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## President's Report



by John  
Marcotte,  
President

# The Fight Of Our Lives

We are in the fight of our lives. Every working family in America is in a street fight to stay middle class. Teachers, auto-workers, nurses, bakers, building trades, steelworkers, secretaries, police, firefighters, truck drivers, postal workers, service employees, printers, sanitation workers, transit workers and garment workers to name just a few.

Union or unorganized, skilled or labor, office or construction, private industry or public service; wages, pensions and health benefits are being reduced and eliminated. Not only have they taken these benefits away from future and current workers they are defaulting on obligations to workers in retirement. Benefits they already earned!

Wages for workers are actually going down. The thought of that statement was incomprehensible to previous generations. Yet whom is the media blaming for the economic downturn? Workers, unions and retirees. The middle class is the engine of our economy and as it keeps shrinking our economy will continue to falter.

Bankruptcy is the latest weapon being used to crush working families. Corrupt corporate CEO's create a financial crisis, blame this crisis on the workers, file for bankruptcy and then throw out the collective bargaining agreement while slashing pay, and benefits, then pay themselves

bonuses with the money they stole from the workers.

Now these enemies of the middle class are using their bag of dirty tricks on the public sector. In Michigan the state sends money back to large cities in a revenue sharing plan common in many states. Governor Snyder slashed state funding for Detroit upon taking office, creating a huge deficit in the city budget, blamed the city workers, and forced an "emergency manager" to replace elected officials. This loyal minion declared bankruptcy and now they are moving to lower pension checks to current retirees.

Greed is a deadly sin that destroys not only the individual but also all of society that allows it. Greed has no conscience, knows no bounds and is relentless. Greed cannot be bargained with, appeased or ignored.

That is our enemy and we are at war.

*"We are at war with a few very wealthy individuals who are infected with greed."*

It isn't mail volume, Internet effect, the economy or even our competition. We are at war with a few very, very wealthy individuals who are infected with greed. Greed is not wanting to work overtime to help with your kid's college, a good work ethic or wanting to succeed. Greed is an insatiable lust for more.

With greed once one has all that is to be had within the rules, it breaks the rules, it twists the rules, it changes the rules so they can have more. Even when one obtains unimaginable wealth, greed will want to keep more of it for themselves at the expense of others.

The only way to defeat this outbreak of greed is to fight back. We need to ALL become active in the defense of our jobs and our way of life. No longer can we be a union that only lets its local officers fight for us. We need to be a UNION that rises up as one to defend itself. We must join with our neighbors, communities, activist groups and other unions in collaborated effort to beat back the relentless advancement of greed.

We must fight for good public schools, a living wage, strengthening social security, American manufacturing, affordable medical care and a public universal postal service. If we ALL do not stand up and ask what can I do to help, we will lose. A middle class and the American dream being possible for everyone is a very recent and short-lived phenomenon. If we don't fight now this country will return the days of postal workers on food stamps, a mere 43 years ago.

The postal service is caught up in a much larger struggle against a workers middle class. We must fight if we are to remain in the middle class and we must not only fight for our jobs but those of our neighbors. Remember, just like Processing Centers and Plants their plan is to pick us off one by one. United we stand divided we fall.



Congressmen Sander Levin, Gary Peters and Senator Carl Levin on Labor Day in Detroit.

## Sign The Petition!

Members are urged to  
sign an online petition  
to repeal the PAEA  
(the law that requires the Post-  
al Service to prefund retiree  
health care for 75 years).

Go to the following link:  
[http://petitions.moveon.org/  
sign/congress-repeal-paea](http://petitions.moveon.org/sign/congress-repeal-paea)



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by Lynn Pallas-Barber, National Business Agent

## NBA Report

# Discipline For Attendance

Attendance discipline seems to be on the rise and it is imperative that we develop our grievances to meet the requirements of Article 15, Section 2, Step 2 (d). Attendance discipline is more prevalent and more difficult to defend. Some employees just can't seem to make it to work or are consistently tardy. Some employees do have legitimate illnesses, family problems, or other emergencies which affect their attendance. If an employee has a serious health condition or a member of their family suffers from a serious health condition then FMLA protects their absences from discipline. It can be difficult to defend a poor attendance record without FMLA protection. The USPS does acknowledge that they cannot discipline employees for absences which are covered by OWCP. Veterans are protected by Executive Order from discipline for absences caused by their service connected disabilities. Executive Order 5396 was issued by President Hoover in 1930.

The propriety of discipline for excessive absenteeism must be determined on a case-by case basis after evaluating all relevant evidence. There is a landmark decision by National Arbitrator Sylvester Garrett from 1979 – Case #NC-NAT-16285 where the arbitrator provided some factors which must be considered by the Employer. They are called the “Garrett Factors”. Arbitrator Garrett stated the presence or absence of just cause may be determined only after all factors in a case have been carefully considered. The length of an employee’s service, the type of job involved, the origin and nature of the claimed illness, the types and frequency of the absences, the nature of the illness, the medical history and prognosis, the type of medical documentation, the possible availability of other USPS jobs, the employee’s personal characteristics and overall record, the presence or absence of supervisory bias, disparate treatment, anything else that we may be able to prove. We need

to make these arguments along with our arguments to disprove management’s just cause.

Arbitrators have held that the just cause standard requires management to consider mitigating any extenuating circumstances before concluding that the employee’s unacceptable attendance is not likely to improve. The fact that absences are covered by earned leave, annual and sick, must be given appropriate consideration. When an employee’s attendance is so erratic and undependable to justify discipline the ELM Section 513.38 provides language that management is required to order a fitness-for-duty medical examination. Section 513.39 gives management the right to place employees on Restricted Sick Leave. Just because they have chosen not to use this language does not mean that we cannot argue it. They should be required to enforce all their rules and regulations before firing an employee for excessive absenteeism.

The JCIM addresses the Resource Management Database (RND/eRMD). It addresses ELM 513.361, absences of three days or less and also “deems desirable”. A supervisor’s determination that medical documentation or other acceptable evidence is required must be made on a case-by-case basis and may not be arbitrary, capricious, or unreasonable and must have a legitimate reason.

Attendance statistics alone are insufficient to establish just cause to fire an employee. Management can and should not rely just on numbers; management is required to explore the reasons for the absences. Even though management bears the burden in discipline arbitration, it is EXTREMELY important that our grievances are fully developed and documented.

### Untimely Step 2 Denials

On 1/11/13 a Step 4 agreement was signed by APWU Industrial Relations

and the USPS. This Step 4 settlement addresses Step 2 denials and the Union’s Step Letter of Additions and Corrections and the time limits per Article 15.2. Step 2 (f) and (g) of the CBA. Once management has met with the Union representative at Step 2 they must render a written decision within ten (10) days of that meeting if the grievance is being denied unless mutually agreed to extend that ten (10) day period. The Union is also required to meet the time limits for the Step 2 Letter of Additions and Corrections which is also ten (10) days.

If management continues to provide an untimely Step 2 denial it is recommended that the stewards do the following:

1. Return the original untimely Step 2 denial letter to management with a cover letter explaining that it was untimely received and is therefore procedurally defective per the provisions of Article 15.2. Step 2 (f) and will not be included in the grievance file. A copy of the 1/11/13 Step 4 should be included with your cover letter.

2. Forward a photocopy of the untimely Step 2 denial, your cover letter to management return it and a Letter of Additions and Corrections explaining what is incorrect to your NBA. This will allow the NBA to be prepared to see if they need to add whatever is necessary at Step 3. The NBAs still want you to do a Step 2 Letter of A&C when they fail to provide any Step 2 denial before appealing to Step 3 in order to supplement the written record from the Step 2 appeal.

As Union stewards it is critical to keep our time limits. Justice delayed is justice denied.

### October Is National Breast Cancer Month

National Breast Cancer Awareness Month is a collaboration of national public service organizations, professional medical associations, and government agencies working together to promote breast cancer awareness, share information and provide greater access to medical services. **PLEASE REMEMBER TO WEAR YOUR PINK RIBBONS!!!**

Please keep in mind that “Leadership is an opportunity to serve. It is not a trumpet call to self-importance.”

A quote by Donald Walters  
“I can be changed by what happens to me, but I refuse to be reduced by it.”  
A quote by Maya Angelou

And with those words of wisdom, yours in Union Solidarity, until next time.

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.





by Paul Felton, Editor

## Editor's Report

# Our Greatest Resource

As I write these words, postal workers desperately need Congress to pass legislation to repeal the ridiculous pre-funding requirement. However, some of the bills pending would just make the situation worse! We need to mobilize our forces, and use every resource at our disposal to fight for the survival of the Postal Service. But there is one resource that we haven't used nearly enough.

Postal unions have a unique advantage in the battle to save our jobs, our lifestyle, and the quality of service we provide. That advantage – our members! Not that our members are so different from the members of other unions. Our advantage is that we are everywhere – in every big city and small town, in every state in every community in the country. We need to turn our members into an army of organizers. Not just to mail postcards to our Congressman, but to spread the word throughout the communities in which we live and work.

That means talking to our friends and neighbors, to people we see at church, in parent-teacher organizations, in block clubs – wherever we see folks who don't know our story.

This means you, the reader of this article. Maybe you don't think you know enough of the details of the pending legislation. Actually, you know more than you think you do. You don't need a prepared speech. Just talk the way you would explain it across the kitchen table.

Start by talking to one person. Don't worry that your presentation isn't perfect. Let me tell you a story from the recent PPA (Postal Press Association) Conference. This is an association of APWU Editors. There was an exercise involving talking to the press about plant consolidations. We took turns answering questions from "reporters." I felt I made some good points but stumbled a little at times. Other Editors had similar experiences. The instructor told us not to worry; far better to get your message out, even if it's not perfect, than not to get the message out at all.

So give it a try. Talk to someone about the need to preserve our Postal Service. Then talk to another person. You'll get better at it as you go along. And if you run into questions you don't know the answer to, you can talk to your Local or State union officers.

The other side to mobilizing an army of organizers is the need to have mass demonstrations – like the carriers did

earlier this year or like several postal unions did a few years ago when we had simultaneous rallies in every congressional district. I don't understand why the four postal unions haven't come out with such a call already.

***“Postal unions have a unique advantage in the battle to save our jobs, our lifestyle, and the quality of service we provide.”***

### PPA

I referred to the PPA Conference earlier in this article; I want to offer congratulations to John Greathouse, from the Lansing (Central Michigan) APWU Local who won two awards – Best Photo and (Honorable Mention for) Best New Editor. Brother Greathouse is Editor of The Pacer. I also received two awards for the Communicator.

### With Orr Without

I'm writing this article on September 23 after coming back from a press

event by AFSCME and AFL-CIO in Detroit. The city's Emergency Manager, Kevyn Orr, was invited to meet with a small group of retirees at a Coney Island. Mr. Orr did not show up (an empty chair was saved with a

sign “reserved for Kevyn Orr”), but the event was planned to go forward with or without him. Three TV stations, one radio station, and the Detroit News and Free Press took turns interviewing several retirees. I got a few words in, stating that if the Emergency Manager succeeds in taking away or drastically slashing Detroit city worker pensions, it might start a chain reaction. I expressed my full support for the city workers. Most of the talking was done by retired city workers.

There was a coney dog placed at everyone's seat, including Kevyn Orr's seat. After it became clear that Mr. Orr wasn't showing up, I shared his coney with another retiree. She remarked, it's cold, just like Kevyn Orr's heart.”

### Labor Day

Labor Day has come and gone with the usual march in Detroit. For me, it was also a time for reflection. Our postal jobs are under attack. City workers are under attack. Our state legislature has imposed so-called “right-to-work” conditions on unions in Michigan, and has led an attack on teachers and other public workers. The Emergency Manager law has been used to take over governments of quite a few cities, most of them majority people of color. It is high time that the labor movement built a coalition with community organizations to build a real fightback. And key to that fightback is for all unions to mobilize their greatest resource – their membership.



Congratulations to John Greathouse (upper left) and Paul Felton (next to Cliff Guffey) who won awards for The Pacer and the Communicator respectively.

## A Congress Of Baboons

by Bob Dyer, Seattle Area Local

A while back a friend of mine, and a 40-year union steward, and former Washington State APWU President Don Webb, emailed me an abusing bit of information. Everyone knows about a flock of geese, a pod of whales and a herd of sheep. You might also know about a pride of lions. However it is ironic and entertaining that the proper term for a gathering of baboons is – are you ready for this – a **Congress of baboons!**

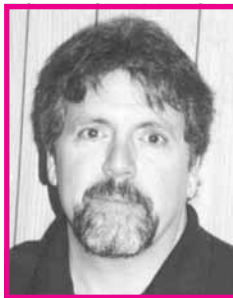
How appropriate this is, consider-

ing the lack of action taken by the US Congress, who have not distinguished themselves above the average Congress of baboons, if dealing with the US Postal Service's problems is used as a measuring stick. Congress' lack of will power to effectively engage the issues at the heart of the USPS monetary woes is pitiful. In fact, recent articles have been written revealing that Congress has actually made the problems even worse by robbing the coffers of USPS pre-funding of health care to solve their own monetary problems, making the Postal Service a cash cow once again,

when there is no place left to go for money.

Meanwhile detractors of the US Postal Service in Congress continue to push for legislation aimed at privatizing the USPS, if not outright sabotaging any future possibility of success of one of the oldest and finest government agencies left in the United States. This is truly behavior more akin to the primate house at the Woodland Park Zoo than it is to the US Congress.

— reprinted from *Greater Seattle APWU News*



by Steve Wood,  
Clerk  
Craft Director

## Clerk Craft Director's Report

# Creating Full-Time Assignments

How do I enforce the language in Article 37.3.A.1 of the Collective Bargaining Agreement? The new language states: "Every effort will be made to create desirable duty assignments from all available work hours for career employees to bid."

The officers at APWU headquarters have developed a computer program, called Max Duty Assignment Tool (MDAT). This program can be used to assist local officials in creating full-time duty assignments under the language in Article 37.3.A.1. Currently this program is only available to Local Presidents. There will be training at the All Craft Conference on how to use the MDAT program.

My local has been somewhat successful in using the MDAT to create desirable duty assignments. In many cases we have been able to create the position where no full-time employee bids on the job or there are no full-time clerks in the office. In these cases we have been able to convert part-time flexible clerks to full-time. If your Local President is not using the MDAT, he/she needs to do so as quickly as possible. Go on the APWU website

and you will find the log on instructions and directions for the MDAT program.

How do I do this if I do not have access to the MDAT or I am a steward in a small office here in the state of Michigan? This will take a little more work but will be well worth it in the long run. First you must request the clock rings for all employees working in the clerk craft in the office. This would include the PTF, PSEs, and even your postmaster if they are working in the craft. You need to create charts or graphs showing all the hours being worked in a specific day. You will need to plot these hours for every day for a period of several months, possibly up to six. Once your charts are completed you can prove that there are employees working back to back for at least 8 or more hours in a service day.

How do I make the argument? I will give you what I have used. Your argument is not limited to what I say. Read your contract and come up with what you believe fits your grievance.

Article 7.3.B The Employer shall maximize the number of full time employees and minimize the number of part time employees who have fixed work schedules in all postal installation.

Article 37.3.A.1 "Every effort will be made to create desirable duty assignments from all available work hours for career employees to bid." (I argue that management should have done this already. The fact that it says every effort will be made makes it management's responsibility to create these assignments.)

The Memorandum of Understanding on page 310 of the collective bargaining agreement states: "The parties agree that for Retail Operations in Level 20 and below offices, Non-Traditional Full-Time duty assignments may be created when the union can demonstrate the need for such non-traditional duty assignments and it is economically and operationally advantageous to do so."

The Memorandum of Understanding on page 312.

Item 4. "Part-Time Flexible (PTF) employees may work in Function 4 offices level 20 and below. Offices, level 20 and below, remain subject to the Article 7.3.B obligations to maximize the number of full-time employees and minimize the number of part-time employees who have no fixed work schedules."

Item 9. "In Function 4, Management

may create as many clerk NTFT duty assignments of 30-48 hours in a facility as is operationally necessary."

Item 11. "Non-traditional full-time assignments will have no more than 1-hour lunch. Exception: In Post Offices (level 20 and below) where necessary to accommodate the conversion of PTFs to full-time status, split shifts will be permissible."

Item 14. "Full-time Flexible Clerk Craft non-traditional assignments (10% of full-time assignments, but a least one (1) in any installation) may be created and utilized in retail (Function 4) operations and to cover vacancies and absences subject to negotiated rules. The start times and off-days of flexible non-traditional full-time assignments may be changed from week-to-week without out-of-schedule obligations, subject to a Wednesday of the prior week notification. Weekly and daily guarantees will remain unchanged."

These grievances can be won. GOOD LUCK

Until next time I remain yours in solidarity.

## It's Never Too Soon To Prepare For Retirement

by Joe Gordon,  
480-481 Area Local

A little more than 200 Local members were fortunate enough to take advantage of the Voluntary Early Retirement offer earlier this year. I have heard back from many of those lucky folks and virtually all have expressed their glee with their decision. I thought there would be a lull in retirements simply because it would seem that anyone near or eligible for retirement would have taken advantage of the VER at the time of the offer. However, people continue to make the retirement decision as we speak.

It has also come to my attention that there are a number of misconceptions or misunderstandings regarding retirement that I'd like to clear up. I would also like to offer some retirement considerations regardless of how far off retirement seem to you. Allow me to itemize these points of interest in order of how many years off one's projected retirement date is:

### 20 (or more) Years to Retirement:

- FERS folks, be sure that you are contributing at least 5% to your TSP account. This is a virtual "No Brainer" as the USPS is obligated to match this amount. Thus, with matching your 5% becomes 10%. If you don't contribute the employer doesn't have to match. It is likely that your resulting TSP benefit will be the biggest of the three FERS components.

- Remember, when you retire the USPS will pay you cash for your accumulated Annual Leave up to 440

hours. Thus, it might not be a bad idea to save at least 2 to 3 days of Annual Leave each year in an effort to reach the 440 hour maximum. Remember, this leave will be paid out at you hourly rate at the time of your retirement, therefore inflation protection is built in.

- Consider going into a Craft that may allow you to achieve a higher level. Remember, a key component to the annuity calculation is your "High 3". Simply stated: Higher final salaries result in higher annuities.

- Establish a projected retirement year and set your financial goals accordingly.

### 5 to 10 Years to Retirement:

- Establish your Life Insurance and Health Insurance eligibilities if you haven't done so already. Remember, an employee must be covered under a Health Plan (FEHBP) and Basic Life Insurance (FEGLI) for 5 continuous years immediately before retirement if the employee wants to carry either plan into their retirement.

- Check into your eOPF to ensure that your records are in order, not only the insurance coverage, but also, your beneficiary assignments, service time records and even discipline records.

- Review and update the financial goals that you have set, most importantly your TSP, contribute more if necessary and possible.

### Close to Retirement:

- Discuss the decision with your spouse and children.

- Pick your projected retirement date. Remember the best day of the month to retire – For CSRS is the 1st, 2nd or 3rd of the month; For FERS one wants to choose the last day of the month. This is done to avoid having a period of essentially unemployment between your last day of work and the first day of retirement.

- Review your finances; have you reached or surpassed your goals? Do you have a good idea what to expect from your annuity, Social Security/Supplement and TSP? Have you accumulated substantial Annual Leave?

- Contact Human Resources Shared Services to request your estimate and the Retirement Booklet. **Be sure to schedule and take the telephone consultation prior to the retirement date.** This is your last chance to clarify what benefits you will be receiving, key benefits such as Spousal, FEHBP and FEGLI.

### After Retirement:

Well, congratulations! You made it but don't forget the APWU. I strongly encourage all retirees to stay involved by joining the APWU Retiree Department. The retiree dues are a very affordable \$3 per month and can be withheld from your annuity payment. This will also provide membership in the newly formed Local Retiree Chapter.

Remember, the above information is simply a basic preparation guide. Your retirement decision is a very personal matter and like snowflakes no two retirement packages are alike.

— reprinted from *The Communicator*



by John  
Smeekens,  
Veterans  
Director

## Veterans' Report

# Veterans' Day 2013

How about this Veterans' Day, you take a minute to Hug or Shake the hand of a Veteran, and tell them "Thank You for your service to our Country." And please take an extra second by simply saying, "WELCOME HOME." And whatever your beliefs are, please keep them in your thoughts, and say a prayer for those who are presently in the military and are serving this country, and keeping in place, our freedoms. To all my Veteran brothers and sisters, I say; **"WELCOME HOME AND THANK YOU FOR YOUR SERVICE TO OUR COUNTRY."**

### Agent Orange

Vietnam-era Veterans whose service involved duty on or near the perimeters of military bases in Thailand anytime between February 28, 1961 and May 7, 1975 may have been exposed to herbicides and may qualify for VA benefits. The following Veterans may have been exposed to herbicides:

- U.S. Air Force Veterans who served on Royal Thai Air Force (RTAF) bases at U-Tapao, Ubon, Nakhon Phanom, Udorn, Takhli, Korat, and Don Muang, near the air base perimeter anytime between February 28, 1961 and May 7, 1975.

- U.S. Army Veterans who provided perimeter security on RTAF bases in Thailand anytime between February 28, 1961 and May 7, 1975.

- U.S. Army Veterans who were stationed on some small Army installations in Thailand anytime between February 28, 1961 and May 7, 1975. However, the Army Veteran must have been a member of a military police (MP) unit or was assigned an MP military occupational specialty whose duty placed him/her at or near the base perimeter. To receive benefits for diseases associated with herbicide exposure these Veterans must show on a factual basis that they were exposed to herbicides during their service as shown by evidence of daily work duties, performance evaluation reports, or other credible evidence. For more information, visit <http://www.publichealth.va.gov/exposures/agentorange/thailand.asp>

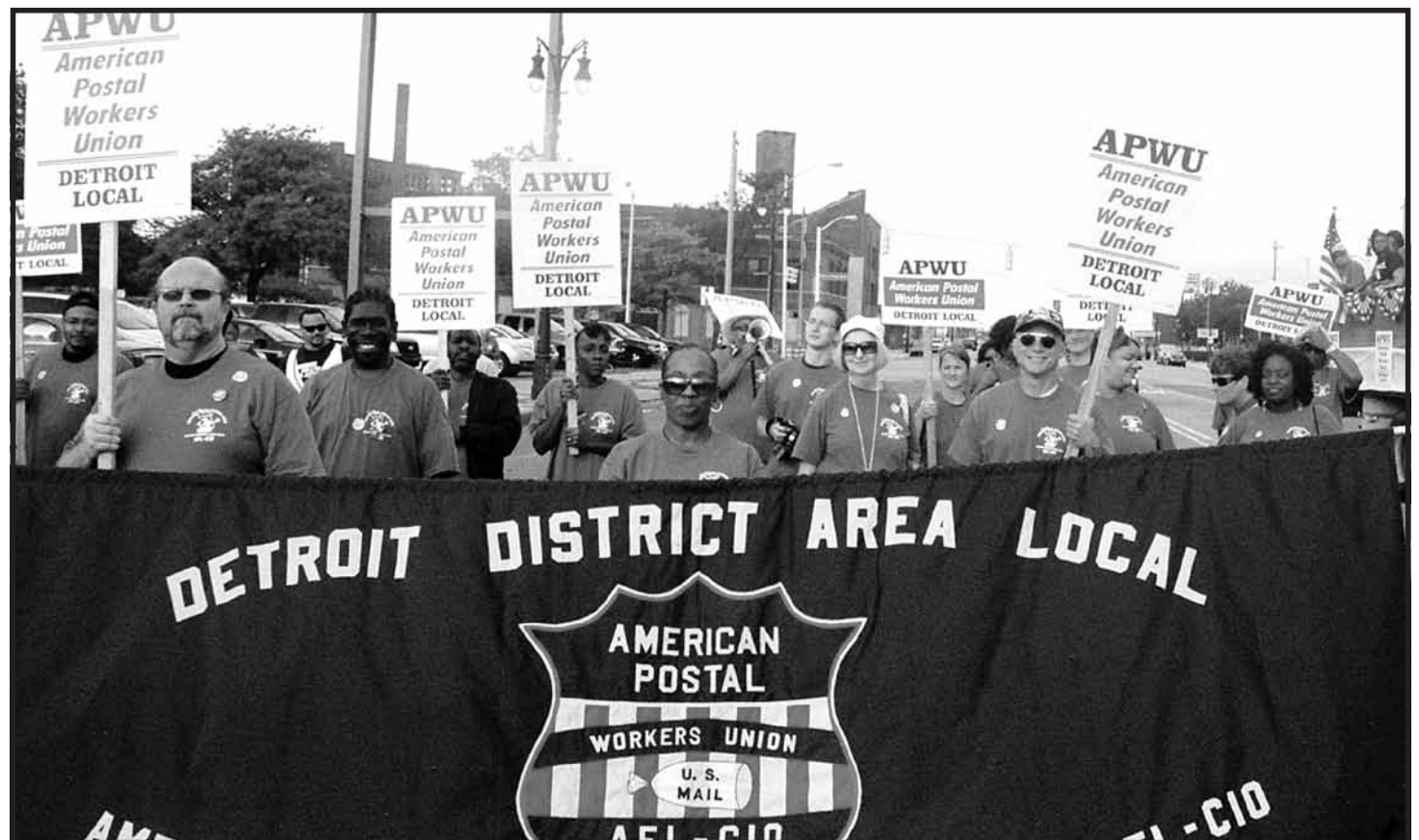
### Mini Fridge Magnet

Here are some *Hot Lines* for immediate need. *The Vet Center Combat Call Center* is precisely that, a place where combat Veterans and their families can connect with help; 1-877-927-8387. VA-Women is new, and aimed at addressing the needs – urgent or otherwise – of Female Veterans; 1-855-829-6636. *Make The*

*Call* is the VA's telephonic outreach to homeless Veterans and their families; 1-877-424-3838. *The Veterans' Crisis Line* the old suicide hot line is now letting Veterans know they can use the resource before they are on the brink of contemplating suicide; 1-800-273-8255.

### Women Veterans

#### VA Releases Second Women



APWU contingent on Labor Day in Detroit

**Veterans Sourcebook:** The Department of Veterans Affairs has released Volume 2 of their Women Veterans Sourcebook. Some details: Healthcare Usage: The number of women VA healthcare nearly doubled over the past decade, from 175,698 in fiscal year 2001 to 316,903 in FY10. Women veterans now comprise 6% of VA patients. They also use outpatient care more than men. *The 78-page sourcebook is now available in PDF format on the VA website at [http://www.womenshealth.va.gov/WOMENSHEALTH/docs/SourcebookVol2\\_508c\\_FINAL.pdf](http://www.womenshealth.va.gov/WOMENSHEALTH/docs/SourcebookVol2_508c_FINAL.pdf)*

### In-State Tuition

Go Blue! The University of Michigan Regents have made a decision to grant in-state-tuition rates to anyone who serves in the military or was honorably discharged, regardless of the student's state of origin. By offering military members and Veterans from across the nation the ability to use in-state-tuition rates, will possibly attract 10 to 15 thousand Veterans to U of M over the next 5 years. Don't forget, Veterans' bring with them job ready skills, proven leadership, a strong

work ethic and a very strong sense of loyalty. Thanks to the University of Michigan and its board of Regents.

### Camp Lejeune Exposure Update

A year has passed since the *Honoring America's Veterans and Caring for Camp Lejeune Families Act* was signed into law. The law (P.L. 112-154) authorized hospital care and medical services through VA for family mem-

bers of veterans exposed at the Marine Corps base between 1957 and 1987. VA has announced that it will be able to reimburse eligible family members for out-of-pocket health care expenses for the 15 related conditions, after the regulations are published. In the meantime, they offer the following for those affected: Call **1-877-222-8382** to be added to the Camp Lejeune database, gather documents needed to show that you lived on base during the period between 1957 and 1987, and your relationship to the veteran. Finally, keep receipts for any health care expenses you paid for a covered condition on or after March 26, 2013. For more information, visit [www.publichealth.va.gov/exposures](http://www.publichealth.va.gov/exposures) to learn about other military exposures and VA benefits.

### Patriotic Plus

That's the name of the store, located in Clinton Township, at 42960 Hayes Road just South of 19 Mile Road, on the east side of the street. They deal in Michigan Professional Sports Teams and More.

The More is what Veterans will be interested in. John & Sandy, the owners

available for sale. So if you are a resident of Southeast Michigan, or if you happen to be traveling through this area stop in and say Hi to Sandy or John. Police, Firefighters, and Veterans usually get a discount by showing I.D., or you can try telling them I sent you in, and who knows, maybe that will work!!!

### You My Trusted Veterans

You may have served in combat, or while preserving peace. You may have retired out, or you may have served for a short time. You may have been a draftee, or a volunteer. You may have served in the Army, Air Force, Navy, Marines, Coast Guard or the Merchant Marines, BUT YOU SERVED. You did your job Honorably and for that I am PROUD to call you a VETERAN. You may have served during WWII, Korea, Vietnam, Nicaragua, Persian Gulf, Iraq or Afghanistan, but you served, you did not run. You have earned your DD-214 with those words "HONORABLY DISCHARGED", two of the most noble words in the world. Again I am PROUD to know each and every one of you, my VETERAN Brothers & Sisters.



by Linda  
Turney,  
National  
Business Agent

## Turney at the Table

# What Is Normal?

When you read, you empower yourself.

When you write, you influence others.

Page 237, Article 37 page 76 in the 2012 JCIM states clearly that normal staffing for the DBCS will be two Mail Processing Clerks to perform loading, feeding and sweeping functions. The agreement clearly states that under certain conditions "normal staffing" could be reduced to one person running the machine. The example given for reduced staffing is at the start up or close out on the machine. Reducing the staffing to one Clerk on the DBCS machine seems to be a growing problem among the ranks of Mail Processors.

In this type of grievance, the Union bears the initial burden of proof because it is contract interpretation. The important question is whether or not there is a required number of employees to operate a DBCS machine. The answer is in the JCIM listed above where "normal staffing" means 2 employees. Black's Law Dictionary defines "normal" as: "According to, constituting, or not deviating from an established norm, rule or principle; informed to a type, standard or regular form; regular; average; natural."

When what constitutes "normal

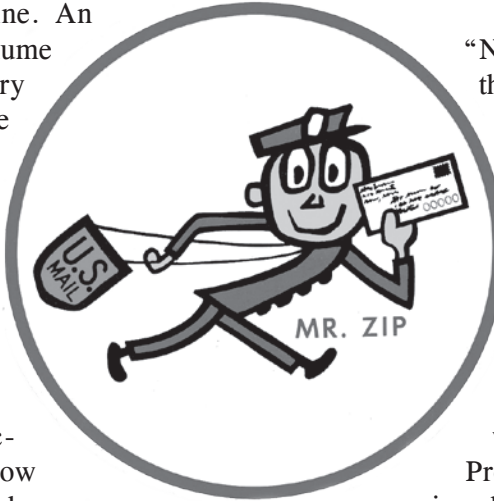
staffing" is established by the Union through testimony and/or documents, the burden of proof shifts to the USPS. The USPS will have to prove that on the days in question volume was lighter, or it was at the start up or close

out on the machine. An analysis of the volume record is necessary to make your case and for the USPS to make theirs. If the Postal Service decides to drop the staffing below the required 2 employees, they must justify the reduction. They must show that a single clerk can easily and safely perform both the loading and sweeping functions. The Postal Service must provide data that would show a comparison between the operations of the DBCS machines under normal range of volume and the date in question when management is trying to justify a staffing reduction as set forth in the JCIM.

The USPS does have the authority to seek efficiency, but managers must comply with the agreement. Stewards: Obtain and analyze the volume records in your cases to see if the volume-drop

alleged by management is sufficient to justify a reduction from the normal staffing from 2 to 1.

Here is the language in the 2012 JCIM that applies:



"Normal staffing for the OCR, BCS and/or DBCS will be two Mail Processing Clerks to perform the loading, feeding and sweeping functions.

1. Does the settlement mean that there must always be two Mail Processing Clerks assigned to the OCR, BCS and/or DBCS?

Response: No, this is the normal staffing.

2. Would it be a violation if there was only one clerk working on the OCR, BCS and/or DBCS at the start of the run?

Response: No. There may not be a need for two Mail Processing Clerks at start up or close out.

3. Would it be a violation if there was only one clerk working on the OCR, BCS or DBCS because of the

limited volume for that sort program?

Response: Once again, the "normal" staffing is two Mail Processing Clerks, but there may be circumstances where the staffing is reduced.

4. Would low volume runs be an example?

Response: Yes, if the volume available for a DPS zone is such that there is no or minimal sweeping activity required during the run, one operator may be sufficient. One operator may also be sufficient if the volume is such that one operator can load, and then sweep before the bins fill up and then return to loading.

The settlement addresses minimum staffing, and is not intended to impact those offices where there have been agreements involving more than two operators per machine (due to unique rotations or other local factors.)

### Fifty Years Old

AARP has recognized Mr. Zip who is celebrating his 50th birthday. In 1963, the Post Office had an overwhelming increase in business mail. The agency started the Zoning Improvement Plan now known as the ZIP Code. Mr. Zip is the friendly postal worker who delivered the message to the public to use the ZIP code. Happy Birthday Mr. Zip! And many, many more.



by Michael  
O'Hearn,  
National  
Business Agent

## NBA Report

# — Splits Mealtime —

### Mealtime Rules

Just the other day, a clerk asked me how long management could work her before they had to give her a lunch break. Also, she asked how soon management could force her to take a lunch. The answer is in the ELM in Section 432.33, titled "Mealtime." Here it says "Except in emergency situations or where service conditions preclude compliance, no employee may be required to work more than 6 continuous hours without a meal or rest period of at least ½ hour." Obviously, according to this rule, management may not force you to work more than 6 hours without giving you a lunch break. If they try saying that it is an emergency, then they must comply with the definition of an emergency in Article 3 of our contract. Here it explains that an emergency situation is "an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a

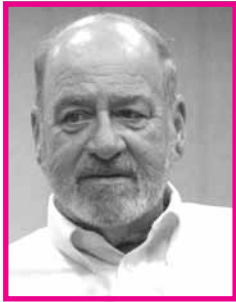
recurring nature." Being shorthanded because someone called in sick is a recurring situation. Therefore, this is not an emergency. Having a truck arrive late is a recurring situation. Therefore, this is not an emergency. Having a snow storm is a recurring situation. Therefore, this is not an emergency. Having heavy mail volume on the day after a holiday is not only a recurring situation, it is also not unforeseen. This is not an emergency. These are all examples of situations that management must plan for and should not mean that you do not get your lunch break on time.

As to the other question about how soon you can be forced to take your lunch break, the answer is in this same ELM provision "Mealtime." If you are going to work an eight hour day, then you cannot be forced to take your lunch before you work two hours. This is because if you take your lunch before two hours into your work

day, you would end up working more than 6 hours without a rest period of at least ½ hour. For example, if you take your lunch after working one hour, then you will end up working seven straight hours after that. This would violate ELM 432.33.

One thing I would like to point out is that ELM 432.33 states that no employee may be required to work more than 6 continuous hours without a meal or rest period. The employee in some instances may waive this requirement. Some locals have even negotiated a "no lunch policy." This is when an employee, by their own desire, does not wish to take a lunch, but works straight thru their shift without taking a lunch. This is not a violation of ELM 432.33.

If management is forcing you to work too long without a lunch break or management is requiring you to take your lunch break too soon in the day, contact your steward to correct this situation.



by Al  
LaBrecque,  
Retiree's Chapter  
President

## Retiree Involvement

# — Ballot Snafu —

*"It requires strength to stand up for yourself. It requires even greater strength to stand up for others."*

— Robert Moore

While certain commentary at this writing has to be withheld so as not to violate election rules, I won't be handcuffed over my outrage that the \$36 per annum Retiree Department member's ballot is seriously flawed. Upon receiving my ballot on September 16th, I immediately noticed two offices listed that retiree members are **not eligible** to vote for, Industrial Relations Director and Organization Director. I couldn't believe what I was seeing! I immediately emailed Election Committee Chairman Tony Turner, APWU Secretary-Treasurer Liz Powell, and Retiree Department Director Judy Beard. To her credit, Ms. Powell responded within minutes confirming that I was correct, and the ballot was not correct. Incredibly, nobody had noticed this glaring error until my inquiry. I was assured that Chairman Turner would contact me at once. As author of Resolution 26 amending the APWU Constitution allowing retiree members to vote for certain officers, the improperly listed officers jumped out at me.

Chairman Turner responded the next day, issuing a statement that said in part: *"Ballots mailed to members of the APWU Retirees Department who pay \$36 per year in dues inadvertently listed two names that they are not eligible to vote for – Industrial Relations Director and Organization Director. The American Arbitration Association computers are being programmed so that they will not tabulate votes cast in those races by the retirees who are not eligible to vote in those two contests. The ballots are coded to identify voters by various categories – Clerk Craft, Maintenance Craft, Motor Vehicle Craft, Retirees, etc . . . so the incorrect ballots can be identified while still maintaining the sanctity of the secret ballot"* (bold print mine for emphasis).

This was also posted on the apwu.org web site and a hard copy was included in the monthly retiree chapter's rebate package. The Chair's statement is little comfort that such a glaring error should have occurred, but we have little choice but to take his word that the sanctity of an estimated 40,800 retiree ballots is preserved by programming the AAA computers. But the *integrity* of our election process was seriously compromised and I'm not put off that this is an "inadvertent" error. The truth of the matter is that it should **never** have occurred! The

7-member appointed APWU Election Committee and the American Arbitration Assn. **must** be held accountable. AAA prepares the ballots and it follows that the Election Committee would proof and approve the ballots before mailing to voting members. Someone was asleep at the wheel! I am especially troubled by this because it taints the historic first-ever eligibility of retirees to vote for national officers, and is almost certain to play to those who have been skeptical over retirees' influence on the APWU election. Furthermore, how many of our 40,000+ retiree members in the field visit the APWU web site or were even aware that the ballot they marked and mailed was flawed? No problem though, the computers will fix the inadvertent error and all is well. Not so fast, my friend! That does not exonerate anyone!

This wasn't the only "inadvertent" ballot error. A Central Region ballot for Maintenance Craft NBA completely omitted a bona fide candidate, and the election committee had to issue new ballots, tossing the incorrect ballots members had already marked and mailed. Now there's a recipe for appeals and challenges! Members who receive another ballot may understandably be confused. Finally, an unconfirmed report coming out of the Central Region alleges that non-APWU Mail Handlers enrolled in the APWU health plan as associate members received ballots. Should that turn out to be true, it would be another instance of sloppy work by the appointed 7-person Election Committee.

Once the election is completed, I contend that a thorough investigation must be conducted identifying those responsible for the *snafu*. A report should be given to the members with the results of the investigation. I can assure you that this is one retiree member and State Officer who will continue to demand fixing this inexcusable blot on our election process, and exacting corrective action, regardless of how high the responsibility reaches. Disturbing to say the least!

**Warmest Best Wishes** and prayers go out to State Chapter V.P. Gary Van-Hoogstraaten, scheduled to undergo back surgery on October 3rd. Wishing you a successful procedure and complete pain free recovery. Brother Gary Van is also President of the 486-487 Saginaw Area Local Retiree Chapter.

**Numbers and Interesting Facts** that Central Region retiree members are entitled to know. You are a member of the Central Region if you live in any of the following 13 states: IA, IL, IN, KS,

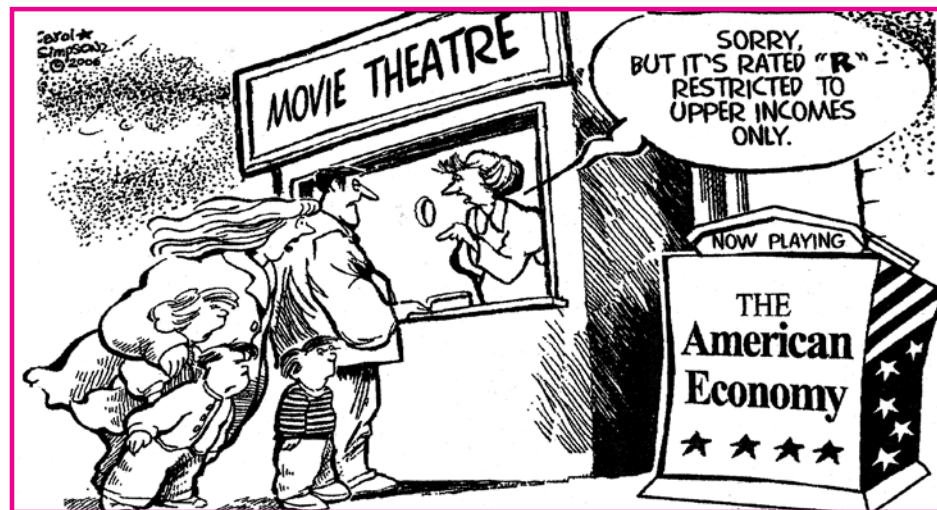
KY, MI, MN, MO, NE, ND, OH, SD, AND WI. Membership totals as of June 15th show that the Central Region leads all five regions with 11,643 \$36 dues paying retiree members, followed by the Southern, Western, Northeast, and Eastern Regions, for a total of 41,450, making the Retirees Department the second largest in the APWU. There are 46 Local Chapters and two State Chapters. Ohio has nine Local Chapters and Michigan is next with five, both states having organized the first two state retiree chapters. The other two states with organized State Retiree Chapters are Florida and California. Now you know!

**Escanaba in 'Da Moonlight!** I've been privileged to be assigned by the MPWU State Union (I have an aversion to referring to our state union as an "organization." Kiwanis, PTAs, Sportsman Clubs, etc are organizations. We are the Michigan Postal Workers Union – MPWU not MPWO!) I've wanted to vent that pet peeve for years. Anyway, I'll be conducting an instruction on how to write a resolution at the MPWU Areas 10, 11, and 12 District meeting in Escanaba October 11-12. Resolution writing is a favorite subject of mine and I'm looking forward to the class. The concern is that resolution writing is becoming a lost art. I hope to rekindle awareness of MPWU Locals and Retiree Chapters on the importance of the What, Why, How, and Who of well written resolutions in four easy steps. Resolutions are the heart and soul of State and National Conventions that provide direction to our union.

While on the subject of resolutions, there are several proposals to be debated and determined by retiree leadership in the field to advance the structure of the Retirees Department at the upcoming All Craft Retirees Dept Conference in Las Vegas, Nov 4-6. I contend that a resolution should be submitted to the 2014 National

Convention establishing a "Retiree Technician" position to service the inquiries of active and retired members, as well as their spouses and survivors. I hope the retiree leadership will listen to my arguments for this idea with open minds. I will also propose a resolution to re-designate the Retirees "Department" as a "Division." Our membership numbers warrant the designation. I also propose changing the position of National Retiree Delegate to "Regional Retiree Representative," to be fairly compensated when assigned to perform authorized duties, and an automatic delegate to the National Convention. I put these admittedly ambitious proposals out now so active and retiree leaders and members in the field can consider them in advance of the 2014 State and National Conventions. Future columns will explain these proposals further. There's a movement in other areas to propose our objectives as retirees should be to elevate the position of Retiree Dept. Director to the National Executive Board (NEB) and to raise the Director's salary commensurate with that of Craft/Division Directors. I support this idea **in principle** but I'm not convinced that now is the time to make that leap, or to declare the NEB position to be the paramount objective. We could be putting the cart before the horse. In any event, all of these ideas should be discussed with an open mind in Las Vegas. No individual or Chapter will be dictating our direction to this state chapter; on that you can be assured!

As an officer whose counsel I deeply respect reminded me, the theme of the 2012 National Convention was "One Union Indivisible." Let's keep it that way! But I'm also reminded of another pearl of wisdom that says, "A House Divided Against Itself Cannot Stand." Therefore, in the spirit of Solidarity Forever, I conclude by stating my dear late Brother Clyde Hartshorn's favorite admonition to . . . Be Strong!



# Are You Ready To Stand Up?

by Charlie Cash,  
Salt Lake City APWU

“The American worker stands head and shoulders above the workers of any other land. His wages and working conditions are better. He and his family have better homes to live in, better food to eat and better clothing. These advances did not come to us automatically. They were won by organizing into trade unions and by struggle against stubborn opposition.”

Those words were spoken in 1953 by George Meany, President of the American Federation of Labor. I recently read his speech and was amazed how much of it still applies today, yet sat thinking how far backwards the American worker has gone.

Last week I was in the halls of the Wisconsin state capital in Madison, where just a few years ago we could all sit and watch on TV the beginning of a war – a war on the American worker conducted by billionaires elected to office and billionaires that backed the election of these billionaires. We lost that battle when Wisconsin stripped many of its unions of the right to bargain for wages,

benefits and working conditions. With that defeat the words of George Meany may not mean what they did 60 years ago.

The American worker as described by George Meany is an endangered species. The dream that you could work a job and earn enough money to

*“ . . . everything we have come from workers standing up for their rights.”*

own a home, have health insurance, count on a retirement, and enjoy some vacation time is nearly gone. The jobs that built America have gone to foreign lands. Most of the jobs that are left pay so little that the holders of these jobs are little more than indentured servants.

We have forgotten where we came from. We do not remember that everything we have come from workers standing up for their rights. Some even lost their lives fighting for the ideal that workers have a right to participate in deciding what portion of

the spoils of their work they should be given.

We seem to think the government provided the 5-day work week, overtime pay, holiday pay, vacations and retirement. The opposite is true. Workers organizing into unions and fighting for workplace democracy led to the

things mentioned above, and much more. The workers created their own dream, but it is now being crushed by those in positions of business power.

Since when did the business become more important than the worker? Since when was it acceptable for a business to make profits by crushing the backs of those who toil to produce the success of that business? Why is it acceptable for a CEO to make \$100 million in salary and another \$15 million in bonuses while their workers go without decent health care?

When did it become wrong for a hard worker to expect a fair share of the spoils of the business? When did this country decide that profits must come first, long before the life of the worker?

No matter when it began, statistics clearly show that as union membership decreased, wages, benefits and retirement packages have decreased at nearly the same pace. It should come as no surprise that wealthy business owners and the ruling class want to destroy the organizations that fight for workers – the unions. As go the unions, so goes our quality of life.

I hear folks complain about what the union does – we get good middle class wages, we get better health care than most, we still have somewhat of a retirement. Between sick leave and annual leave I get 324 hours to take off. Many jealous people say we should get less. Is the product we provide more expensive because we are unionized? The answer is no. Postage in the U.S. is cheaper than nearly all industrialized countries in the world.

So when your friends, neighbors

and family complain about you being union and making so much more than they do, be proud to embrace your unionism. You are Union Strong and ask them why they aren't. The answer shouldn't be to bring us down to a non-union wage level. The answer should involve us helping to lift up non-union workers, helping them organize and become part of the workplace democracy movement.

Sadly, as time has gone on, we have started to see a return of companies to America – mainly because we have become the country of destination for low wages and non-union workforces. We are the new Third World.

We used to lead in health care, education, mortality, infant mortality, clean environment – but now we are trailing – all because the worker is placed last and business profits are maximized at all costs.

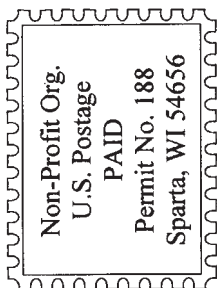
We need to remember where we came from and be willing to stand on the front lines. In Wisconsin I stood on the lawn of the capital and protested their anti-worker state government. I stood with teachers, trash collectors, police, firefighters, postal workers, and many other unions. We should never accept that we must take the scraps from the business owners who believe a five percent profit is more important than you being able to buy food.

Wisconsin has protests every day. It started two years ago. Thousands showed up. There were farmers on tractors, firemen, teachers, police escorting the tractors, postal workers, steel workers and more – all standing together. They stood up to say that the American worker is worth more than what any business owner thinks. We are worth what we can negotiate as strong powerful groups of organized workers – unions.

You may be asked to stand on the lines and fight for what is rightfully yours. There are some in Congress who want to destroy your livelihood. If the Post Office is dismantled, the last bastion of strong American unions will be broken. We can't let that happen. Are you ready to stand up and let your voice be heard?

There is only one answer for me . . . Solidarity!

— reprinted from *The Six Bits*



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**DEADLINE**  
The deadline for articles for the  
November-December issue of the  
*Michigan Messenger* is  
November 18th