

# Michigan

## MESSENGER

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## President's Message

# Welcome To 2014



by Jesus M. Gonzales

### A Legislative Note

In Michigan, the war still continues to support our labor union brothers and sisters. The right to work legislation needs to be repealed, and we need to fight the continued attacks on our public education, health care benefits, and the rights of labor unions with the collective bargaining process. This year's Michigan state election for house and senate seats – and the race for Governor – are the only way we will be successful to repeal the negative effects of the right to work legislation.

National APWU Legislative Initiative John Marcotte, myself, and Mike Reid

had the luxury to meet with Senator Carper's people to go over the proposed adoption of Senate Bill 1486, and how it would affect the labor movement and the future of the US Postal Service.

By the time you read this article the Senate Governmental Affairs and Homeland Security Committee would have marked up Senate bill 1486 and sent it to the Senate floor for debate.

Senator Carper's and Coburn's amendments do very little to enhance the revenue growth potential of the US Postal Service and worsen the financial

liabilities that diminish more of its finances with a workers comp prefunding mandate. Not that the prefunding of our healthcare has done enough harm, more is yet to come with the bill!

Any updates can be found on the [apwu.org](http://apwu.org) website, as well as, the [mpwu.com](http://mpwu.com) website.

I urge all to pay close attention to the APWU legislative alert, and respond appropriately to the call to action. Our future and the future of this organization rely heavily on our action. United we are strong, apart we fall.



by Michael O'Hearn,  
National Business Agent

## NBA Report

# — Past Practice —

Past practice is easy to say, hard to prove. A past practice is an unwritten rule or policy that explains how the parties will act under certain situations. The past practice is applied to circumstances that are not covered by the written contract or regulations. They may also be applied when the contract language is unclear or ambiguous. When the union raises a past practice grievance, the burden of proof is on the union. The union must prove there is a past practice. This is not easy. Nowhere in our Collective Bargaining Agreement (CBA) does it mention anything about past practice. However, the Joint Contract Interpretation Manual (JCIM) has an excellent section on past practices. You will find it under Article 5 on pages 28 to 30. Here it explains that to establish a past practice certain elements must be present. These elements or characteristics of the past practice are that it must be clear, consistent, long term, repetitive, and accepted by both sides. All of these elements must be proved by the union for the past practice to be valid.

Clarity means that you must be able to state the practice in simple well-defined terms. For example, if your past practice

is stated as "Employees may wear shorts if the weather is too hot unless the shorts are too tight and show the employees butt crack or the shorts are offensive to the same sex employees but not the opposition sex, employees and customers complain at least three times, then management will take a vote on the shorts in question, with management holding a tie breaker vote." This is really not a clear past practice. This is a cry for organizational help. How hot is too hot? How tight is too tight? Who judges if the shorts are offensive? I think you get the idea. If you cannot state your past practice clearly, you most likely do not have a legitimate past practice.

Consistency means that the same practice is always followed. You cannot have a past practice if management sometimes applies the policy and sometimes does not follow the policy. If the employer sometimes allows employees to skip their lunch, but other times the employer does not allow employees to skip their lunch, you do not have a past practice. You just have people who are hungry sometimes.

Longevity means a policy that was been around for years, not just a few weeks or months. It would be hard to have a solid past practice about PSE's because they have only been in existence for a few years.

Repetition means that the practice has been applied many times, not just twice or three times in the last few years. How many times would be needed for a past practice to be valid is a matter of good judgment.

Acceptability is usually the hardest to prove. Do both sides agree that there was a past practice? How can you prove this? Well, one way is to show that the subject is in the labor-management meeting minutes. Do the minutes show that management was well aware of this past practice and acquiesced to the policy? Did management write a letter to the union about the past practice prior to the grievance being filed showing agreement with the practice? Does management admit in an interview that there was a past practice? Do management's actions on this issue demonstrate beyond a doubt that the past practice exists? These are usually tough documents and statements to get.

Before you start gathering evidence of a past practice, I warn you to consider whether or not clear, unambiguous contract or regulatory language already exists covering this issue. You cannot have a past practice where there is clear language on the matter. For instance, let's say in a medium size office, the

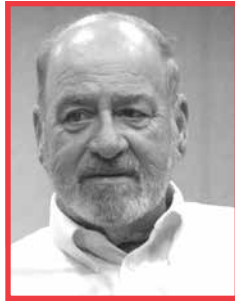
postmaster, the supervisor, the steward, and many employees are smokers. As far back as anyone can remember, every smoker was allowed to go into the bathroom, open the window, and blow smoke out the window. This includes the postmaster and the supervisor. There is even an ashtray on the window sill. A mean old carrier calls the POOM and reports that he is tired of smelling tobacco smoke in the bathroom. The POOM calls the postmaster and says stop this smoking in the bathroom. The postmaster calls an office meeting and announces "There will be no more smoking in the bathrooms." The steward yells out "I am filing a past practice grievance." Does the steward have a past practice? The answer is "No." There is clear and unambiguous language that states no smoking in postal facilities. Even though this practice has clarity, consistency, longevity, repetition, and acceptability by both sides, it cannot be a past practice since there are already very clear regulations that cover this practice.

Remember, a past practice can only exist where the contract is silent on the subject or the contract language is unclear.

I hope it clears up the issue of past practices for you.



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by Al LaBrecque, Retiree's Chapter President

## Retiree Involvement

# A Critical Year

*“... Worse yet, human beings themselves are nowadays considered as consumer goods, that can be used and thrown away.”*

— Pope Francis (Amen, Franny!)

2014! It's not just a New Year, 2014 is a critical primary and general election year both at federal and state levels. It's our sacred privilege and duty to elect our friends and defeat our enemies. I've my own 1st District wrong-wing Congressman to send packing, and every retiree and senior voter in Michigan's 2nd District (west MI and Grand Rapids area) should be aware that Rep. Bill Huizinga, along with 50 House Republicans, signed a letter calling the House Speaker to make cuts in Social Security when you go to the voting booth! All other politics aside; we need to get smart and vote our pocketbooks! Then there's our Michigan Legislature who voted to tax retiree pensions and the supreme insult of making Michigan a Right-To-Shirk state.

That's only the half of it. 2014 is our State Union and Retiree Chapter constitutional conventions; May 22-24, at Mission Point on historic Mackinac Island. The State Retiree Chapter will tentatively convene on Friday, May 23rd. The Chapter Convention Call will be published in the next "Michigan Messenger". The APWU National Convention; July 21-24, will be held at McCormick Place in Chicago. The pre-Convention Retirees' Dept. Conference will be conducted Sat. & Sun., July 19 & 20, where we will deliberate initiatives via Resolutions to advance the Department.

ROOTS. It begins with Resolutions proposals at the State Union Convention. There's several being considered to further structure the Retirees' Dept. To better understand where we need to go, it's important to understand where we

came from, and how we got to where we are. The APWU Retirees' Dept. was established by the 1992 Convention. In 1995, the «Original Five» National Retiree Delegates were elected to the '96 & '98 Conventions. As Central Region Delegate, I got my first dose of reality when President Moe Biller announced to the delegates; "So you know, the reason we have five retiree delegates to the convention is so we can collect retirees' COPA money." So, there it was!

In March '98, we five Retiree Delegates were brought in to APWU Headquarters for the purpose of developing Department-structuring Resolutions as constitutional amendments, which included establishing Local and State retiree chapters, and a dues rebate structure for chapter operation funding. In a meeting that included Pres. Biller, Exec. V.P. Bill Burrus, Dept. Director J.R. Smith and several resident officers, we had the audacity to express proposing initiatives to establish Retiree Delegate representation duties in our respective Regions, incurring the wrath of Burrus who emphatically exclaimed; "You are elected as retiree delegates to the national convention, NOTHING MORE!" The '98 Convention adopted establishing Chapters and dues rebate structures and "nothing more." The struggle was on, prompting a retiree leadership pushback over ensuing conventions.

Over the next 7 conventions, 14 years, numerous constitutional amendment resolutions were introduced to further advance the structure of our Department. Most, if not all were non-concurred by the Constitution Committee, but through persistence and delegate support several were adopted as amendments to the APWU Constitution, about 9 in all so far. Some were significant, others just to throw us a bone with a paternalistic pat on the head. The most significant achieved after repeated rejections were the right to elect, rather than appoint, our Department Director, and

the crowning accomplishment in 2012; eligibility of retiree members to vote for the top APWU general officers and several resident officers after 5 conventions and 10 years of debate and rejection, but we prevailed. As the old Virginia Slims TV ad targeting women smokers said; "You've come a long way Baby!"

That's a thumbnail overview of why and how we began, where we've been, and how we got to where we are now. Progress hasn't been easy but we've definitely made significant gains, not the least of which is attaining the vote. But, members need to know there's a prevailing sentiment that retirees are still viewed as 2nd class members based on their level of dues. On that score, an astute Chapter officer opined; If you figure our average retired member paid full dues 25 years; 41,000 retiree members X 25 equals more than one million full dues-paying years. Considering APWU wasn't even in existence until 43 years ago, our retirees literally helped build the APWU. Retirees don't want to "run the Union," we simply want to be treated as equals to other APWU members.

Going forward, the retiree leadership agenda is transparent. There's a strong movement among some Chapters and even national officers to elevate the Retirees' Dept. Director to a seat on the National Executive Board (N.E.B.), and to bring their salary in line with that of Craft Division Directors. Retirees' Dept. membership is second only to that of the Clerk Division. I'm considering three proposals via Resolution; to (again) propose establishing a Retirees' Dept. Technician position to administer the complex retirement inquiries and assistance to active and retired members, their spouses and survivors. Actually a Resolution to amend the Constitution to create a tech position isn't necessary. The APWU President has constitutional authority to "appoint necessary staff at Headquarters such as; Industrial Engineers, Economists, Financial Technicians, etc." "Such as" is an example of not limiting.

Next, is to re-designate the "Retirees' Department" as the "Retirees' Division." Retirees are a category of membership just as Clerk, Maintenance, and Motor Vehicle Service, or Support Services. It's the natural precursor to the Director being seated on the N.E.B. Lastly, and perhaps least, is to re-designate National Retiree Delegates as "Regional Retiree Representatives" to be fairly compensated when assigned authorized duties, and

continued on page 5

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:

Battle Creek	480-481	Ludington	Stevensville
Central MI	498-499	Muskegon	Traverse City
Cheboygan	Gaylord	Roger City	Troy Local
Detroit District	Great Lakes Area	486-487	Western MI
Farmington	Mail Haulers	Sault Ste Marie	
Flint	Jackson	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 Lynn  
Pallas-Barber,  
National  
Business Agent

## NBA Report

# National Award And Casual Penalty OT

On November 19, 2013 Arbitrator Das issued a national award sustaining the APWU's position in a case heard on April 24, 2013 concerning the use of casuals in a penalty OT status prior to maxing out the OTDL employees to include penalty OT. The number of that case being Q06C-4Q-C 08031764. This decision has to do with the new language which had been incorporated into the 2006 CBA. The summary of the award stated:

"Article 8, Section 5.H of the 2006 USPS/APWU National Agreement, which requires full-time employees on the overtime desired list (OTDL) to be given priority scheduling for overtime work over casual employees includes priority scheduling for penalty overtime prior to casuals doing overtime work."

This is once again a huge win for APWU. The remedy issues were remanded to the parties in accordance with what had been agreed at the national level, but Arbitrator Das did retain jurisdiction. It is uncertain as to how many cases may be held pending at this time. It is anticipated that some instruction will come from HQ soon.

### Management Files National Dispute

During discussion at Step 3 management at the Area level provided information that they have now filed a national dispute. The

primary issue in this case is whether the new language relative to creating desirable duty assignments from all available work hours per Article 37.3.A.1 requires maximization of PSE hours to create new full-time duty assignments. Article 15.5.D.1 of the CBA permits them to do this.

As soon as we get some language that we maintain has some teeth, here they go again trying to knock out teeth out!!! This issue would not be similar to the national decision that was issued by Arbitrator L. Byars in Case # Q94C-4Q-C 96096822 - 11/11/09. In this case the arbitrator did not sustain our position. This case addressed the application of Article 7.3.B of the CBA. The arbitrator stated that management did not have an obligation to combine hours of non-full-time employees (PTR, PTF, transitional/casual and regularly scheduled OT hours of FTRs to maximize the number of full-time employees.

Prevailing in this new dispute will be extremely important to the enforcement of our CBA and their continued abuse of PSEs.

### National Award On PSE Complement Toward Lead Clerk

In the current CBA - Appendix B -

MOU Re: Clerk Craft Jobs the parties agreed to language concerning the ratio of Lead Clerk assignments in the Clerk Craft. The USPS initiated a dispute stating it was their position that the phrase - clerk craft compliment - was limited to career clerk craft employees only. The APWU took the opposite position and argued that the PSE should be included in the complement.

A decision was issued by Arbitrator Das on January 10, 2014 where he agreed with the USPS that only career clerks could be counted in the ratio.

### Regional Awards

Another important issue has been recently decided by two regional arbitrators. These decisions address whether or not the MOU signed on August 13, 2013- MOU-PSE Reappointment. Unfortunately both arbitrators have opined that the MOU is not retroactive. Those decisions are:

J10C-4J-C 12305550 - Arbitrator D. Cohen - 12/9/13

G10C-1G-C 12297543 & 12272341 - Arbitrator K. Eisenmenger. - 01/19/14

While regional arbitration awards do not set precedent and are used for persuasive value only, it becomes more difficult to have an arbitrator take a dif-

ferent position. We do know often times we have arbitrators on both sides of an issue. Arbitrator Eisenmenger provided two pages of dicta as to why she took the position that she did. The struggle continues!!!

### Direct Appeal vs Step 3

Too often grievances are still being improperly appealed. It is important that we get it right! The MOU on page 348 of the CBA lists the issues which are contractually considered expedited arbitration. Please check the list before improperly appealing a grievance. All discipline is considered to be a Direct Appeal as well.

### Excessing And Article 12

The USPS continues to keep our impacted employees in a holding pattern. As I write this article we have no move date for this quarter.

### Happy Spring

Here's hoping for an early spring. This seems to be a long winter. Stay safe and be warm.

"Leadership is an opportunity to serve. It is not a trumpet call to self-importance."

Yours in Union Solidarity. Until next time.

## MVS Director's Report



by Joe  
Wrobel,  
MVS  
Director

# Wrobel's Wheels And Wrenches

worth it to many on the outside that are gainfully employed.

Auto tech's have to remember that if you are doing higher level work you must notify your supervisor so you will get paid for the higher level work you performed. The ELM is clear that if you perform higher level work for more than 50% of your tour, you will get paid at the higher level for the entire tour. Should you have a problem you must notify your steward and file a grievance to get this situation resolved. Remember all body and fender repair work is higher level, so get paid for the work that you do, PMI's are also higher level work, complex diagnostics is higher level work; should you have a question ask for your union rep, get paid for the work that you do. This applies to MVO's that are asked to do TTO work. Get paid for the work you do stop letting the post office get away without paying you at the proper level.

Greetings, I hope that everyone had a great holiday season. This past couple of months I have been pretty busy trying to help our brothers and sisters throughout the state. The Lansing VMF had a few problems that I hope have been ironed out. We managed to get some jobs re-posted in Waterford and Royal Oak so let's hope this time it pans out. The post office has hired some new mechanics in 3 of the VMFs, however they all quit except one for various reasons. I had the opportunity to talk to one new hire before he quit and to put it in his words "aint never seen a place run like this." The post office is hiring these mechanics in at a lower pay scale than they're used to and the bs is not worth the trouble. Some of the auto tech positions require a Class A CDL and since the post office is requiring them to have it before or within ninety days of hiring the job just is not

We are currently filing the grievances on Article 32 violations throughout the state. It seems that the word "must" is a hard word to know the meaning of. Management in some offices can't understand that if the work is done cheaper inhouse then it MUST be done in-house. The contract is clear, yet the fight continues. We have to remember that all costs of the job must be taken into consideration when comparing costs. So when you're filing the grievance

remember to include all transporting costs, hourly rates, shop supplies and so on.

I would like to ask that everyone keep Brother Tom Lothamer (Area 7 Director) in your thoughts and prayers for the personal loss that he has gone through this past holiday season. Tom has always been there to assist our craft and now it is our time to support him. We are here for you brother.

## DEADLINE

The deadline for articles for  
the March-April issue of the  
Michigan Messenger is  
March 31, 2014



by Paul Felton,  
Editor

## Editor's Report

# Activism And Unity In 2014

In Fiscal Year 2013, the Postal Service took in \$600 million over and above its operating expenses. Yet management stated they lost five billion dollars.

Let me repeat that in other words. The day-to-day operations of the Postal Service turned a profit. Management, for its own reasons, did not publicly acknowledge that fact. Instead, they reported a net loss.

Were they lying? Not exactly. They were putting their own spin on the figures. The USPS had to pay out over 5½ billion into a special fund to pay for health benefits for retirees 75 years from now, according to an outrageous law passed by Congress in 2006. This created an artificial deficit. Instead of using the fact that USPS is turning a profit to beat back Congressional moves to dismantle the service, management used these figures to justify the ongoing attack on its workers and its service to the public.

In reality, there is no need to close mail processing plants all over the country, and the fact is that many of our co-workers at the Metroplex who came from Flint, Saginaw and elsewhere should never have had to move. In reality, there is no need to degrade the service standards, turning overnight mail into 2- or 3-day mail. In reality, there is no need to try to drive customers away from the windows staffed by APWU members in favor of mom and pop groceries, Staples, or other non-union outlets. In reality, there is no need to eliminate Saturday delivery. In reality, there is no need to eliminate door-to-door delivery in favor of cluster boxes.

The Postal Service can turn a profit or at least hold its own, if Congress would stop rigging the game to put us at a disadvantage. The Postal Service is not publicizing that fact. It is up to us – the union leadership and the active membership – to let the public know what is really happening.

would lose by eliminating Saturdays, but it would undoubtedly result in the elimination of jobs, making it harder for our PTFs and PSEs to advance and inconveniencing the regulars.

Take plant closings and service standards. Some people in the NALC

delivery and replace that with cluster boxes. In other words, you would have to walk to the end of the block, or to the next block, or a few blocks, to a location where all daily mail for you and your neighbors would be delivered. This would eliminate many letter carrier positions. Postal management wants to proceed with this – and they are already trying this in Canada. When Canadian seniors complained, the Canada Post CEO responded that it was good for seniors to get some exercise. What arrogance! If this plan goes through, it will certainly cause a drop in our business that affects us all (I can just hear someone saying, “Don’t send me a Christmas card that I have to walk through nine inches of snow to get, just send me an e-mail”).

*“An attack on any one of us is really an attack on all.”*

### Unity

This brings me to another point: the need for unity between the different postal unions. When management proposes a cutback that seems to mostly affect one union’s membership, all of the postal unions should respond. This hasn’t always been the case in the past. APWU has new leadership now, and we are reaching out to join the other postal unions in common struggle. And as I’ll show below, an attack on any one of us is really an attack on all.

Take Saturday delivery. Some people in the APWU treat that as an issue that affects mainly Letter Carriers. We have more important battles to fight so we shouldn’t waste too much energy on that. **Wrong Answer!** The move to five day delivery would cause USPS to lose customers. It would also cause the dislocation, or at least the inconvenience of losing a bid and having to go on a different tour, for many of our members. Think about it. In my experience at the Metroplex, any time someone sneezed, it was an excuse for management to propose changing all the bids. It is hard to calculate how much business USPS

believe this is an APWU issue that doesn’t affect their members. **Wrong Answer Again!** For one thing, I have seen numerous reports of newspapers being delivered untimely, companies like Netflix having problems, etc. Such companies will stop using the Postal Service, which will cost jobs in the Letter Carrier craft. Also, the inefficiency built into the system of closing plants and shipping mail long distances to be worked causes Letter Carriers to receive their mail later in the morning. This has resulted in many parts of the country in carriers delivering mail after dark. One carrier in Maryland, just outside DC, was shot and killed while delivering mail in the dark. Two others were shot after dark (in Georgia and Massachusetts). As NALC Branch 4374 President Mike Sheridan put it, “The traditional letter carrier fur cap may soon be replaced by a miner’s hat with a headlamp lighting the way.” The bottom line is, this attack on clerk jobs is causing letter carriers to work in dangerous conditions.

### Cluster-Muck

I want to pay special attention to proposals to eliminate door-to-door

### The Human Body

Imagine the different components of the postal workforce as different parts of the human body. Imagine someone punches you in the stomach and your fist responds “that’s not my problem, that’s the stomach’s problem.” So your fist does not fight back. Repeated blows to your head and body produce the same non-response until your entire body needs to be carted off to the hospital. Sounds ridiculous, doesn’t it? Well management is dealing out body blows to different sections of the workforce. Every blow weakens the entire structure of the post office. We should all respond to all the attacks or else all of our unions will be on life support.

Our national leadership is turning us in the right direction. It is the direction of activism and unity. Hopefully our membership as well as the other postal unions will respond.



by Michael A. Long,  
Executive Secretary

## Executive Secretary's Report

# Common Sense

Common Sense – Use it or be told to lose it.

I am in awe! Awe in how some can lose sight of a basic, fundamental use of what God provided us . . . Common Sense. And while I am normally harping on the stupidity of management regarding something along these lines, this time this applies to others and people out in public as well. I hear all the time people using the line . . . I hate Stupid! It isn’t that people act or behave stupidly; it is that they have lost one of their most

common of all senses . . . Common Sense. What people really have lost is the ability to discern and think before acting (hence why people say they hate stupid), thus portraying, for the most part, that they might have lost their common sense.

As I was sitting down to write this article for this edition, I had many thoughts going through my mind as how to prove my point regarding this. As a steward, we are always taught to take the obvious, theorize an outcome, and be able to substantiate it and prove it. The obvious as a steward is the contract.

We hope that the language is plain and simple (while maybe some obligatory language) and for some of it, it may be; however, that is where you have to have common sense and be able to substantiate it. One item that has my goat when it comes to the contract is PSE hiring and conversions. We need employees (management has already proven this by hiring PSEs), we have the hours to substantiate the conversion of PSEs to career status; however, it doesn’t happen. Why? Because . . . and wait for it . . . lack of common sense. How many times has a manager come to you and said: “I wish we could get more

employees.”? Or said: “Unfortunately, we know we need more people, but we are at the maximum number of PSEs.” What does that mean? Think about it! Common Sense would dictate . . . convert and hire. Easy fix. Convert the PSEs to career, allowing for not only more employees (you have the career employees now, but also an increase to the percentage because it is based on career employees) and could possibly increase the number of PSEs next time (if needed). However, does the contract give us this . . . unfortunately no. We have to prove it. Common Sense in this

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# Taking On Staples

by Paul Felton, Editor

As I write these words, the APWU is going into battle to stop a program to take away our jobs on a massive scale. There are nearly-complete postal retail units in 80 Staples stores in four states – staffed by non-postal employees. You probably saw the picture on the cover of the national APWU magazine recently. This is a “pilot program” which will lead to similar units coming to 1600 Staples stores nationwide – if we sit back and let it.

Our national leadership is taking an aggressive approach. Our response is not limited to the 4 states with these units

already in place. Recently APWU Locals in every part of the country sent a delegation to the nearest Staples store to meet with the manager and express our strong objections.

We warned that 200,000 APWU members and their friends and families will stop using Staples if this project goes forward. These store managers don’t have the authority to make a decision, so they presumably passed the word to national headquarters that they were visited by the APWU.

We have no objection to these units if

they are staffed by APWU members, paid by USPS, in which case Staples would still benefit from increased traffic in their stores.

Our national leadership is talking to the other postal unions in preparation for

joint nationwide action if preliminary talks with Staples and USPS management do not resolve the issue.

Reprinted along with this article is a letter from Al LaBrecque on the subject.

## Letter to Staples

Mr. Don Jones, Manager  
Staples  
1064 M-32 W  
Alpena, MI 49707

Dear Sir:

We adamantly protest the opening of pilot “postal units” staffed by non-U.S. Postal Service employees in more than 80 Staples stores in various parts of the country. Only postal employees are allowed to provide services wearing a postal uniform, are fully accountable to the public, and sworn to uphold the sanctity of the U.S. mails.

We understand that Staples wants to increase customers by placing these units in their stores. However, if these “postal units” are not staffed with postal employees, we will have no choice but to ask our members, our families, friends and colleagues, many of whom are Staples customers, to refrain from doing business with your store.

Please be advised that both active and retired postal workers reside in every community in the country, including Alpena and surrounding areas. Be further advised that as long-standing customers of your store, we expend considerable funds of this Michigan Postal Workers Union, AFL-CIO State Retiree Chapter for office supplies, computer and printer ink, printing and copying, to administer our chapter’s more than 1,500 retired members.

You may be assured that if the Alpena Staples store opens a “postal unit” staffed by non-USPS employees, not only will we not spend one red cent in your store, but will spare no effort to encourage our members, both active and retired, family, friends, and various organizations with whom we are affiliated, to take their business elsewhere.

Sincerely,  
Al LaBrecque, President  
MPWU State Retiree Chapter

## A Critical Year

continued from page 2

an automatic delegate to national conventions. This one will require further consideration to define a job description, and certain to spark debate. But, let’s have that debate! I’ll be further expanding on these proposals in my next R.I. column and welcome input, pro or con. Just keep in mind that they are about REPRESENTATION, which in my view, is a Union’s basic obligation to its members.

SPORTS FANS! Lightning up; How about those Michigan State Spartans?! Big Ten and Rose Bowl

champs! Late Brother, NBA Jerome “Jerry” Martin, must be smiling down from that great Union Hall in the sky for his beloved MSU Spartans. And, the ‘roundball’ Green & White is a contender to go deep in the NCAA tourney. To further jog down MPWU memory lane; how many old-timers remember the famous “Jerry Martin” ballpoint pens? I still have a couple as memorabilia of our treasured MPWU past. Martin, and those who preceded us, are the fabric of this Union that continues to make us . . .

Be Strong!

## The Grand Alliance

by Paul Felton

The future of mail service, I regret  
Is under a rather serious threat  
The source of the problems, you see  
Are Congress and the PMG  
Their plans are guaranteed to fail  
To efficiently handle the mail  
They give us all a song and dance  
That it makes sense to close some plants  
And they just seem to think its fine  
To make the customers wait in line  
And everyone has heard them say  
We don’t need mail on Saturday  
Their plan for mailboxes in a cluster  
Quite simply just does not pass muster  
They would require granny to go  
To the next block in three feet of snow  
Their plan for the future also robs  
Communities of good-paying jobs  
The PO always was a place  
That hires folks of every race  
And to show how ugly this thing gets  
There’ll be less jobs for all our vets  
Their lies we shouldn’t be believin’  
USPS can still break even  
Congress created this big mess  
They don’t care about us, I guess  
What we must do is stand and fight  
And all our forces must unite  
We must break down those barriers  
That divide clerks and carriers  
And those on the dock who handle mail  
Or fix the machines when they fail  
For our fight there are lots of troops  
From Civil Rights leaders to Veterans groups  
And to prevent a mail disaster  
Talk to your rabbi, priest or pastor  
Everyone from the charity donor  
To the hard working business owner  
Can be brought over to our side  
To create a tremendous tide  
To save the service, it’s not too late  
We’ve got to march and demonstrate  
And visit, phone or write some letters  
That Congress needs to do much better  
But that’s not where our struggle ends  
We’ve got to talk to all our friends  
Our neighbors we see in their yards  
Or the people with whom we play cards  
The plan to wreck the postal service  
Should make most everybody nervous  
So all of us should simply go  
And talk to everyone we know  
It really isn’t rocket science  
We’ve got to build a Grand Alliance

# — Tax The Speculators —

by **Jim Hightower**

Some pro football teams have names that symbolize how big, powerful and scary they are. Names like Bears, Panthers, Jaguars, and Lions. But in today's world, names that would be more intimidating would be "Big Oil Frackers," "Middle Class Crushers" or "Wall Street Banksters." Cooperate predators rule today's economic and political jungle. Statistics confirm that they are wreaking havoc on the poor and middle class. Behind those statistics are living, breathing human beings – an entire nation of real people being knocked down and shut out. That's why the approval rating of today's Powers That Be is now (as a friend told me) "two digits lower than poisonous snakes."

Bankers and corporate CEOs are trying to improve their image. Take Lloyd Blankfein – head honcho at Goldman Sachs, making 21 million dollars a year. He presided over the bank's multiple acts of fraud against its own customers, grabbed a taxpayer bailout of 12 billion in 2008, and lobbied furiously against legislation to restrain Wall Street's greed. So last year the Goldman Sachs Foundation became America's fourth largest corporate charity, donating 241 million dollars. Sounds impressive, doesn't it? That's chump change when you consider the company's profits of over seven billion dollars.

It reminds me of the robber baron of old, John D Rockefeller. This billionaire carried a pocketful of dimes with him when he stepped out for a stroll. Occasionally he would stop someone walking by, especially if a child was with them, and dole out a shiny dime. Newsreels would show the richest man in the world handing dimes to children.

But Goldman's slick executives are worse – they are not even donating their own dimes. They are doling out their shareholders' money, which is really our money. You see, Goldman's donations are deducted from the income taxes the bank owes. This money could be used for schools, roads, clean water, and other public essentials.

**Message to Wall Street:** We don't want your charity. We want an end to your destructive greed. We want an honest, restructured, decentralized banking system, focused on the common good. And oh yes, we want our government back.

The powerhouses of Wall Street have mastered the art of backroom deal making in Washington, extracting trillions of dollars in bailouts, tax breaks and special regulations. We need our government to stop shoveling money into the arms of greedy corporations, and we need to re-fund America.

- In the richest country in the history of the world, we ought to have the top public education system, not one of the worst among wealthy countries.

- Forget dismantling Obamacare. Improve it to Medicare-for-all.

- Let's regain technological supremacy, from building the green economy of the future to reaching boldly again into outer space.

- Our priceless system of public parks should be flourishing and expanding, not firing park rangers and locking entry gates.

- Instead of a bleak future of low wage, part time, temporary, no security jobs, let's invest in

full employment, world class skills and technology that works for workers.

- Restore democratic power with public financing of all election campaigns.

- Enact labor law reform so workers themselves can democratize the workplace.

That's an America for the people – a democratic society with genuine opportunity for all and a shared prosperity. Sounds nice, but where are we going to get the money to pay for it? Actually, the answer to that is obvious: get it from where it went.

**Follow Willie Sutton**

Willie Sutton was an outlaw who explained that he

***“We need our government to stop shoveling money into the arms of greedy corporations.”***

robbed banks because “that's where the money is.” Today, bankers are the robbers. Over the past 15 years they've pulled off a mind-boggling heist in broad daylight. They have stolen the bulk of our country's investment money, pilfered billions of dollars from consumers and small borrowers through fraud, snatched billions through taxpayer subsidies and bailouts, and quietly siphoned trillions out of the Federal Reserve.

They even stole Wall Street, which used to have respectable and cautious investment houses. Those financial firms would make capital available to all sorts of enterprises that produce goods or provide services. No more. These firms have been converted into global casinos that churn trillions of dollars through exotic gaming devices with names like “Synthetic Collateralized Debt Obligations.”

These are not investments. They are nothing but bets between the banks that invent the games and the very wealthy gamers who play them. Bets that are riskier, less substantial, and much larger than even Vegas allows. They do not help to create a product or provide a service.

The economic term for this activity is “market froth.” Today's players in this casino are called high frequency traders (HFTs), and they bring a manic, financially destabilizing nature to any stock, commodity, currency or other market they enter. They are not investing. They are rapidly scanning market prices looking for an obscure stock that they think is about to change. They buy a mass of that stock and if the price changes, they instantly sell it and cash in. The price might only change by a fraction of a penny but they bet in such volume that they can make a killing on it and move on to the next target.

These purely speculative financial transactions are done by superfast computers. They are guided by mathematical formulas and they search millions of prices at lightning speed and place the bets automatically. Transaction times are measured in milliseconds. This is a global network of trading robots that never sleep. Their sole purpose is to let wealthy speculators skim quick profits from our markets, and to let them manipulate everything from stock to oil prices. This is socially useless, predatory, dangerous and ridiculous. As one investor put it, “they have all the social utility of a bunch of rats admitted to a granary.”

Yet the rats now rule. HFT is what the market has become. The sheer volume of stock transactions is stratospheric. There are now more than 400 billion buy or sell trades during the year. HFTs account for 70% of that total, and the money they cast into these high speed gambles adds up to trillions of dollars a year.

**An FTT on HFTs**

When I buy a \$3.00 pack of toilet paper here in Austin, I pay an extra 8.25 percent in sales tax. If I buy a cuppa jo, book, bicycle, or blue jeans – same thing. But if high rollers in the HFT game buy \$10 million worth of oil futures, stock, or derivatives –they pay zero tax.

This is wrong. First, it is unjust that even the poorest among us are taxed on their purchases while millionaire Wall Streeters who make high speed computerized purchases skate through this gaping loophole. Second, these

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## Common Sense

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area doesn't apply . . . or does it? What we need is for someone to apply common sense, one time. We need someone to take the “bull by the horns” and make a decision, not only that is fair and equitable, but one that when it is applied to the rule of common sense, actually does make sense. It is my hope, that with the new contract next year, this will be addressed (I know I am writing a resolution for the convention now to address this.)

Which brings me to the second thought of this article . . . the upcoming MPWU State Convention and resolutions. The MPWU State Convention is constitutionally slated to begin at 9:30 a.m. on May 22, 2014 (see the website for all the information); however, resolutions (like to address the issue previously mentioned, and others) need to be submitted not later than April 15th. Previously, there were a LOT of

issues that were “previously adopted” and because of that, the conventions would go quite rapidly; however, with this “new” contract, and the “new” provisions, there are PLENTY of areas now for “tweaking” and change to make it better for the membership as a whole. I, for one, am hoping for a lot of e-Mails (and signed copies in regular mail) to be in my inbox prior to April 15th so I can get the Resolution book together. It is time to take advantage of the timeframe (the contract ends in May 2015) and start putting in the changes now we would like to see . . . it is only Common Sense.

Stay Warm – Spring is only a couple of months away!!! Make sure for your college bound kids that you get your scholarship information in now! Some deadlines for next year have already passed . . . don't miss out on any free money for college for you and/or your kids . . . it is only common sense!

## Veterans' Report



by John  
Smeekens,  
Veterans  
Director

### P. A. 2013 # 161

It was signed by the Governor on November 12, 2013 and was effective, immediately. The new Act, #161, now allows 100% disabled Veterans to file papers at their local assessor's office, where their Homestead is located, to be EXEMPT from property taxes. This new law affects several different categories of 100% disabled Veterans. #1; 100% disabled Veterans that are **100% Scheduled**, #2; 100% disabled Veterans that are **I.U.(individually unemployable)**, and #3; a Veteran who has a certificate from the United States Veterans' Administration, or its successors, certifying that he or she is receiving or has received Pecuniary Assistance due to disability for specially adapted housing. Also, the unmarried spouse of a 100% disabled Veteran, needs to talk to their assessors' office for further information which could possibly affect them. I've been told that this is for 100% **Permanently Disabled Veterans**, and that it is **retroactive** for the 2013 Tax Year. Your assessor's office will have the Form and all other information available for you to present this information to your local **Board of Review**. You must take a copy of your 100% disabled Veteran status from the Department of Veterans Affairs (**you know, the one you get every December**), and take it to your Assessors' office to be verified, and fill out the proper paperwork from that office. Presently, **IT MUST BE DONE EVERY YEAR WHEN YOU GET YOUR NEW UPDATED FORM FROM THE VA!!!**

### Fraud Alert

The Department of Veterans Affairs has issued a fraud alert about a marketing scam that is targeting veterans who misdial the VA National Call Center (800-827-1000) or the GI Bill Call Center (888-442-4551) phone numbers. A marketing company created two phone numbers that differ from the real VA numbers by one digit. If a veteran misdials and calls the wrong number, the answering party will offer a gift card and try to obtain sensitive personal data, to include credit card information. **Please note that the VA will "never" ask for credit card or banking information over the phone.** The two wrong numbers are **800-872-1000** and **888-442-4511**. Please pass this information on to all Veterans, and Veterans Organizations so they are aware of this scam. The bottom line is make sure you know who you are talking to before providing personal information over the phone. The VA has notified law enforcement authorities. For a list of toll-free VA phone numbers, go to the VA's Inquiry Routing & Information System webpage at [https://iris.custhelp.com/app/answers/detail/a\\_id/1703](https://iris.custhelp.com/app/answers/detail/a_id/1703).

com/app/answers/detail/a\_id/1703.

### SBA-Free Loans

The U.S. Small Business Administration has announced a new zero-upfront-fee loan program designed to help more veterans start or expand businesses. Starting January 1, veterans taking out SBA loans of up to \$350,000 will pay no upfront fee until the end of the fiscal year. Loans between \$150,000 and \$350,000 typically require upfront payments anywhere between 2.25% and 4.75%. Fees for SBA loans of less than \$150,000 are currently set to zero.

### New TBI Benefits

Some Veterans with traumatic brain injury (TBI) who are diagnosed with any of five other ailments will have an easier path to receive additional disability pay under new regulations developed by the Department of Veterans Affairs. The new regulation impacts some *Veterans living with TBI who also have Parkinson's disease, certain types of dementia, depression, unprovoked seizures or certain diseases of the hypothalamus and pituitary glands.* This regulation stems from a report of the National Academy of Sciences, Institute of Medicine (IOM) regarding the association between TBI and the five diagnosable illnesses. The IOM report, *Gulf War and Health, Volume 7: Long-Term Consequences of Traumatic Brain Injury*, found "sufficient evidence" to link moderate or severe levels of TBI with the five ailments. The new regulations say that if certain Veterans with service-connected TBI also have one of the five illnesses, then the second illness will also be considered as service connected for the calculation of VA disability compensation. Eligibility for expanded benefits will

depend upon the severity of the TBI and the time between the injury causing the TBI and the onset of the second illness. However, Veterans can still file a claim to establish direct service-connection for these ailments even if they do not meet the time and severity standards in the new regulation. Veterans who have questions or who wish to file new disability claims may use the eBenefits website, available at [www.eBenefits.va.gov/ebenefits](http://www.eBenefits.va.gov/ebenefits).

### Commissary Closures

If you are eligible to use the Commissary, please read this carefully and act upon it now!

The Defense Department is now examining the potential closure of its 178 stateside commissaries in an ongoing effort to further reduce overall operating expenses. In an effort to measure customer feedback, the independent Military Times news organization is asking service members, retirees and their families to participate in a brief survey about this potential change to a significant military quality of life benefit. Share your views at the Military Times Commissary Survey 2013 by going to: <http://www.keysurvey.com/f/572176/102cb3a2dea5ed65/>. If you have trouble accessing the link, reply to [survey@militarytimes.com](mailto:survey@militarytimes.com) and a new link with login password will be sent (which is necessary for some DOD users). Participation is voluntary and all responses will be kept completely confidential. Also contact the President and your local National Politicians' and tell them to leave the Commissaries alone.

### PTSD: Get Help

A study in the journal, Biological Psychiatry, found that patients with post-

traumatic stress disorder had higher rates of myocardial ischemia in treadmill tests. Researchers evaluated 663 outpatients from two Veterans Affairs Medical Centers and found evidence of myocardial ischemia in 17% of patients with PTSD symptoms compared with 10% of those without. "Discussing how PTSD can have a harmful impact on physical health may provide additional encouragement for patients to seek treatment," the study authors wrote.

### My HEALTHeVET

In recognition of the 10th anniversary of its award-winning Personal Health Record, My HealtheVet ([www.myhealth.va.gov](http://www.myhealth.va.gov)), the Department of Veterans Affairs is urging all Veterans and Servicemembers to join the millions already accessing VA health care information and services online. VA is marking this milestone by spreading the word about the benefits of My HealtheVet Personal Health Record, such as VA prescription refill, VA notes, VA Blue Button and secure messaging with VA health care providers. My HealtheVet is VA's award-winning website that offers Veterans secure access to portions of information in their VA health care records anywhere and anytime. In addition to allowing Veterans access to their records, My HealtheVet lets them save, print and share their health information using the VA Blue Button, refill VA prescriptions online and track their health activities. Veterans who upgrade their accounts, free of charge, can use secure messaging to communicate electronically with their VA health care teams between visits. They can also view VA appointments, get VA Wellness Reminders, access VA lab results and more.

## — Tax The Speculators —

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reckless speculators wrecked the country's economy. They have never paid for the mess they made for so many millions of families who lost jobs, homes, income and hope. Third, plugging this loophole will generate the money America needs to do what needs to be done.

A Financial Transaction Tax (FTT) is not an idea whose time has come, but simply returned. From 1914 to 1966 our country taxed all sales and transfers of stock. Today, 40 countries have FTTs including the seven with the fastest growing stock exchanges in the world.

This is not a plan to soak the rich. Nobody is asking the Wall Street crowd to pay 6, 8, or 12 percent like most people pay in sales tax. The main proposal gaining support in America calls for a 0.5 percent assessment on stock transac-

tions. That's 50 cents on a \$100 stock buy, compared to the \$8.25 I would pay on a \$100 bicycle. Even at this minuscule rate, the huge volume of high speed trades means an FTT would net over \$300 billion a year for our public treasury. This tax would not harm the vast majority of people. Ordinary folks who are in the market, including those in mutual and pension funds, only do trades every few months or years. They do not trade daily, hourly, or by the second like these speculators do.

An FTT is a way to get a substantial chunk of our money back from high finance thieves. The idea is blessed with support, from Bill Gates to Occupy Wall Street to the Vatican. It has been embraced by dozens of major economists. But this fight will be won at the grassroots level. A major push is underway under the banner of the "Robin Hood

Tax," led by National Nurses United, National People's Action, and some 150 other organizations.

This campaign offers a remarkable democratic opening. It widens the debate. It challenges the notion that America is broke and we have to cut back on government services to the people. It says, "Look under that rock. There's the money we need to invest in people."

A tax on speculators can deliver tangible benefits – things that people need but Wall Street says we cannot afford. Things like the infrastructure, Social Security, education and good jobs. It can also deliver intangible benefits, such as fairness, social cohesion and equal opportunity. It is an idea whose time has come – again!

— reprinted from the  
*Hightower Lowdown*



by Linda Turney, National Business Agent

# Turney at the Table

## Emergency Placement

When you read, you empower yourself.

When you write, you influence others.

It seems to happen in every Union steward's life. A coworker loses it and has a meltdown on the workroom floor. He or she gives the finger to the boss or throws the cage keys at the supervisor as they slam the hamper into the cage. Perhaps they use their ink pen as though it is a knife, stabbing at the air in the direction of another worker. Or, an employee comes into the facility smelling of liquor and slurring their words.

### Article 16.7 Emergency Procedure

An employee may be immediately placed on an off-duty status without pay by the Employer, but remain on the rolls where the allegation involves intoxication (use of drugs or alcohol), pilferage, or failure to observe safety rules and regulations, or in cases where retaining the employee on duty

may result in damage to U.S. Postal Service property, loss of mail or funds, or where the employee may be injurious to self or others. The employee shall remain on the rolls (non-pay status) until disposition of the case has been had. If it is proposed to suspend such an employee for more than thirty (30) days or discharge the employee, the emergency action taken under this Section may be made the subject of a separate grievance.

Arbitrator Mittenthal established the factors for emergency placement procedures. It is regarded as a disciplinary action and must be supported by just cause. Management's burden of proof to establish just cause is a lesser burden than other sections of Article 16. Advanced written notice for an emergency placement is not a requirement. Notice of the charges against an employee within a reasonable period of time following the date of displacement is required.

The Language can be broken down into three items,

1. Immediate
2. Allegation of misconduct.
3. Notice

The action taken by management must be immediate. If the Grievant made a threatening remark and management allowed him or her to continue to work and then the next day puts the employee off work, that is a violation. A good argument can be made that there was no emergency.

Article 16.7 should not be used for less serious forms of misconduct such as insubordination or gestures. If an employee is loud or in a heated discussion, management cannot construe that as a threat to physical harm. The Union must apply the situation and the fact circumstances that have occurred. If an employee smells like liquor and a bottle of beer is found in the locker, an allegation exists. The Union would have a difficult time overcoming this unless there is another argument that applies to the situation.

An allegation is an assertion by management as to what they may expect to prove. While management may put an employee off on an allegation, they must provide the employee with a description of the underlying facts or circumstances on which the emergency placement is based. If management does not provide the specifics to the employee within a reasonable time frame, we could make a successful argument based on notice.

Reasonable time frame is subject to interpretation. The Union can argue that a delay in acting upon an alleged misconduct causes two problems: 1. Passage of time makes it difficult for

people to remember and respond to the misconduct; this is a due process argument; and 2. Delayed action raises doubt as to the seriousness of the offense. We have been successful in making these arguments.

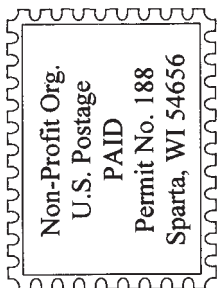
### Weather

As I write this, we are getting lots of bad weather. Tonight we are expecting more snow and tomorrow below zero. Schools are closed again. This generates lots of questions about ACT OF GOD.

We must prove the disaster is GENERAL in nature and NOT PERSONAL. It had to prevent GROUPS of employees from reporting to work. Have employees note on the 3971s that they attempted to get to work and could not due to the storm. Get copies of the 3971s from the whole class of those who were prevented from getting to work due to the storm. Show how many employees were not able to come to work. Include witness statements as to why they could not get to work. When did the storm hit? How long was it? Who was affected by it and for how long?

We must prove it is a "community disaster" such as a storm, flood or fire. Get TV videos, newspaper clippings, internet reports as to the effect on the community. Postmasters or USPS officials determine whether the absence was due to an ACT OF GOD, therefore the Union has the burden of proof. Employees on annual leave sick leave or LWOP at the time of the Act of God usually will remain in that status and are not entitled to administrative leave.

Stay warm and safe. I look forward to seeing you when weather breaks.



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



## Area 10 Director

by Ron Brown, Area 10 Director

# Brief Notes

I would like to send condolences to John Marcotte on the passing of his Father and to Tom Lothamer on the passing of his Wife. I'm sure I speak for all of the Traverse City Area Local members when I say our thoughts and prayers are with you both.

Its election time again here in Traverse City. Nominations were held at our January meeting. Ballots should have already been sent out by

the time you read this. If you did not get a ballot, please contact the Election Committee and request one.

The address is:  
Traverse City Area Local  
c/o Election Committee  
PO Box 142  
Traverse City MI 49685-0142

I encourage all members to vote. It's your right; don't let it be taken from you. Good luck to all the candidates.

Yours in Solidarity.