Carper will be introduced and this bill as amended will be the postal reform that is sent to President Obama. This bill most likely will initially contain things that will be harmful to postal workers and future retired postal workers. Only by debate and amendments in the House and Senate will language damaging to postal workers be removed. Even the threat of a rare Obama veto could swing postal reform in postal workers' favor. There is only one way to get Congress and President Obama to fight for you. YOU HAVE TO TELL THEM. Only with a loud, sustained and

continuous voice will we be heard. Postal workers do not have the option of not being active. Go to your Congressman's office and speak to the staff. Write, call, email and Facebook them. Refuse to be silenced by an unacceptable answer. Now get your family and friends to do the same. In most congressional offices a dozen calls and 50 emails is a crisis, double that and the sky is falling. Is your job worth one hour a week every week until postal reform is law? Once postal reform is passed it will be too late. We do it now, we do it together, we do not stop and we will win. If we don't we will lose for a very, very long time.

Note: The MPWU is planning political rallies in congressional districts key to postal reform and is offering a cash drawing as an incentive to sign Rep. DeFazio's petition to save the postal service. Please go to [mpwu.com](http://mpwu.com) for updates.

Yours in Solidarity and Friendship.

## Area 7 Director



by Thomas Lothamer,  
Area 7 Director

# Grievance - Arbitration

### Section 1. Definition

A grievance is defined as a dispute, difference, disagreement or complaint between the parties related to wages, hours, and conditions of employment.

This is exactly out of the contract that provides us with certain guarantees. Nothing in the Collective Bargaining Agreement is unreasonable, it is agreed upon by both sides, any misinterpretation is clearly defined in the Joint Contract Interpretation Manual and yet there is an atmosphere in the workplace that if someone questions the way that things are done then you risk your future in the Postal Service.

I believe it to be necessary for you to understand that there is filing a grievance and then there are other recourses.

The National Labor Relations Board is a good start:

### Examples of Your Rights As An Employee Under the NLRA Are:

Forming, or attempting to form, a union among the employees of your employer.

Joining a union whether the union is recognized by your employer or not.

Assisting a union in organizing your fellow Employees.

Engaging in protected concerted activities. Generally, "protected concerted activity" is group activity which seeks to modify wages or working conditions.

That last section is of particular interest to those of us in the Union because what it is saying is that if your employer

takes any kind of recourse or retaliation against you for filing a grievance or "engaging in protected concerted activities," then you have the right under the protection of Federal Law to file a labor charge. [NLRB.gov](http://NLRB.gov) is their website and is worth a look if you have any interest in your rights.

### Another helpful resource is the Occupational Safety and Health Act of 1970 which states:

Under the OSH Act, employers are responsible for providing a safe and healthful workplace. OSHA's mission is to assure safe and healthful workplaces by setting and enforcing standards, and by providing training, outreach, education and assistance. Employers must comply with all applicable OSHA standards. Employers must also comply with the General Duty Clause of the OSH Act, which requires employers to keep their

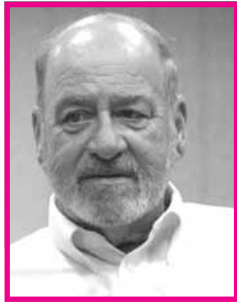
workplace free of serious recognized hazards.

Their website is [OSHA.gov](http://OSHA.gov) and is a very useful tool in helping all of us to keep a healthy and safe working environment. This is another tool which we have at our disposal. Article 14 is in our Contract and I would always recommend consulting a steward or officer first with any concerns but if it warrants immediate attention and management is not recognizing the issue then this is good information to have as well.

There are so many other resources that we have to help us represent our rights as employees of the USPS and we should not feel threatened to exercise these rights. Working together to ensure our future started yesterday. We can accomplish this but we must stand strong and fight for our rights legislatively and through the grievance procedure.



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by Al LaBrecque, Retiree's Chapter President

## Retiree Involvement

# Knowledge Is Power

4-6, 2013, APWU All-Craft Retirees' Dept. Conference in Las Vegas.

*"Do what you can, with what you have, where you are".* Teddy Roosevelt

**KNOWLEDGE IS POWER** - The 3-day combined MPWU and State Retiree Chapter Education Assembly in Flint went off without a hitch despite some "bumps" through the planning phase. From the general sessions, where several state and national officers addressed delegates, a presentation by 5th District Congressman, Dan Kildee (D) (a HR 630 cosponsor), to the State Chapter sponsored hospitality "COPA Pizza Night" which netted \$463 for COPA, to the 5 retiree related classes agenda; the consensus is that this was our best-ever effort to inform and educate both active and retiree "students."

**Credit MPWU officers;** Education & Research Dir., Lucy Morton; Sec.-Treas., Darren Joyce; Exec.-Sec., Mike Long; Retirees' Dept. Dir. Judy Beard and her outstanding OPEIU secretarial staff; and the host Flint MI Area Local for a job very well done! They, and the State Union made us look good! From my perspective, and the positive feedback we've received, it was a home run top to bottom. Testament to this is that even on Saturday afternoon when it looked like delegates were making a jailbreak rush to get home; the "Managing Your TSP Account" class conducted by a representative from the TSP Board who flew in from D.C., had standing room only to the very end. I'm not sure what we can do to top this one, but we've created a lofty benchmark.

The State Chapter E-Board met taking care of usual business; Sec.-Treas., Paul Browning and audit reporting the Chapter is in excellent financial condition and our books are in order. A motion was unanimously adopted to send 3 E-Board officers; President (automatic), Vice-Pres., Gary VanHoogstraten, and Sec.-Treas Paul Browning, to the Nov.

**A LITTLE HISTORY** - When did the MPWU State Education Convention (now "Assembly") come into being? I'm awful with dates, even years, but it was just after we went to biennial State Constitutional Conventions (instead of every year) and either just before or after the 1971 mergers. Michigan pioneered the education concept in off-convention years; the brainchild of Leo Persails who was our State Union Education & Research Dir. at the time. This concept was quickly adopted by APWU State Unions where Leo frequently was a featured instructor. Brother Persails could further enlighten with the details of this bit of MPWU history.

**MONTHLY ANNUITY ANAMOLY** - Did you notice that your CSRS/FERS monthly annuity deposit or check was a trifle off beginning in February? Mine was \$1.55 more than it should have been given the figures we received in the OPM "Notice Of Annuity Adjustment" beginning Jan. 1. In Feb. the FEHBP premium increase took effect. The arithmetic didn't add up!

Finally, I called OPM and mystery solved! Code 31 - Federal Income Tax. The IRS deduction rate changed after the OPM notice was printed due to the late 2012 decision to keep tax rates at previous levels. OPM no longer furnishes a second annuity adjustment notice for the Feb. FEHBP premium deduction changes. You have to do that fairly simple math to determine your monthly annuity bottom line. If OPM had provided the 2nd notice, the IRS deduction change would have been notated. Should have known we weren't overpaid. Guess that's a result of OPM's rush to paperless"!

**WELCOME!** The 480-481 Area Local Retiree Chapter has been organized, becoming Michigan's 5th Local Retiree Chapter. Retiree members

residing in, or retiring from the 480-481 Area Local's jurisdiction are automatically members of our newest local chapter.

**Congratulations to Chapter Pres.,** Paul Felton; V.P., Faith Mason; and Sec.-Treas., Joe Gordon. The State of Virginia is, or has been chartered as the 5th State (or is it 'Commonwealth'?) APWU Retiree Chapter. The recent VER has produced a significant growth of new Retirees' Dept. members and potential members. With multiple assaults on our retirement security, we need all the muscle we can build.

**DUES \$\$ AT WORK!** State Chapter Sec.-Treas., Paul Browning, represented Michigan at a Washington, D.C. conference of the Alliance for Retired Americans, May 7-9, that included a legislative visit to Capitol Hill armed with our positions on pending postal legislation (S.316 & HR.630), retiree and seniors concerns over the proposed "chained CPI" that would adversely affect S.S. and annuity COLA increases, and threats to S.S. and Medicare.

**HAPPY ANNIVERSARY!** The Western MI Area Local Retiree Chapter, led by Pres., George Hendricks, celebrates its 15th Anniversary of being chartered as the 2nd Local Retiree Chapter in Michigan. Brother Hendricks has served as President from the WMAL Chapter's inception, including 10 years as State Chapter V.P. In order for a State Chapter to be organized, the state has to have at least 3 organized local chapters. The WMAL Chapter was instrumental in enabling the MPWU State Retiree Chapter to exist. Our sincere Best Wishes for the continuing good work!

**APWU NATIONAL OFFICER ELECTIONS** - 'Tis the season! A flurry of nominating petitions by incumbent and hopeful candidates in the mails between May 1-June 15 that will determine the APWU ballot lineups. For the historic first-time ever, some 40,000 APWU Retirees' Dept. members (if joined by June 15th) will receive a ballot for APWU President, Executive V.P., and Secretary-Treasurer, plus 3 resident Department Directors (Asst. Legislative/Political Dir. position has been vacated). Members will also elect APWU Retirees' Dept. Director, and National Retiree Delegate to the APWU National Convention from their respective Region, in our

The Michigan Postal Workers Union proudly represents the Members at Large within the Great State of Michigan. The following locals have also affiliated with the MPWU for training, education and information sharing between their members, stewards and officers of their own local and others throughout the state and nation:

Alpena	Flint	Muskegon	Stevensville
Battle Creek	480-481	Pontiac	Traverse City
Central MI	498-499	Roger City	Troy Local
Cheboygan	Gaylord	486-487	Western MI
Detroit District	Jackson	Sault Ste Marie	
Farmington	Ludington	Southwest MI	

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The opinions expressed in this publication are those of the writer and not necessarily those of the Editor, the MPWU, the APWU or the Postal Press. Articles and correspondence to the Editor may be sent to Paul Felton, PO Box 361342, Grosse Pointe, MI 48236. Articles must be signed to be printed (your name may be withheld upon request). Articles may be edited to fit the confines of this publication.

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by Paul Felton, Editor

## Editor's Report

# The Future Of Our Movement

It was a great feeling. Hundreds of young people marching in the street, joined by older labor activists. It was 4:00pm on May 10th, the culmination of a one day fast food workers strike in Detroit. This was the fourth city to organize a one-day strike; New York, Chicago and St. Louis preceded Detroit.

It is an unusual organizing technique. They may not have a majority of most of the stores, but as a group they were large and spirited. There were six stores shut down entirely and somewhere from 400-600 fast food workers struck throughout the city.

The demand was a raise in the minimum wage up to \$15/hour. The organizations behind this movement are SEIU and the National Action Network. The Reverend Charles Williams of National Action Network worked for minimum wage when he was younger.

Jobs at fast food restaurants may once have been primarily held by kids who needed a little extra income, or as a supplement to an adult's income. That supposedly justified the low pay. But the average age in the fast food industry is 28 and for the most part, this is the job people depend on. There are now many more fast food workers in Detroit than there are auto workers. This is an important segment of the population to bring into the struggle.

I don't know how many times I've been sitting at an AFL-CIO meeting, or talking with APWU Local Officers, and we talk about how the younger generation doesn't understand unionism. We wonder where the leadership and activism will come from when we retire. Well, part of the answer came to life on May 10th. Hopefully, the organizers will follow up, the movement will grow, and new leaders will emerge.

### PSE Steward

Along the same lines, the future leadership of APWU will include people who are currently PSEs. In this issue of the *Messenger* is an interview with Drew Kauska, a PSE who is a steward in Traverse City. In the long run, the experience he gains as a PSE steward will serve him well. There are extra hurdles for PSE stewards, mostly in terms of gaining respect from coworkers and managers. Of course, any new steward has to gain respect; in many cases management will give you the "rookie treatment," but being a PSE just adds another layer. As far as I can't tell, Drew is handling it very well. We

need our younger members, including PSEs, to step forward and play a role alongside the old-timers.

### Unity

I am disturbed by the fact that APWU and NALC are not working together to fight the cutbacks being proposed and

in the planning. The NALC wanted the focus to stay on the one issue that most directly affected their members – five vs. six day delivery.

The APWU did not mobilize energetically around the six vs. five day issue – though we did support the NALC

of APWU and NALC are both saying to management, "If you have to cut back, take it away from the other guy and leave me alone." With that strategy management will cut both of us.

I like to think about strategy from the following perspective: what would we do if we were all in the same union? Clerks, Maintenance, MVS, Letter Carriers, Mail Handlers, etc. I think our reaction to the 5-day announcement would have been massive rallies along the theme of "No Cuts, No Closures." We would have educated the public that cutting back on Saturday delivery will not produce nearly the savings projected by management. At the same time, we would have used the national attention and publicity around the five-day issue to point out that there are a lot more cutbacks, less visible to the public, taking place as we speak, and those cutbacks are totally unnecessary.

Instead of citing a survey that says it would be better to cut back on the carriers than on APWU members, we should be demanding there be no cutbacks at all! Instead of the Letter Carriers concentrating on "their issue" to the exclusion of the other cutbacks, they should be working with APWU to maintain service standards, staffing levels, etc.

After all, we all support the same piece of legislation: the Postal Service Protection Act. I know that a merger is not going to happen anytime soon, but why can't we work together to fight the common enemy?

If we can't at least do that, the future of our movement is bleak.



Fast Food Workers rally in Detroit.

imposed by postal management. I am not going to point the finger of blame in any direction; I'm just pointing out that we should be working together. Part of the problem is different aspects of the USPS plans affect the two unions differently. On March 24, the NALC held nationwide rallies to keep Saturday mail service. The rally in Southfield, Michigan was quite large. There might have been a thousand people during the course of the day.

It was great, on one level. But it was an NALC rally; other unions were welcome to show up but were not included

rallies. The APWU's main priorities are keeping the service standards, stopping the closures of post offices and mail processing centers, and providing adequate staffing at the windows.

I was disturbed when one of our national officers at our Educational Conference touted a survey that said the public was more concerned with keeping overnight delivery standards than with keeping six day delivery. APWU will make sure members of Congress get a copy of the survey.

It almost seems like the leadership

## Knowledge Is Power

*continued from page 2*  
case; the Central Region. Ballots will be mailed the week of Sept. 10-13, 2013.

**IN THE CONGRESSIONAL HOPPER** - H.R. 630 & S.316, the Postal Service Protection Act of 2013, has been cosponsored by both Michigan Senators; Carl Levin (D), and Debbie Stabenow (D). At this writing, two (2) Michigan Reps.; Dan Kildee (D-5th), and Gary Peters (D-9th) have signed on. We constituents should make sure we thank them – and get after the other reps who haven't signed on yet. HR. 1795; the "Social Security Fairness Act of 2013" has been introduced to repeal the unfair CSRS Wndfall Elimination Provision (WEP) and Government Pension Offset (GPO).

That's on the positive side. But then there's HR. 1780 proposing to dump FEHBP health insurance for active federal employees, forcing them to participate in health insurance exchanges created in the Affordable Health Care Act, a political tactic to undermine the President's AHCA initiative. If enacted, this bill would basically dismantle FEHBP as we know it! That prospect should frighten even the most disinter-

ested member! Of course, there's the proposed "chained CPI" that would diminish annual S.S. and annuity COLA increases. It's not enough that you just read it here. It's YOUR pocketbook too! Write! Call! E-mail if you must! Or, visit your Member of Congress' District office to support the good and oppose the bad. Need more information? Contact me.

Be Strong!

## C O P A

At the Educational Conference the MPWU raised \$1084.17 for COPA, broken down as follows: \$463 from the Retirees Chapter "Pizza for COPA" night, \$340 from Paul Felton's book sales, and \$282.17 from the tip jar at the hospitality sponsored by the Flint Local.





by Jesus M. Gonzales,  
Legislative Director

## Legislative Director's Report

# From The Grass Roots Level

Brothers and Sisters, the increased power and influence of lobby firms will forever change how business is done in Washington DC, as well as right here in Michigan. We are only beginning to see the reach of Big Corporations and the influence they have in our government. It is going to be up to us to battle this war at the ballot box, as well as supporting the National APWU Committee on Political Action (COPA). As I stated at the MPWU State Convention, I recommend getting involved with your local municipality and community boards and commissions and seeing how this influences our State Legislators, our US Congressional leaders, and US Senators.

In every community there is a grassroots organization. This is just one way to get involved with the power of political activism. Most grassroots organizations are set up to support the people and communities, and attempt to battle against the big money lobby firms. Collectively we need to start to nurture these relationships, whether it's with neighborhood associations or community outreach groups, to grassroots organizations and other groups to assist in making our voice heard.

Although I personally feel we are a little behind in the organization curve when it comes to getting our message heard on preserving the US Postal Service, I will be sending out updates on my correspondences with each of the 15 Michigan US Congressional Leaders, and how we collectively need to respond to their local offices via phone calls, mailed letters, and emails. All it really takes is a phone call once a week, followed by a letter, and finally an email to ask where they stand on HR 630.

I am tasking all my fellow Local Presidents with this request, and getting this message out to their membership. Brothers and Sisters, this has to be a coordinated effort. Congress needs to know we mean business, in contrast to the lack of business

### Policy Clarification

It has come to our attention that certain recent articles in the Michigan Messenger may have appeared to endorse the solicitation of goods and services. To clarify, it is the policy of the MPWU to not allow unpaid advertising in the Michigan Messenger. A new policy for the review of all articles has been established.

Signed,  
MPWU Executive Board

that is being done in Washington DC.

Below are a few ideas to address with Congressional Legislative Aides:

**Prefunding mandate** – (although the fight isn't whether we need this requirement, but rather it be a pay as you go, or on an actuarial cost measure. Industry's average for a pay as you go is approximately 60% upfront and 40% deferred). Unless 500,000 employees retire all at one time, would the industry average become



Applause for a speaker at the MPWU Education Conference.

problematic? FYI- As of 2009 only 29% of today's employers sponsor a retiree employee health plan. Really without an employer sponsored REHBP, a large portion of our retirement would go towards higher health insurance premiums and/or larger co-pays or deductibles.

**Overpayments in the FERS and CSRS retirement systems** – (multiple assessments by the USPS, OIG, OPM, GAO and other independent audits by outside auditing firms contracted by or for USPS and US Government sources, all agree that these are largely overfunded by \$50 to over \$100 Billion dollars in these two funds. Any overage should be refunded to recapitalize the infrastructure and create the ability to adapt to a new emerging market, via the creation of a Chief Innovations Officer). The technology here at the USPS has slowly transitioned into an IT based infrastructure, and still not able to communicate with all available software to track and maintain a consistent flow of mail from one installation to another. Nor has the USPS have a true aggregate measuring tool to see how much mail enters into its infrastructure, all the way to the delivery point. In plain English, most of the software does not communicate with each other or show all this data, and are dependent on multiple people and systems to put this information together. "It's easier to make things difficult to understand than it is to have all things in one place to simplify our processes".

**Re-establish overnight delivery**

**standards** – (our current infrastructure supports this mandate, although mail volume is declining, little is being done to continue support growth in this area). Businesses still rely on this standard for their own growth and prosperity. Businesses that still rely on the USPS as a source of revenue would have to make additional cuts to their workforce to adjust the lack in revenue with this lower delivery standard. At a time where we need growth in the private sector, we are

forcing industries to use alternative channels to generate revenue, and will have to change staffing levels to support this type of change. "Growth isn't spared by additional expenses, yet this hinders growth potential".

Also, the USPS needs to get back to the basics. Postmasters should support employees' involvement within the communities, schools, and local municipal events. Letter writing is the basic most fundamental tool to assist in reading and writing. So the added educational benefit supports reading and writing in our educational system. Although the internet does offer other ways to communicate, it does not replace the sense of belonging to growth and development within the communities. The internet is a shared resource that enhances visibility, but lacks the luster of belonging to an event, by way of a local postmark memorializing a place and time in our life.

**Preserving six day delivery** – This is a simple argument! Package delivery service alone cannot account for the rate of return that the first class letter gives the USPS, so to delay first class mail by one day lowers the rate of return. This puts the burden on package services to be more cost efficient, and the need to adjust the prices for this beyond cost of the delivery service for only packages. The USPS stands to lose more than what it can make in letters versus package services using this model. The USPS in its own testimony before Congress over the past six years has stated that first class mail is the driving force to its rate of return and

far the most profitable, so why cut off your foot and hop on one leg?

This argument also goes in line with its lack in IT infrastructure. Current delivery models cannot be adjusted with its current software; only when mail volume is light can you adjust current delivery staffing levels, because that information is not readily available until the day of delivery!

**Allow the USPS to innovate new products and services to generate new revenue** – this should be a simple fix. Congress needs to allow the USPS to compete on a global market. With its current infrastructure USPS could be a source of financial services, and could offer local and state collaboration in services such as voting and vehicle registration, excess space in its facilities for leasing, and a public wifi access point or hotspot. Also with its current logistics offer the shipment of beer and wines or spirits. This is a pivotal point in growth in an emergence global marketplace, that the opportunity in competition fosters risk and reward.

**Accountability** – leaving the sole decision maker on its Plant Infrastructure and Rural Post Offices by the USPS alone, is both irresponsible and reckless. The Postal Regulatory Commission (PRC) offers an unbiased decision on structural changes that is not binding, but is detrimental to the success of the organization as a whole. PRC decisions over the past few years regarding consolidations and office hour changes done to the American public limited the exposure and hours of opportunity for the USPS availability to generate revenue. Along with the decrease in plant operations, this weakened the infrastructure and hindered the USPS by not allowing for growth in new services and products, thus limiting the USPS ability to pull itself out of a deficit. A new accountability and measured performance standards need to be put in place and allowing the PRC to assist in this venture and allowing the PRC to hold the USPS accountable to its goal of sustainability

In closing, just as fast as the USPS looks for savings, little is put into the employees who perform the duties day in and day out. Along with our National Union in negotiating billions in savings for the USPS over the life of the contract, the USPS has been stagnant in implementing these changes that could have offered a realistic measurable savings. "Our focus should be to embrace change and incite the void where the USPS fails to listen to its employees".

"Our fight is no longer just about survival, but existence, and relevance! We cannot become complacent on where we are today, but act on where we need to be tomorrow!"



by Lynn Pallas-Barber, National Business Agent

## NBA Report

# Trickle, Trickle, Trickle

That is exactly how management is providing us with residual vacancies when it comes to placing our impacted employees. They continue to issue impact statements and plan to excess our employees with no place to move them to. They are ingeniously creating jobs that do not exist just to create a so-called landing spot. Unfortunately in Michigan excessing is affecting some senior employees who were newly converted and working 40 hours and now going to be forced into 30 hour NTFTs.

In the Gateway District in Illinois management is creating mixed assignments to create landing spots for impacted employees from Quincy, Centralia, and Carbondale. These jobs were posted in smaller associate offices as SSDAs with Article 7.2.A language under requirements. Management maintains that these mixed assignments are contractually correct. Article 7.2.A has specific requirements that need to be met prior to any posting of such mixed assignments. Both of the affected Unions have to be informed in advance of the reasons for establishing the mixed assignment. Article 37.3.E has specific information that must be on a bid. Item #7 is physical requirements. Per the EL-312 the only requirements that can be added is a driving and/or typing requirement. Carrying mail is not an option.

In a recent meeting in the Gateway District management admitted that the jobs are not efficient. They will probably adversely affect our employees. In the smaller associate offices where we still have PTFs working, the PTF hours will be cut to accommodate a FTR position which never existed previously in the installation. Where does it end???

### Lead Clerks and TACS

Effective May 18, 2013 the Standard Position Description for the Lead Clerk was modified to incorporate the following new language: "Make supervisor approved entries to correct time and attendance records and retains required supporting documents." This will enable Lead Clerks to access TACS through a newly created Lead Clerk Office role. The Lead Clerks will be provided mandatory training - TACS Supervisory Course - LMS #3126701.

Is this an attempt to return some bargaining unit work back to us? Let's

hope that it is and that it happens without another fight and/or grievances.

### Current Address for Grievance Appeals

Please make sure that your local is using the correct address when appealing their grievances outside the office to Step 3 and Direct Appeal Review. The USPS will process all grievances, Step 3 Appeals and Direct Appeals, and Employee Claim Grievances to the new address:

**Collective Bargaining and Arbitration  
ATTN: Appeals/ LR Service Center  
United States Postal Service  
P.O. Box 25398  
Tampa, FL 33622-5398**

### MEMORIAL DAY

Memorial Day is always observed on the last Monday in the month of May.

It commemorates US soldiers who have given their lives while in military service. It was first enacted to honor Union soldiers of the Civil War. It was extended after World War I to honor all Americans who have lost their lives in all wars. It can be celebrated in many ways. If you spend your holiday weekend shopping, at a family get-together, watching a parade, watching fireworks, make sure that you take time to remember our fallen soldiers.

The practice of decorating soldiers' graves with flowers is an ancient custom. Soldiers' graves were decorated in the U.S. before and during the American Civil War. A claim was made in 1906 that the first Civil War soldier's grave ever decorated was in Warrenton, Virginia on June 3, 1861, implying the first Memorial Day oc-

curred there. There is authentic documentation that women in Savannah, Georgia decorated soldiers' graves in 1862. In 1863, the cemetery dedication at Gettysburg, Pennsylvania was a ceremony of commemoration at the graves of dead soldiers. Every year I make sure that my dad has a new flag in is VA holder.

*Although no sculptured marble should rise to their memory, nor engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honored.*

~Daniel Webster

Enjoy the summer and be safe!

Yours in Union Solidarity.

Until next time.

# PSE Steward

At the Michigan Postal Workers Union Conference in Flint, the Editor met a PSE who is a steward in Traverse City. His name is Quentin Andrew Kauska, and everyone calls him Drew. I asked him a few questions . . .



Quentin Andrew Kauska

**Paul:** How long have you worked at the PO as a PSE?

**Drew:** I've been with the Postal Service since December 2011. I have seen my fair share of ups and downs while employed as a PSE. I have seen people come and go because of management. I have been told that I am a flexible part time work force yet I find myself working just as many hours as our career employees, if not more in some cases.

**Paul:** Why did you decide to become a steward?

**Drew:** I decided to become a steward for two reasons. First, I realized how hard the union fought to create my position as a PSE and to allow us to be proud union members, pay our dues, and support those that fought for us. Secondly I looked around my shop and saw good hard working people getting mistreated by management and the contract for which hours of negotiations were spent on getting dragged through the mud. I thought it was my duty to uphold my rights as a union member and continue to uphold the

contract to the best of my ability.

**Paul:** What kind of grievances have you handled so far?

**Drew:** To this date I've mainly done research and information requests but that is only because management is still fighting a PSE becoming a steward, even though we have a PSE 204 B in our plant supervising. But recently I have had a grievance come unto me that most people would turn over to their chief steward or let their President handle because of the problems and stress it could present. But I am confident in my training, from my local, from my fellow stewards and from all the wonderful people I met down at the 2013 Educational Convention that I can and will succeed and that's the power of a union, strength in numbers. I am proud to be serving as a steward alongside all of the hardworking members of the APWU.

**Paul:** Is it harder for a PSE to gain respect from the career people who have been there much longer?

**Drew:** As a steward I will say there are some regulars who still have a stigma attached to me being a PSE, but one of the best things that has happened to me so far is I had a regular approach me on the floor one night and ask if I could represent regulars and not just PSEs. I told him I would fight for anyone and uphold the contract to the best of my ability and while I'm new I will not settle for anything less than my best no matter who you are. He then told me that he would be proud if I represented him. That made this whole process of fighting with management and trying to gain the respect of my fellow

employees career or non worth it.

**Paul:** Do you feel like you've earned the respect of management?

**Drew:** Gaining the respect of management is hard for any steward. I wouldn't say it's any harder or any easier as a PSE. They may look at it as I am a new employee and I do not know my way around the contract. But I joined the union and I researched the contract before I became a steward so I could lead by example and show that anyone with the passion and determination can and will be a good steward. I think that as my stewardship continues they will see whether career or non the APWU stewards will do what is necessary to ensure that the contract is upheld.

**Paul:** At some offices there is tension between PSEs and career; is that the case in your office?

**Drew:** This is an interesting question because yes when I first started working for the Postal Service there were some disputes and I felt as if I was on the outside looking in because as a non career employee some people looked at me as if I was stealing their job and stealing their overtime. Now there are some members who did take us under their wing, showed us the ropes and helped us succeed as PSEs and thanks to them we have earned a place alongside the regulars. Now at my facility there are almost as many PSEs on my tour as there are full time regulars so it's on an even keel of we are all postal workers and I feel as if we have come a long way within the two years I have worked here.

## Veteran's Report

# Education Conference Update



by John Smeekens,  
Veterans  
Director

Thanks to all for your attendance at the recent MPWU Educational Conference held in Flint Michigan. It was great seeing you, and talking to you. I would have to say that one of my own personal highlights was having Ms. Sue Carney in attendance during my Veterans class on Thursday morning. Sue, being the Human Relations Director from our National Headquarters in D. C., does so much behind the scenes work for our Veterans. A lot of you probably never realized the things Sue, and our National Headquarters Staff, have done for our Veterans. Together they have put on programs like movie night at Walter Reed Medical Facility, numerous back packs for our homeless Veterans in and around the D.C. area, and even having a BBQ during the Rolling Thunder Weekend in D.C., just to name a few. **THANKS SUE FOR ALL YOU DO.**

I held a small class on Thursday and Saturday, and on Friday I had two tables set up in our hallway filled with Veterans' information. It was great talking to several of our retirees, who served both as Veterans' and are Postal Employee Retirees. Two were World War II Veterans and I even spoke to a lady who was a Navy Veteran from 1954. What an Honor to talk to these people. And it was really nice to see all the RED that was being worn on Red Friday. And thanks to Lucy and Darren for all the work they put into bringing this program to the membership and retirees. And what a surprise to see Mr. Guffey and so many of the other National Officers at our function.

My other personal highlight was when Roscoe Woods Jr., President of my home Local, the 480-481 Area Local, brought me forward, during his presentation to the APWU Auxiliary, of a donation from our Local, in sup-

port of the Wounded Warrior Softball Team. If you ever get a chance to watch this team, **YOU WILL BE AMAZED**, believe me.

### Busy Congress Schedule

Congress returns to Washington for a busy month of bill hearings, appropriation wrangling and mark-ups. Some of the bills that will be debated in committee are Veterans' issues that cover a wide range of topics, including homeless veteran programs, chiropractic care, caregiver expansion, research sharing, and improvements to women veterans' health care within VA. And on top of that there will definitely be several Postal issues that arise. Keep tuned for updates from both sides.

### VFW to Help Student Veterans

Any student-veteran who is experiencing difficulty in accessing their GI Bill or other VA benefits, or believes they have been wrongfully denied these benefits, can now e-mail the VFW at [1studentveteran@vfw.org](mailto:1studentveteran@vfw.org). VFW National Veterans Service staff will acknowledge receipt of each inquiry within 24 hours during the workweek, then either intervene with the VA on behalf of the student-veteran or recommend other courses of action.

### Purple Heart

DOD says it opposes giving Purple Hearts to victims of a 2009 shooting rampage at Fort Hood, TX. Information from the Pentagon, given to congressional staff members says giving the Purple Heart for injuries sustained in combat to those injured at Fort Hood could "irrevocably alter the fundamental character of this time-honored decoration." DOD prepared the information in response to proposed legislation by Rep. John Carter, R-TX, whose district includes the Fort Hood military base.

### New VA Hotline for Women

The VA launched a new hotline, 1-855-VA-WOMEN or 1-855-829-6636, to respond to questions from women veterans, families and caregivers about the many VA services and resources available to women veterans. Women make up nearly 15 percent of today's active duty military and 18 percent of Guard and Reserve forces. Yet even though the number of women using VA healthcare has doubled over the past decade to more than 350,000, women still only account for 6 percent of the total number of veterans seeking VA healthcare. "Many women who served don't self-identify as veterans and therefore don't think they qualify for VA benefits," said Irene Trowell-Harris, director of VA's Center for Women Veterans. "We

need to correct existing misinformation and misperceptions so we can serve more women veterans with the benefits they've earned." The new hotline joins numerous other VA hotlines that provide critical information and assistance to all veterans, such as those in crises or in danger of becoming homeless. Learn more at [www.eBenefits.va.gov](http://www.eBenefits.va.gov) and [MyHealthVet.va.gov](http://MyHealthVet.va.gov)

### Drone Medal Eliminated

The Secretary of Defense has eliminated the Distinguished Warfare Medal. Instead, the military will recognize service members who directly affect combat operations without being present through distinguishing devices that will be affixed to already existing awards. The distinguishing devices can be affixed to awards at different levels. The Department of Defense announced the creation of the Distinguished Warfare Medal Feb. 13, 2013, but Members of Veterans' service organizations and others objected to the new medal.

### My Ramblings

Hi, it's me John. I usually don't do this, at least not in print, but I just have to get this off of my chest. I'm seeing more and more legal groups, companies, or organizations addressing Elder Care. I've run into several who actually charge you a fee to discuss with you some things you may face when you become elderly and possibly need help. Please don't forget that anything to do with the VA and/or your military time and/or benefits can be explained to you by your County Veterans Representative **FREE OF CHARGE!** You can even go to a local Veterans Organization and ask to see their VSO. You don't have to be a member of the organization. I'm sure they will probably ask you to join, but membership is not a requirement to see a VSO. Just to clear things up, a VSO is a Veterans Service Officer. This is someone who has taking training to help Veterans and/or their spouses and/or family members get the help and/or information to assist the Veteran, who needs it. There are a lot of benefits available to the Veteran, and some are even related to care giving if they need it. But you do not have to pay someone to get this information. It's free from your County Veterans Representative or a local VSO. I'm not saying that these people are scamming you, but please be aware that you earned your benefits and you do not have to pay for them or pay to get the information that is related to you and your benefits.

Thanks. Welcome Home, and Thank You for your service to this great country of ours.



John Smeekens (MPWU Veterans Director) Roscoe Woods (480-481 Area Local President) Kathy Danek and Trisa Mannion (from the APWU Auxiliary) after Pres. Woods gave the Auxiliary a check for \$500 to support the wounded warriors



## Area 10 Director

by Ron Brown,  
Area 10  
Director

# Welcome

I would like to take this opportunity to welcome everybody that is coming over from Gaylord, whether it is temporary or permanent, and all the new PSEs that have been hired. I look forward to working with each and every one of you. Now I have heard that management has already started to bad mouth the union and the regulars to the PSEs, "Don't listen to the regulars, they have a lot of bad habits," telling the PSEs that going to the Union is not a good idea . . . etc.

Well I encourage everybody if you have a problem, don't hesitate to ask to see your steward, that's what we are here for. Why management feels that they have to intimidate, harass or make life miserable is beyond me. I guess it makes them feel good.

Traverse City had seven employees retire and I hope the best for all of them. Their jobs were posted and here at the plant, I didn't notice any drastic changes so that is good. Next step, making some PSEs FULL TIME!!!



by Linda Turney, National Business Agent

## Turney at the Table

# Last, Final, Concluding, Ultimate, The End

*When you read, you empower yourself. When you write, you influence others.*

In an effort to resolve a removal without putting an employee off work, stewards sometimes will jointly enter into last chance agreements (LCA). I often refer to this kind of an agreement as a "No Chance Agreement" especially in attendance related cases. Our contract does not provide for Last Chance Agreements. Therefore, I suggest the use of extreme caution to Stewards who are considering a LCA to resolve a removal.

The most common reason to agree to a LCA is in an attendance case where the member has graduated up the disciplinary ladder to a removal. In an attempt to keep the grievant's job, management suggests and draws up the LCA which usually has very strict language that requires near perfect attendance. Inevitably most of the members fail because the reason for the bad attendance still exists.

LCAs are viewed as an alternative to removal. Stewards have to agree to very restrictive conditions to get LCAs in order to avoid removal. The LCA is, in effect, a contract between the union and the employer, presumably with the grievant's signature and understanding of the LCA. Most grievants do not really understand what they are agreeing to. An arbitrator, who is called upon to rule on a dispute over the LCA, is as bound by that agreement as by the National Agreement itself because it is an agreement between the parties.

Arbitrators have held that LCA require an employee to give up contractual protections for a period of time in order to keep their job, including forfeiting his/her defense of lack of "just cause." In other words, the "just cause" provision of our contract ceases to exist under a LCA. If an arbitrator agrees with this standard, and the LCA was valid and binding the only determination in arbitration is whether or not the grievant failed to comply with the LCA terms and the grievant is subject to removal on that basis alone.

In Elkouri and Elkouri in *How Arbitration Works* it states,

After determining that the last chance agreement is enforceable, the arbitrator's role usually is limited to determining whether the employee, or in some cases, the employer, violated the terms of the agreement. When considering whether there is

just cause for discharge under such agreements, arbitrators **do not apply the same due process considerations or procedural protections as under a normal discharge or disciplinary matter.** (Emphasis added)

There are a few arguments the Union can make if a LCA has been negotiated by the steward. LCA places some responsibilities on the employer, such as duty to give notice. The Post Office cannot fail to enforce the terms of a LCA. This lulls the grievant into a false sense of security. The grievant may believe the employer has acquiesced to the grievant's continued absence or misconduct and that he/she is no longer subject to discharge. If the LCA allows for disciplinary measures "up to or including removal", this language could possibly allow for arbitrators to reduce to a lesser punishment. If the Post Office negotiates a LCA with an individual employee and does not include the Union it may be a violation of the NLRA. In this type of case, no steward or Union representative should sign the agreement. There are some situations where arbitrators will overturn a LCA if they are persuaded that enforcing the agreement would be unfair under special circumstances.

I discourage stewards from negotiating and jointly signing or verbally agreeing to a LCA. It is not a part of our contract. Most arbitrators will only review the grievant's actions or conduct

as it relates to the violation of the LCA. I would prefer to go forward on an initial removal than to take a LCA to arbitration.

### Flint Michigan Conference

After the Michigan conference this year, I received much positive feedback from the classes, particularly the PSE class. Teaching classes, disseminating information and communicating with you is one of the most important aspects of our organization. Presidents, stewards, National Business Agents in the field and Headquarters officers all have different thoughts and ideas about how best to frame arguments, negotiate settlements and move forward in this great labor movement.

The week before the Flint conference the USPS and the Nation had a very difficult week. Bombs in Boston and ricin in the mail reminds us that we now live in a NEW ERA of closed circuit TV, police and private security teams watching. We live with the constant reminder of "watchfulness" and "anxiety", the "See something, do something" mentality where safety takes priority over privacy.

When we hear of Boston or Newtown, we know it will show the best of us and the worst of "them," whoever "they" are. We have to remember: It could happen to us. We work at a Federal Agency every day that takes in millions of letters and packages. Anyone at any time could put some threatening substance in the mail

threatening our existence.

If only we could get a warning of the oncoming disaster that would strike us down.

We belong to our country, we belong to our community, we belong to our hometown, we belong to our family, and we also belong to our Union. We are full of people who care about each other. We don't get to set life's clock. We think we have a tomorrow. Yet, tomorrow is never promised. In that case, we should never leave things unsaid. Things or words left undone or unsaid may have an impact on your life. You need to finish every day with no regret.

Remember your last conversation with your coworker, your last encounter with your steward or Union officer, your last conversation with your spouse and family. No regret.

Say I love you. What if you cannot relive that last moment?

When I was in Flint, I wanted to tell you that I know that I love this work. I love this Union. It gives me purpose. You are my inspiration, my muse.

*"In the end, aggressors always destroy themselves, making way for others who know how to cooperate and get along. Life is much less a competitive struggle for survival than a triumph of cooperation and creativity." -Capri*



General session at the Flint Educational Conference. (photo by Mike Long)





by Michael  
O'Hearn,  
National  
Business Agent

## NBA Report

# Attendance Problems

When management issues discipline, it is most often about attendance problems. Defending grievants from these charges is usually difficult. One saying I believe applies here is "An ounce of prevention is worth a pound of cure." When a member comes to you with a Letter of Warning about attendance, I would talk to them about their future behavior. Explain to them that more people are removed from the Postal Service for bad attendance than any other reason. Tell them that if they continue this pattern of behavior they will eventually lose their job. They must either come to work regularly or get their absences covered by FMLA. The union will fight for them, but we can only do so much before management will get rid of them. They must fight for themselves by applying for FMLA. Management will try to find fault with their FMLA documentation and try to frustrate them so they give up. They must persist and resubmit their corrected FMLA documentation. This is all geared for the next discipline that might be

issued to them. However, there are things we can do to reverse the present discipline.

As always in a discipline case, read the Joint Contract Interpretation Manual (JCIM) Article 16 for the definition of "just cause." The second sentence of Article 16 states in part, "No employee may be disciplined or discharged except for just cause. . . ." In Article 16 of the JCIM, there are six questions that must be answered "Yes" if the discipline is to be for just cause. The six questions are "Is there a rule?", "Is the rule a reasonable rule?", "Is the rule consistently and equitably enforced?", "Was a thorough investigation completed?", "Was the severity of the discipline reasonably related to the infraction itself and in line with that usually administered, as well as to the seriousness of the employee's past record?", and "Was the disciplinary action taken in a timely manner?". Look for ways that this discipline would get a "No" for any of these questions. Was there a properly pre-disciplinary interview? Are there mitigating circumstances? Are there others with worse attendance records who were not disciplined? Is the discipline progressive in nature?

You should request information to investigate their case. At a minimum, ask for the present discipline letter. Ask for all of the employee's PS 3971's (Request for Leave Form) for the time period covered by the discipline. Ask for the employee's PS 3972's (Yearly Record of Attendance) for the time period of the discipline. Ask for the employee's clock rings for the weeks in question. Ask for all documentation submitted by the grievant, including FMLA documentation. Ask for any previous discipline or job discussions issued to the grievant. Ask for any other information that you believe applies to this case. Also, ask for "Any and all information relied upon to discipline the grievant. State none, if none." This precludes them from changing their story later or trying to add other reasons for the discipline later.

Now, check carefully all the absences on the discipline letter with the information on the PS 3971's, the PS 3972, and the clock rings. You will be amazed at how many times management gets these simple facts wrong. Many times they list the wrong dates, dates that the grievant was at work, and the wrong amount of time the grievant was on leave, or dates covered by FMLA.

Check the past elements of discipline list of the discipline letter with the previous discipline letters given to you. Often, management gets this wrong. Was a past element of discipline modified or rescinded by a previous grievance? This would make the present discipline flawed. Check the incidents of absence listed on the letter with previous discipline letters. Was an incident cited twice, once in a previous discipline and now again on this letter? This is double jeopardy. Sometimes management will record a job discussion on the PS Form 3972. Sometimes management will cite on the discipline letter an absence that was covered by this job discussion. Again, this would be double jeopardy.

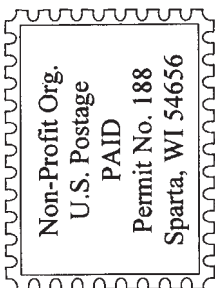
Look at the way the incidents of absence are listed. Are they listing absences that are consecutive days separately? We would argue that these absences

should be combined into one incident of absence. Management is trying to inflate the grievant's record to appear worse than it really is. This would reduce the number of incidents of absence and make the record less offensive, maybe to the point of making the discipline unsustainable.

In the letter of discipline, many times management will state some statistics about the percent of time the grievant is absent, the amount of sick leave used, or the grievant's sick leave balance compared to their years of service. Please double-check any figures management uses. Management sometimes does not understand simple math. You will probably find mistakes here. Then, argue that management made their decision based on false information. Therefore, the investigation was faulty and the discipline should be rescinded.

Occasionally, management will state in the letter of discipline that the employee takes too many days off next to their non-scheduled days, indicating that they are abusing their sick leave benefit. Look at this carefully particularly for employees who have split days-off. For example, if someone has Sundays and Tuesdays off, then Saturdays, Mondays, and Wednesdays would all be adjacent to their non-scheduled days. This means that 3 of their 5 work days are next to off days. This computes to 60% of their work days being next to off days. How does their absences compare to this percentage? If their off days are Sunday and Wednesday, then their work days that are next to off days is 80% of the time. Again, check the actual facts of the situation. Don't just accept management's faulty math and arguments. *Editor's Note: I once had a manager use the argument that my grievant always hooks his absences to his off days – and the employee had a NTFT bid with Sat-Sun-Weds off. I pointed out that every day of his work schedule is next to an off day. She abandoned that argument!*

There are many more arguments that you can make about attendance discipline. However, I don't have the space here to go into every situation. Use your imagination to help your members or call and get help.



Return to APWU/MPWU  
c/o Paul Felton, Editor  
P.O. Box 361342  
Grosse Pointe, MI 48236  
Address Service Requested

## DEADLINE

The deadline for articles for  
the July-August issue of the  
*Michigan Messenger* is  
July 19th