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Michigan Postal Workers Union 24th Biennial Constitutional, Retiree, & Auxiliary Convention May 22 - 24, 2014

Mission Point Resort - Mackinac Island, Michigan

The 24th Biennial Convention of the Michigan Postal Workers Union will convene on May 22, 2014 at 9:30 a.m. at the Mission Point Resort on Mackinac Island, Michigan and will adjourn at the conclusion of business on May 24, 2014.

CONVENTION CALL

Costs:

Hotel: \$87 - \$147.00 (plus 18% taxes (an additional \$6.00 per stay will be added to the rooms for luggage transfer from the docks))

Ferry Service: \$18.00 per delegate for Round Trip transportation from Mackinaw City.

Registration: \$75.00 per delegate

→ Resolutions need to be submitted to and received by Executive Secretary Michael Long by April 15, 2014. Resolutions need to be signed by both the President and Secretary of the local submitting (hard copy) along with a copy on digital media (e.g. Flash Drive or e-mail). A template for resolutions is available on the website.

→ A list of all delegates attending the convention need to be submitted by April 15, 2014.

Article 7 of the MPWU Constitution states: "Time of the Convention and Election of Officers"

Section 1. The Michigan Postal Workers Union, AFL-CIO shall convene the same year as the National Convention of the American Postal Workers Union, AFL-CIO, on any Thursday, Friday, and Saturday in April or May. In any week except that which precedes Good Friday, Easter Sunday, Mothers Day, or Memorial Day.

Section 2. It shall be the sole responsibility of the State Union to plan and expedite the proceedings of the Convention, including suitable and ample accommodations for delegates. It shall further be the responsibility of the State President to appoint two (2) members of the Michigan Postal Workers Union, AFL-CIO, and the President of the State Convention Committee to work with any Local who represents the Convention location as voted

under Article 7, Section 5. The financial responsibility of the State Convention shall be solely that of the Michigan Postal Workers Union, AFL-CIO.

Section 3. The Convention shall convene at 9:30 a.m. on the first day and recess at 11:30 a.m., immediately after the committee assignments and reconvene at 3:00 p.m. This time is to be utilized for official use by the committees. The Convention shall remain in session until completed.

Section 4. Nominations for all candidates for all elected offices of the MPWU shall be the last order of business on Friday of the Convention. A member, in good standing not at the Convention, can provide a written nomination for themselves for any elected office of the MPWU, which will serve as their acceptance. All written nominations must be received by the MPWU Executive Secretary via US Mail, faxed, or hand delivered, by the close of nominations for the elective office of the MPWU Convention.

No candidate shall be allowed to run for more than one (1) office, except a person running for a Craft Director position, may run also for Area Director of his/her area. Any nominee must accept or decline a nomination for office, prior to the closing of nominations for that office.

Convention Delegates, as well as the Convention City, shall take place in conjunction with Executive Board/Officers nominations.

Saturday, from 10:00 a.m. until 1:00 p.m., shall be reserved exclusively for the purpose of caucuses.

Section 5. The election of Officers will take place at 1:00 p.m. on Saturday of the Convention. President, Secretary-Treasurer, Executive Secretary, Director of Education, Human Relations/Compensation Director, Legislative Director, Editor, Three(3) Craft Directors, Area Directors, Veterans Director, Convention Delegates, plus Convention City, will be

elected at this time, by secret ballot.

Section 6. [A]. The three (3) Craft Directors shall be elected by secret ballot in accordance with Section 5 above, but Craft Directors shall be elected from delegates from their Craft only.

[B]. Area Directors shall be elected by secret ballot from delegates, present from their Area only. If a Craft or Area Director is not represented by at least one delegate to the Convention, or if there are no candidates from a specific Craft or Area, for the position of Craft or Area Director, then the President shall appoint a member of that Craft or Area to that position, with the advise and consent of a majority of the Executive Board.

[C]. If after three (3) ballots have been cast, a tie exists, a toss of a coin will break the tie.

Section 7. All terms of office shall

be from the date of the certification by Election Committee, until the conclusions of elections, at the next scheduled MPWU State Convention.

Section 8. Any retired member, who is paying full dues to their Local Union, may hold office in this Union. Any retired member who retires from State Office, can at the discretion of the President, be used in an advisory capacity.

In addition, Article 9 (Representation), Section 1, states: Each Local Union or Area local affiliated with the MPWU shall be entitled to representation in the State Convention on the following basis: All locals shall receive one delegate for each twenty (20) members or any portion thereof. To be computed on the basis of the previous twenty-four (24) month's average paid membership. In addition, no Local may pay more than three (3) months back dues at one time, prior to the State Convention.



MPWU President Jesus Gonzales at AFL-CIO rally in support of Mark Schauer for governor. See page 4.



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2014 Michigan State Retiree Chapter 7th Biennial Constitutional Convention

Friday, May 23, 2014

Mission Point Resort, Mackinac Island, MI 49757

MPWU STATE RETIREE CHAPTER CONVENTION CALL:

The 7th Biennial Constitutional Convention of the State Retiree Chapter, Michigan Postal Workers Union, AFL-CIO, will convene on Friday, May 23, 2014 at 9:30 am. at the Mission Point Resort, Mackinac Island, MI, in conjunction with the 24th Biennial Constitutional Convention of the Michigan Postal Workers Union, AFL-CIO. If business is not completed by adjournment on Friday, Convention will reconvene on Saturday. Time to be determined.

Registration. Thursday, May 22nd 8:00 a.m.-5:00 p.m. Friday, May 23rd 8:00 a.m.-10:00 a.m. (May be early registration on Wed., May 21st p.m.)

Registration Fee: \$75.00 Per Person. Checks payable to MPWU at time of registration, or mailed in advance to: MPWU Sec.-Treas.; P.O. Box 1124; Flint, MI 48501. (The MPWU is currently planning to provide lunch on Thursday and Friday for all registered delegates and registered guests. All other meals will be at the delegate's own expense). State Chapter [-Board officer's registration fees will be included in expenses.

Hotel Reservations: Mission Point Resort, Mackinac Island, MI 49757. Phone: 1-800-833-7711. Be sure to tell reservations that you are with the Michigan Postal Workers Union to receive the negotiated rate. Room Rates (vary) \$87. - \$107. Double occupancy. Subject to State 6% & Mackinac Is. 2% tax + 10% hotel levy. (Description of room view options & rates on MPWU.com website).

Ferry Shuttle to Island: Company & Rates being negotiated by MPWU to be announced. (Check on MPWU.com website for updates). Horse Taxi: \$4.75 per person dock to hotel. (\$6 charge round trip for luggage cart).

Meals: Some meals included in registration fee. Otherwise, all other meals will be at the delegate's own expense. Hospitality: Will be on Wednesday, Thursday, and Friday nights in Johnson Hall. Chapter's hospitality donations are encouraged and checks made payable to MPWU.

Resolutions: Final submission of any resolutions intended to be considered by the delegates to the State Retiree Chapter Convention must be submitted to the Trustees no later than 12 Noon, May 23, 2014. Resolutions intended to be submitted to the MPWU State Convention for consideration by the MPWU delegates, must be submitted to, and received by the MPWU Executive-Secretary by April 15th. Resolutions to be in Resolutions Book send by e-mail to MPWU Exec.-Sec. by April 15th. A copy signed by the Chapter President & Sec.-Treas. must also be sent via U.S. mail by April 15th.

Delegates: Article 10. MPWU State Retiree Chapter Constitution states; "The voting strength of member Local Retiree Chapters at Convention shall be one (1) vote for every twenty (20) members, or fraction thereof. Representation shall be based upon the membership of each member Local Retiree Chapter in the year preceding the Convention. Members-At-Large shall be entitled to one (1) vote each. Each MPWU State Retiree Chapter officer holding an elective office shall have a voice and one (1) vote and shall be a delegate to the MPWU State Retiree Chapter Convention." (Note: Local Chapter & State Chapter membership totals to determine voting strength will be verified from the latest dues rebate membership lists).

Nomination & Election of Officers: Article 6. "Elections". "All regular elections shall be held in conjunction with the election of officers of the Michigan Postal Workers Union, AFL-

CIO. Officers shall be elected by secret ballot vote. Notice of election shall be advertised in the "Michigan Messenger" at least thirty (30) days preceding the election. Nominations and elections procedures shall be in accordance with the MPWU Constitution. Appeals to the conduct of elections shall be in accordance with the elections appeals procedures of the MPWU Constitution".

Article 5. Officers.

Section 1. "The elected officers of this state Chapter shall be: President, Vice-President, Secretary-Treasurer and up to three (3) Trustees.

Section 2. "To be eligible for office, a member must be in good standing for (the) three (3) months immediately preceding the election, as certified by the Secretary-Treasurer."

Section 3. "To be eligible to vote in an election of officers, a member must be in good standing for the three (3) months immediately preceding the election, as certified by the Chapter Secretary-Treasurer.

Nominations for State Chapter officers will be the last order of business prior to lunch recess on Friday, May 23rd Elections of State Retiree Chapter officers will be conducted at 3:00 p.m., Friday, May 23rd Election results will be announced prior to adjournment on Friday, May 23rd

Credentials: Credential cards will be issued to MPWU State Retiree Chapter Executive Board officers. Credential cards for Local Retiree Chapter delegates and M.A.L. delegates may be obtained from: Al LaBrecque, 3550 Wilson St.; Spruce, MI 48762, phone 989-736-8173, e-mail allabsisna.com. Local Retiree Chapter credential cards are to be completed showing both the name of the delegate and Local Chapter represented. Credentials must be typed or printed and signed by the Local Retiree Chapter President and Secretary, or Secretary-Treasurer. **Green cards** should be furnished to the delegates for exchange with the Credentials Committee at Mackinac Island when registering. Return the **blue card** at once to: MPWU, Sec.-Treas., Darren Joyce; P.O. Box 1124; Flint, MI 48501 no later than April 15th.

Featured State Chapter Convention Guest Speaker: APWU Retirees' Department Director, Judy Beard.

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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	

The MICHIGAN MESSENGER is published six times yearly, and is the official publication of the Michigan Postal Workers Union, American Postal Workers Union, AFL-CIO, also affiliated with the APWU Postal Press Association.

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.

Turney at the Table



by Linda
Turney,
National
Business Agent

Weingarten Rights

When you read, you empower yourself.

When you write, you influence others.

A Union Steward called last week and said she was at an investigatory interview and the member did not want her present. That member needed some serious education. When a member is called into the office, the Union Steward is there to prevent a manager from coercing a confession to alleged wrongdoing. An experienced manager who has been trained in interrogation techniques loves to bring employees into an investigatory interview without a Union Steward present. That is why we must educate our members that they should use their right to request their best friend, the Union Steward, to assist them during investigative interviews.

Weingarten rights were established in a 1975 Supreme Court decision. It applies to investigatory interviews that occur when management questions a member to obtain information and the member believes that discipline could be issued as a result of the meeting. The Supreme Court decision mandated that the following rules apply to investigatory interviews:

1. You can request union representation before or at any time during the interview.

2. When you ask for a Union steward the boss has 3 options: (a) grant the request and wait for the steward to arrive (b) deny the request and end the interview immediately (c) give you the choice of having the interview without representation or end the interview.

If the boss denies your request for the Union Steward and continues the meeting, you can and should refuse to answer questions. Union leaders must educate our members not to continue without their Union Steward.

When the Union Steward arrives, the boss must inform her of the type of misconduct being investigated. The Union Steward must be allowed a private meeting with you before questioning. The Union Steward can actively participate in the meeting, but cannot end it. The steward can object to some questions and ask for questions to be clarified so that you understand what is being asked. The Steward can advise you not to answer questions that are misleading, abusive or harassing. When questioning ends, the Union Steward can provide information to justify your conduct. The Union Steward may advise you to not write a statement immediately.

If a Union steward finds out that you are being interrogated, the Steward can ask to go to the meeting and has a right to insist on being at the meeting. You have the right to indicate whether or not you desire the steward to be present. Our members need to know that they should not go it alone. It surprises me to think that you would want to face an interview alone. Everyone needs their best friend, the Union Steward, to be there for them.

The Union Steward serves as witness and can raise extenuating factors. The Steward can assist in keeping everyone cool and calm in a stressful situation. The Union Steward advises you against denying everything and helps you to avoid making fatal admissions.

While Union Stewards sometimes have conflicts with members, the Union Steward is always the best of friends during the investigatory interview. The member owes much to the Union Steward and should call on their expertise in time of need. The Union Steward plays a vital role in the life of a member.

Calling all you members, go give your Union Steward a big thank you for volunteering their time and efforts to our Union. It is a tough job. You might even want to give them a big HUG.

NATIONAL AWARD FROM ARBITRATOR NOLAN Q06N 4QC 12114440

Which of the two agreements, NALC or APWU, controls the definition of full time employee for purpose of cross craft excessing?

On February 16, 2013, Arbitrator Nolan issued an award that was a matter between the USPS, the NALC, the APWU and the NPMHU. The dispute was filed by the NALC in 2011 concerning excessing of APWU NTFT clerks into the carrier craft. The APWU and NPMHU intervened.

Originally the issue was described broadly, however, the NALC narrowed the issue by clarifying that the NALC was not looking for a statement that ALL NTFT employees are ineligible for excessing into the carrier craft, but that it depends on whether or not a particular NTFT, one who works less than 40 hours, meets the criteria to be excessed into a FULL TIME carrier position.

The APWU's argument relied on our NTFT MOU that defines NTFT as full time even if they hold a job that is less than 40 hour per week. APWU argued

a prohibition of excessing NTFTs may lead to lay-offs. APWU referred to the Das award where Das commented that the full time category "no longer is confined to employees assigned to traditional schedules as defined in Article 7."

The NPMHU agreed with NALC in that the USPS may not excess a NTFT clerk craft employee working less than 40 hours a week to a full time carrier. They argued that full time under the NALC and the NPMHU agreement should not be based on the APWU contract.

The USPS argued with the NALC's point that the USPS may not excess a NTFT clerk who is working full time with less than 40 hours a week, because the losing craft's contract, in this case APWU, should be the controlling contract in excessing situations. Secondly, there will rarely be any effect on part-time or non-career employees when a NTFT is excessed.

This problem arises because the USPS negotiates with different Unions whose contracts contain different definitions. When the provisions in one contract affect employees in a different bargaining unit, the Union of those employees has a legitimate objection. If the USPS negotiates conflicting agreements, it is stuck with the results. It is

a problem created by the USPS. The USPS is arguing they can change the terms of another Union's contract in negotiations with the first Union where the second union did not participate. "No rationalization could make that just. Place the shoe on the other union's feet, and each would take the opposite side." The USPS painted itself into a corner. If the USPS had not negotiated the NTFT MOU with the APWU, or if the USPS had not tried to apply it in this fashion, there would have been no grievance.

The result of the award is that in dealing with cross craft assignments, the gaining bargaining unit's contract must control. This means that NTFTs with less than 40 hours a week cannot be excessed into the carrier or mail handler craft. In order for us to create a Grand Alliance, issues such as these need to be addressed with the sister Unions prior to contract negotiations. It does not do allies any good to be arguing and pitted against each other due to contract language. We all want our members to retain USPS employment.

This may be another nail into the NTFT MOU coffin. It will require the USPS to convert NTFTs to traditional full time positions prior to excessing them into another craft. This creates one more reason to do away with NTFT jobs in our next contract.

2014 Michigan State Retiree Chapter 7th Biennial Constitutional Convention

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**MPWU State Union Convention
General Session: Thurs., May 22nd
9:30 a.m.** APWU national officers. Invited candidates: 1st Congressional District, Jerry Cannon (D); U.S. Senate, Gary Peters (D); Governor, Mark Schauer (D); & Michigan State AFL-CIO President, Karla Swift.

Retiree delegates & guests encouraged to attend.

If there are any further questions, concerns, or need for more information, please contact State Retiree Chapter President, Al LaBrecque.

Solidarity!





by Paul Felton,
Editor

Editor's Report

Staples, Schauer And Minimum Wage

Three critical battles. Let's start with Staples, as that directly impacts postal jobs. Imagine every Staples store in the country has a little post office inside. Staffed by low-wage, non-union Staples employees who know more about office supplies than they do about postal rules and regs. Imagine postal management then goes to another retail giant to form a similar "partnership." Imagine your neighborhood post office disappears. This is the plan. Management's plan. We need to mobilize to stop it.

April 24 is a Day of Action. Everyone who reads this article should be out there picketing. If there's no Staples store near you, picket the nearest post office.

Good news. The NALC and the Mail Handlers Union are supporting the stop staples campaign on their national web sites. Give credit to our national leadership for taking a different approach to our sister unions. Oh we'll still file grievances to protect our work where appropriate, but we won't let that get in the way of seeing the bigger picture. All of the postal unions are under attack from Congress and from management. We need to stick together. And we need allies from the labor movement and the community.

After all, this affects everyone's mail service.

I was standing in line at a post office, waiting to buy some stamps. A customer wanted to mail a package. The window clerk told her it would cost \$27 to mail it in the box she presented at the window. The clerk then went in search of a smaller box, starting in the back, then going out into the lobby. The window clerk saved the customer about \$13. Do you think a Staples employee would give the customer that kind of service?

The post office provides jobs at good wages for people in every community in America. In the big cities and the small towns. This pumps money into the local economy. It helps your municipal tax base. These jobs are under attack. It is part of the drive to bust all unions. It is part of the drive to enrich the wealthiest one percent at the expense of the rest of us.

The attack on unions is led by the Republican Party. On March 19th the labor movement did something about it.

Michigan Needs a Schauer

In downtown Detroit, the Michigan AFL-CIO, along with the Metro Detroit AFL-CIO, held a rally to announce our endorsement of Mark Schauer for governor. Before Schauer went to the

podium, a number of rank-and-file workers spoke about different aspects of the Republican Party's attack on ordinary people over the last four years. One of those speakers was an APWU retiree from the Detroit Local, Regina Favors. Her emotional message about the impact of the Republican tax on pensions was well-received by the standing room only crowd. Other APWU members in attendance included MPWU State President Jesus Gonzales (who came down from Lansing), MPWU Clerk Craft Director Steve Wood, 480-481 Area Local Secretary-Treasurer (and retirement expert) Joe Gordon, and I was there with my camera.

I still remember that bitterly cold day in December 2012, when a massive crowd of union supporters were frozen out of the locked Capital Building in Lansing, while the Republicans railroaded a "right-to-work" (I call it "freedom to freeload") bill through the State Legislature. Mark Schauer was right there with us and he got pepper sprayed that day. There couldn't be a sharper contrast between the two candidates for governor. Remember, the Republicans made a mess out of our state, Michigan needs a Schauer.

Minimum Wage

Imagine working full-time and being unable to feed your family, because you

earn \$7.40 an hour. That's the minimum wage in Michigan. If you're a waiter or waitress, the minimum is just \$2.65. That's going to change. Or at least, there's a movement to change it. As I write these words, signatures are being gathered to put a measure on the ballot in November to raise the minimum wage to \$10.10 (in several stages) for everyone. And this measure includes a COLA so we shouldn't have to keep on revisiting the issue.

The Metro Detroit AFL-CIO endorsed this campaign and the vote was unanimous. We should all support it. It is the right thing to do; we should care about those hard-working folks who don't get the kind of pay they deserve. Over 390,000 children in Michigan have a parent who would get a raise if this measure passes.

Not only is this morally right, but it is in our self-interest as postal workers. Why? Because it will pump money into the economy, which will create more business for the post office. And the higher the minimum wage goes, the less desirable contracting looks to postal management.

Like I said at the beginning of this article, these are three critical battles. Since I'm retired, I can devote some time to each of these battles. If you're reading this article, I challenge you to get involved in at least one.



by Michael A. Long,
Executive Secretary

Executive Secretary's Report

Grievances

I am going to file a grievance against you! How often do you hear these words? Or do you speak them yourself? If you do, STOP; or if you hear others, tell them to stop as well. You don't file a grievance against

another employee, or one is not filed against you. Grievances are filed against management, for something they told you to do. Did you do work that another craft is the primary craft for because your boss told you? Did you see someone doing your work that doesn't work in that section or on

overtime? 99% of the time, it wasn't their idea to do the work; it was management telling them to do it.

Article 15 states: "A grievance is defined as a dispute, difference, disagreement or complaint between the parties related to wages, hours, and conditions of employment. A grievance shall include, but is not limited to, the complaint of an employee or of the Union which involves the interpretation, application of, or compliance with the provisions of this Agreement or any local Memorandum of Understanding not in conflict with this Agreement . . ." Nowhere does it state that the grievance is against another employee, because an employee doesn't have the power to inflict or change your "wages, hours, and conditions of employment," management does.

So the next time you hear someone come up to you and say . . . I am going

to file against you! Just look at them, smile, and give them your name and tell them to spell it correctly, management will more than likely deny it anyways.

Convention

In this edition of the Michigan Messenger is the Convention Call for the upcoming convention – May 22 – 24, 2014 at Mission Point on Mackinac Island. Make plans to attend. Continue to check the website for updates and more information. Deadlines are April 15th to have your resolutions and convention delegate cards in.

PTF/PSE Conversions

Those who know me, know I usually don't bring up settlements in my columns. However, the new PSE conversion agreement is finally a breath of fresh air. If you haven't had the opportunity to read it, go to the apwu.org and look at it. There is finally a pecking order to get converted.



Detroit Local retiree Regina Favors speaking about Snyder's tax on pensions.



by Robin
Ely,
Area 3
Director

It sure has been one long winter. Hopefully spring will soon be in the air and start warming things up.

Congratulations to all the APWU members that have been able to retire. Good luck in your future adventures. While the clerks you left behind are having to struggle to have management expect them to absorb the work load. When will the Postal Service start hiring career employees to replace all the vacated positions? There are many jobs behind the scenes that are not being performed, so we're not giving the customers the service they are paying for. How many certified letters are not getting second notices done in a timely manner? Or certified letters being re-

turned to the sender without the second notice being written up and put in the customer's mail box for them to get a second chance to pick it up? UBBM mail will pile up at the carriers cases then mysteriously disappear. How much first class mail is slipping through and ending up in the UBBM containers? We clerks must stick together and start questioning management about the jobs that are not being performed. How many clerks have been pressured into scanning the first class up scan before the first class mail is sorted? Or the PO Box clerk pressured into making the PO Box up scan before all first class mail is put into the customers PO Boxes. Do not make the scans if the mail is not processed – that is considered fraud. You can lose your job for scanning the scan while still having first class mail needing to

be processed. Also if the first class PO Box mail is not in the PO Boxes do not falsify the scan. Contact your union president to let him/her know that you are being bullied into making the scan early.

It is amazing when the person from OPTs appear and then management is running around the office trying to get things in order. They almost hold their breath hoping that the person checking will not notice the certified letters are outdated, first class is still in the miss throw case, UBBM piled at the cases and the mailed curtailed has the correct tags on it. While the clerks are praying that they will notice and question management why the work is not done.

The Postal Service needs to realize

that in order for the work to get done we need more clerks and vacation jobs filled.

We have a lot of hard work ahead of us to get the Post Office back to where it used to be years ago. Customers Service . . . Happy customers will keep us in business. Be nice to the customers when they need help mailing their packages and explaining the extra services they can add to the transaction.

Any small office in the 481 zip code that does not have a steward, feel free to contact me if you have any issues or concerns. I will make an appointment to come out and meet with you to get things corrected.

Solidarity for all.

USPS 'Staples' Collective Bargaining

by Bob Dyer,
Seattle Area Local

The USPS decision to outsource work by offering postal services in Staples is the most outrageous move since Remote Encoding sites were opened in Mexico years ago – shipping union jobs out of the country and trying to bust the unions. It is a disgrace and a tragedy to sell the US Postal Service to the lowest bidder, gut the sanctity of the mail, and eliminate good paying jobs from an already suffering American economy.

What is their excuse? According to USPS spokesperson Melissa Lohnes, "The concept of this new retail partnership is a direct response to the changing expectations of customers who demand greater convenience."

If management was truly interested in meeting the "expectations of customers who demand greater convenience," they would not be eliminating Post Offices all over the country while understaffing the ones that remain. Postal management is totally responsible for any inconvenience that is driving the demand they claim to be trying to address.

The American public should demand a halt to this anti-worker, anti-union activity. They should demand that management reopen the closed offices to meet the demand of the American public – the ones who own the US Postal Service.

Unions Unite

Postal unions have gone on record

stating adamant opposition to any efforts to replace decent postal jobs with non-union, low-wage, non-postal workers who have no accountability for the safety and security of the mail.

Pickets protesting the USPS/Staples unholy alliance – euphemistically referred to as part of the USPS Partner Expansion Program – are taking place all over the country, as union postal representatives unite to take their message to the American public, and also to confront management at the large retail chain.

The Retail Partner Expansion Program is not good for the Postal Service. It will bring about the closure of even

more Post Offices. There is no sanctity of the mail with non-government workers staffing counters in a retail chain already swimming in legal problems. Is the mail even safe in such a place?

The Sleaze Factor

In 2010 Staples paid \$42 million to settle class action lawsuits involving intentionally avoiding paying overtime wages to employees. In 2007 Staples paid \$38 million settling a similar lawsuit. The unscrupulous nature of being connected to a business associated with such controversy cannot be overlooked – but this is just the tip of the iceberg.

Staples was originally backed in 1986 by the Bain Capital equity firm – co-

founded by Mitt Romney who served on the Board of Directors for over a decade. Major controversy followed Bain during the Presidential election due to numerous news stories revealing its investment in companies that outsourced jobs. *Rolling Stone* magazine stated Bain had "staged an epic wealth grab, destroyed jobs – and stuck others with the bill."

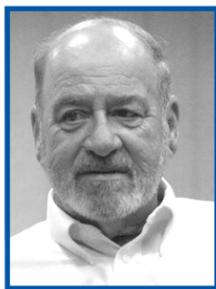
Why would American citizens want the Postal Service to enter into an unholy alliance with the likes of this? There can be little doubt that USPS management has sold out to privatization at any cost, and would do business with the devil to accomplish this goal.

— reprinted from the *Evergreen State Postal Worker*



A packed hall at the AFL-CIO rally.

Retiree Involvement



by Al
LaBrecque,
Retiree's Chapter
President

The State Convention

"May you have the hindsight to know where you've been, the foresight to know where you are going, and the insight to know when you have gone too far".

— Irish Proverb

Here we go! Convention season! MPWU State and APWU National Conventions; the Union's highest governing bodies. Delegates will determine the Union's direction for the next 2 years and beyond. The heart and soul of constitutional conventions are resolutions. From all indications; Locals will be addressing hot-button issues raised in the 2010-2015 APWU-USPS contract with negotiations looming around the corner. Those resolutions only require a simple majority vote to adopt, providing a "wish list" to be bargaining proposals. I expect both State and National Conventions to be dominated by those volatile issues.

Constitutional Amendments: Resolutions to amend (change) State and National Union's governing documents, the Constitution & By-Laws, require a two-thirds majority to adopt. That's where this State Retiree Chapter comes in. Retiree Chapter resolutions MUST be submitted through either a Local or State Union. Three retiree related proposals to amend the APWU Constitution that must first stand the test of MPWU Convention consideration will be: 1)-To establish a Retirees' Dept. RETIREMENT TECHNICIAN, an appointed position. 2)-To re-designate the APWU Retirees' "Department", as the APWU Retirees' "Division". 3)-To re-designate the elected National Retiree Delegate position as "Regional Retiree Representative". These proposals all go to representation, which in my estimation, is the primary function of Unions, and to structure the Retirees' Dept. to represent the best interests of our 42,000 (and growing) membership.

The "problem" is; active member delegates, except for only the 5 elected

National Retiree Delegates in National Convention, will be voting on our retiree proposals, and it's our job to educate our active Sisters and Brothers of the necessity to structure the Retirees' Dept. as being in retiree member's and their own future best interests. But first, it isn't a given that these resolutions will be automatically supported by the MPWU Convention delegates. Again, that's where the State Retiree Chapter comes in. To better understand just where we're coming from, let's examine the "Why's" of each resolution proposal.

First, establishing an appointed Retirees' Dept. Technician, arguably the most critical of the proposed constitutional amendments. Our department is staffed by one Director and one OPEIU secretary to administer 42,000 retired members, their spouses, survivors AND inquiries of active members. The department receives no less than 3 complex retirement issues per week, requiring extensive research involving establishing contacts with a variety of agencies; OPM, USPS, Social Security, TSP, most involving serious financial consequences.

Re-designating the Retirees' Department as a Division of APWU. Retiree members are a category of membership just as Clerk, Maintenance, Motor Vehicle Service, and Support Services, and second only to the Clerk Div. in member numbers. Why? There's a movement elsewhere to elevate the Retirees' Dept. Dir. to the National Executive Board (N.E.B.), which I view as somewhat premature, but whose time must eventually come. Also, to raise the Director's salary commensurate with that of Division directors which I fully support. Our numbers justify it. To designate the Dept. as a Division is to put the 'horse before the cart', so to speak.

Re-designating elected National Retiree Delegates to Regional Retiree Representatives only makes sense. To

be fairly compensated when assigned to authorized duties and automatic delegates to National Conventions. It's a 'toughie', I know. The 5 elected Retiree Delegates serve our respective Regions free gratis save for necessary expenses to conferences (then only recently) and conventions. So as not to be self-serving; this proposal to be effective for next national officer elections. It is designed to attract qualified and motivated candidates. I can attest that 'necessary expenses' don't cover all out-of-pocket costs. The argument that retirees are paid every day, meaning CSRS/FERS income, simply doesn't hold water. Never mind the level of 'pay'; the same can be said for those national officers who are USPS retirees drawing handsome salaries in service to the membership which I don't begrudge, so please don't dismiss the relatively small amount of compensation this would require.

Fact: Retiree dues generated revenue from 42,000+ members contributes an average of \$300,000.00 to the APWU general fund coffers AFTER expenses. And let's not forget that at least one-fifth of all COPA contributions are from retirees. Then there's the several million the Union receives generated through the APWU Health Plan each year with some 70% of enrollees being retirees. Retirees have stepped up to join pickets over consolidation and to Save Our Service, and currently to Stop Staples. What we retirees achieve today will benefit the active members when they join our ranks in the future. If we are truly "One Union Undivided", what we seek to structure the Retirees' Dept. is small, reasonable request. We're ALL in this TOGETHER!

State Convention Delegates! Whether you support, oppose, or are undecided regarding these proposed amendments to the APWU Constitution; all I ask is your vote to approve to move them forward to the 2014 National Convention to allow consideration and debate where it will require a two-thirds majority to actually amend the APWU Constitution. It only requires a simple majority approval at the State Convention to move them forward. Allow the debate to begin!

State Retiree Chapter Convention: The Convention Call appears elsewhere in this issue. Our one-day convention fulfills the requirements of the State Chapter Constitution to elect officers for the 2014-2016 term of office, to allow for amendments to the Constitution & By-Laws, if necessary. To act

upon Exec. Board recommendations; i.e. delegates to the Retirees' Dept. pre-convention conference in Chicago in July, financial and officer's reports. There's always an educational component. It's also an opportunity to reconvene with our active Sisters and Brothers . . . a reunion of sorts.

Pizza for COPA: The State Chapter will again be hosting a hospitality night of pizza, breadsticks, salad, & fixings, and a lot of camaraderie. It's where the retirees are the bridge of the past to this generation of active leadership. There will also be a freewill contributions for COPA jug where delegates and guests are encouraged to be generous.

Open Session: Thursday, May 22nd, 9:30 a.m. Retirees and guests will join with the active delegates to meet and hear invited APWU national officers, and featured candidates seeking office in this critical state and national election year. Mackinac Island is in the 1st congressional district (my district) which is the largest land area east of the Mississippi, and currently held by a right-wing Tea Party do-nothing. Candidate, Gen. Jerry Cannon (D), is running for that seat. Also invited is candidate for U.S. Senate, Gary Peters (D), seeking to fill retiring Sen. Carl Levin's office, and Mark Schauer (D), seeking to unseat our nerd GOP Governor who gave us taxation on retiree pensions and the sneak attack Right-To-Shirk law among other regressive, corporate friendly issues. The ancient Pericles said; "You may not be interested in politics, but politics is interested in you."

Reunited: As a retiree, especially residing where I do in a decidedly conservative, labor unfriendly rural area of Michigan, the State Union and Chapter Conventions are the opportunities to reunite with long-time colleagues, dear friends, and to connect with the current generation of State and Local leadership. For me personally, it's refreshing my batteries and to be with 'my kind of people' again. See you on historic Mackinac Island!

Change Notice: We congratulate and welcome Saginaw 486-487 Area Local Retiree Chapter's, Rick Brown, who recently assumed the Chapter's office of president. The Saginaw chapter boasts over 100 members, and we encourage all of them to step up and work with Brother Brown to reinvigorate the chapter. Your earned retirement and benefits depend on it!

Be Strong!

DEADLINE

The deadline for articles for the May-June issue of the Michigan Messenger is June 2, 2014

Veterans' Report



by John
Smeekens,
Veterans
Director

VA Health Care

Many Veterans enrolled in VA health care don't know that VA offers extensive hearing and vision benefits, including free hearing aid batteries. Veterans need to talk with their care providers, or a VSO, about these great benefits. **Are you enrolled???**

In-state Tuition

Recently the House passed H.R. 357, a bill designed to extend in-state tuition protection to student veterans who seek to use their earned GI Bill benefits at a public college or university within three years of leaving active duty, by a unanimous vote of 390-0. Now doesn't that make you VETERANS feel warm and fuzzy? Now if they could only get the rest of the Veteran votes right!

Free Tuition

Western Michigan University's trustees have initiated a Returning Veterans Tuition Assistance Program designed to help recently discharged veterans with the cost of college. The program waives tuition for the first semester on campus. The current cost for a semester of tuition for a typical full time student is \$3,088. Eligible veterans must begin school at Western Michigan University within six months of discharge from active duty for purposes other than training. Contact Western Michigan University for more information.

GI Bill Comparison Tool

Recently the VA rolled out of its new GI Bill Comparison Tool to help student veterans compare GI Bill-eligible institutions from one online site. The comparison tool will help provide to better inform college-bound veterans, and it combines resources that veterans used to have to find across dozens of web sites and three federal agencies. To start comparing schools go to: <http://department-of-veterans-affairs.github.io/gi-bill-comparison-tool/>

Air Show

If you happen to be Vacationing in Southeast Michigan in early September this year, the Selfridge Air Show will be featuring **THE BLUE ANGELS**. The U.S. Navy Blue Angels and their thrilling, high-precision maneuvers will highlight the 2014 Selfridge Air National Guard Base Open House & Air Show, in September. Flying F/A-18 Hornets, the pilots are scheduled to perform on both days of the show, Sept. 6-7 at the Harrison Township base. Free admission and parking, but get there early!!!

COLA Penalty

Congress has overwhelmingly passed legislation to eliminate the controversial one-percent COLA penalty on working-age military retirees. The House vote was 326-90 and the Senate vote was 95-3. The bill also contained a grandfather clause that extends to those currently serving, provided they were in uniform prior to the end of 2013. The legislation does not, however, remove the penalty on all future retirees who entered the military after Jan. 1.

Secure VA ID

The VA has announced the phased roll out of newly designed, more secure Veteran Health Identification Cards (VHIC). Similar to a typical health insurance card, the VHIC will display the veteran member's ID, a new unique identifier, as well as a plan ID, reflecting the veteran's enrollment in VA healthcare. The new card replaces the Veteran Identification Card (VIC), which was introduced 10 years ago. As part of a phased rollout, the card will only be offered to newly enrolled and other veterans who have not yet been issued a VIC. In April, VA will begin a three-month effort to automatically issue the more secure VHIC to current VIC cardholders. VA recommends Veterans safeguard their VIC as they would a credit card, and cut up or shred the card once it is replaced. Enrolled veterans can get more information about the VHIC by visiting their VA medical facility enrollment coordinator or the website www.va.gov/healthbenefits/vhic, calling 1-877-222-VETS (8387) or visiting their local VA health care facility. Veterans not enrolled in the VA healthcare system can apply for enrollment at any time by visiting www.va.gov/healthbenefits/enroll, calling 1-877-222-VETS (8387) or visiting their local VA health care facility.

Property Tax Exemption

Remember last month when I told you about the property tax exemption? If you missed the December Board of Review or the March 2014 Board of Review for your 2013 Property Taxes you can still get a refund for 2013 property taxes by appealing to the July Board of Review. Got to your local assessor's office and get the information that you will need to get your 2013 Property Tax Refund. **DO IT NOW DON'T PUT IT OFF ANY LONGER!!!**

Old Warrior Camp

Do you know a returning vet that needs some time to unwind and relax? In the Upper Peninsula of Michigan there is a camp where fishing, hunting, riding, etc., are all available for free. For more information go to <http://www.oldwarriorcamp.com> or email mail to: thebulldogblevins@yahoo.com

Memorial Day

Don't forget that Monday May 26, 2014 is Memorial Day. This is the day we set aside, to honor and remember our Veterans' who have made the Ultimate Sacrifice. Please take a moment to bow your head in honored respect for those heroes. They kept this country free, and gave us the ultimate freedom to pursue the lifestyles and choices that we have chosen. Many of those freedoms were earned with Blood, Sweat, and Tears. I know it's the start of summer, and with thoughts of your upcoming vacations, family reunions, graduations, golf, pool parties, cook outs, etc., please try to set aside a minute with your family, with your friends, or by yourself, to bow your head in honored reverence and silence and say a prayer, or whatever you do, for those special Men & Women who made the Ultimate Sacrifice for all of us. Have a great, happy, and safe Memorial Day, and summer season!

(I've been doing these articles for several years now, and I've noticed that with the deadlines for articles, that I may sometimes have to address an issue before it becomes late for the next deadline. If you understood that, great. If not, see me later for an explanation!)

Veterans' Crisis Line

If a veteran or service member you know is showing signs of crisis, such as hopelessness, anxiety or withdrawal, call on the caring professionals at the VA's Veterans Crisis Line who are ready to listen and provide support. The Veterans Crisis Line is a free, confidential resource that veterans, service members and their families can access anytime. Call 1-800-273-8255 and Press 1, chat online at VeteransCrisisLine.net/Chat, or text to 838255 for free, confidential support, 24 hours a day, 7 days a week, 365 days a year. You can start the conversation today. Visit VeteransCrisisline.net/SpreadtheWord to download free Veterans Crisis Line materials so you can tell others how to do it, too. And don't forget about our Veterans' Centers located in; **Escanaba** at 906-233-0244, **Grand Rapids** at 616-285-5795, **Saginaw** at 989-321-4650, **Traverse City** at 231-935-0051, **Dearborn** at 313-277-1428, **Detroit** at 313-831-6509, **Pontiac** at 248-874-1015, and **Clinton Township** at 586-412-0107.

WELCOME HOME & THANK YOU FOR YOUR SERVICE

US Postal Service Selling Out Workers And . . . America



by Jim
Hightower

You know what America needs? More jobs, that's what.

Not Walmart-style "jobettes," but real jobs, stable ones with a good salary and benefits, union jobs so workers have a say in what goes on, jobs that have strong protections against discrimination. A job you could make a career, do useful work, take pride in it, earn promotions, and be respected for what you do.

Believe it or not, there is at least one place where such jobs still exist. But – and you really aren't going to believe this – those in charge are pushing like hell to eliminate them, turning positions that ought to be a model for American job growth into just another bunch of jobettes. The place? Your local post office.

Right-wing government haters in

Congress, along with the corporate executives now sitting atop the US Postal Service, claim that in order to "save" this icon of Americana, they must decimate it. These geniuses are privatizing the workforce, selling off the invaluable community facilities, and shrinking services. Hello – the workers, facilities and services are what make the post office iconic and give it such potential for even greater public use.

Their latest ploy is a "partnership" with Staples, the big-box office supply chain. In a pilot program, 82 Staples outlets have opened "postal units" to sell the most popular (and most profitable) mail products. Rather than being staffed by well-trained and knowledgeable postal workers, however, the mini-PO's will have an ever-changing crew of Staples' low-wage, temporary sales clerks with weak performance standards and no public accountability.

Cheapening postal work might be good for a few profiteers like Staples, but it will diminish postal service – and it's exactly the wrong direction for America to be going.



by Michael
O'Hearn,
National
Business Agent

NBA Report

Adverse Inference

Adverse inference is a legal term that means if either party in a dispute withholds information from the other, then it must be assumed that the information would be harmful to the case of the party that withheld the information. This comes from common law practices or codes. Wikipedia in discussing adverse inferences states:

“This rule applies not only to evidence which is destroyed, but also to evidence which exists but the party refuses to produce, and to evidence which the party has under his control, and which is not produced. See Notice to produce. This adverse inference is based upon the presumption that the party who controls the evidence would have produced it, if it had been supportive of his/her position. It can also apply to a witness who is known to exist but which the party refuses to identify or produce.”

For APWU purposes, this term applies to situations where management refuses

or ignores the stewards' requests for information. Often times, stewards will contact me complaining that management is refusing to give them the information they need to process the grievance they are filing or management just ignores their requests. They are usually frustrated and angry. I always tell them to calm down. Management is doing you a favor. If they don't give you the information, arbitrators will usually rule that an adverse inference must be applied. The arbitrator will then rule that the union's arguments which rely on this information must be considered true. Management has just handed you a better case than if you had gotten the information. I was involved in a case concerning discipline from a verbal altercation. The Local was arguing disparity of treatment and requested the discipline issued to the other person in the altercation. Management refused. Management is often stubborn and foolish in such matters. At the arbitration hearing, I argued that an adverse inference must be applied. I actually knew that if we had gotten the information the disparity argument would have been disproved. Yet, management was obstinate in their

position that we were not entitled to this information. The arbitrator ruled as follows:

The steward . . . “made it very abundantly clear, both at the time the grievance was filed and in her testimony that disparate treatment was at the heart of the Union's defense.” The arbitrator goes on to write: “In the Arbitrator's opinion, documentation concerning the disposition of Management's case against Carrier ***** was of vital importance to both the Union's investigation and how it should proceed on the Grievant's behalf. So viewed, the Arbitrator must agree with the Union that Management's decision to withhold such information deprived the Grievant of a fundamentally fair grievance process. So viewed, this is a rare case where remediable prejudice has been shown and where, despite proof of misconduct, the discipline must be set aside.” We won the case despite the fact that the arbitrator viewed the grievant guilty as charged.

I had another case where the local union was arguing that an injured carrier was improperly assigned clerk work. Our documentation in the case was poor, to say the least. The steward was retired and did not come back to testify in this case. It did not look good for us. I did have one card to play. There was a request for information in the file for the carrier's medical restrictions and an argument in the step 2 write up that management ignored the request for information. Again, at the hearing I argued an adverse inference. The arbitrator ruled:

“The employer was contractually required to provide the requested information for a least 'a baker's dozen' reasons.” The arbitrator then goes on to list 13 reasons why management must give the requested information using six pages of the 15 page award. He

then writes: “In effect, the employer is demanding judgment in its favor because it declined to provide requested information. It asserts that the void it caused should work to the Service's benefit, and should hinder and cause a forfeiture of the union's case. That kind of result is perverse and illogical.” The arbitrator went on to award us back pay at the overtime rate to employees in the clerk craft for all the hours the limited duty carrier worked in the clerk craft. He ruled this despite the fact that he also wrote earlier in this award:

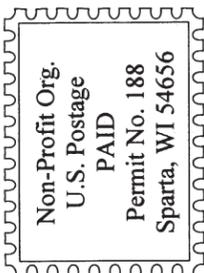
“The crux of the case is the union's contention that he was performing 'Lobby Director' work which is 'exclusively Clerk craft' work, and that this was an assignment across craft lines without requisite notice as required by the national agreement. As a general rule, on the merits, there are good and substantial reasons why such a grievance should not triumph. The employer's post hearing brief has carefully laid out the precedents. As a general rule, the APC host is not exclusively clerk craft, and the Union has the burden of proof.”

There is no doubt in my mind that had management simply given the union the carrier's restrictions, we would have lost this case.

Therefore, when management ignores your request for information, request it a second time with “2nd Request” in bold letter. If they ignore that request, don't get angry. Say thank you management for your obstinacy. Then, go on to argue at the next step of the grievance procedure an adverse inference. Argue that the union's contentions must be considered true. Also, file a second grievance on management violating Article 17 and 31 for not providing requested information. In most cases, management's actions have just improved your grievance and have handed you a winning argument.



Mark Schauer accepting the AFL-CIO endorsement for Governor at a March 19 rally in Detroit. See page 4.



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