

# Michigan MESSENGER



Volume 47, Number 193  
January-February, 2018

Affiliated with: American Postal Workers Union, AFL-CIO, APWU Postal Press Association, Michigan State AFL-CIO & Michigan Labor Press

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## P.R.E.S.I.D.E.N.T

# Change Needed?



by  
**Michael  
Mize**

There is a process for members to get their ideas heard. You as a member can submit to your leaders the co-workers to sign on the proposed idea or change. Then the idea can be read at a Union meeting, discussed

negotiations. Yes, it does happen. I have seen these ideas, resolutions, that came from a member, change the Constitution. But only because they had the idea and did something with it.

Your Union, as the National Officers have already said, is heading for another Contract Negotiation. This leaves me with a couple questions to ask you as members. Is our current Contract everything you want it to be? Are you happy with everything in the Contract if it stays exactly the same? Okay, I know the answer to these questions as I take a massive amount of calls each week concerning things that many members wish were different. How do you and I as members in this great Union make those changes?

We as a Union are also headed into our National Constitutional Convention which is later this year after our MPWU Constitutional Convention. At these Conventions there will be discussions and voting on suggested changes to our Constitution and items for our negotiating teams to try to negotiate in the Contract. I wish we could get everything we ask for but that unfortunately just does not happen. But, we can't get anything that we don't ask for and if we as members don't inform the leaders what changes we want, we probably won't get it.



**AFL-CIO President Richard Trumka addresses the members at the Michigan AFL-CIO State Convention.**

ideas that you have. I would suggest getting the format and submitting it ready to hear at a meeting. I say this as it will show your sincerity and get the process moving. Get some other

and voted on. Ideas from members that pass through the State are then discussed at the National Convention and if passed would change our Constitution or set the framework for

To clear things up a little. I started talking about the Contract we have between the APWU and the USPS. Then I also spoke about the Constitution. Two separate things that both can be changed at these conventions. So, if the Constitution of the APWU has something that you believe should be changed now is the time to address it as well.

Now I know this may seem very complicated and a crazy thing to tell you as a member about. So, why would I write about it? The answer, as your President and your Officers we need your input. We are not able to direct this Union where you want it to go if we don't know where that is. We as your leaders will do our best, but when you tell us it makes it easy to know what you want. We certainly can't guarantee anything, but your idea. Well, your idea deserves to be heard.

Please let your leaders know what you want and do this soon. Again, **CHANGE NEEDED? IF YOU THINK SO, LET YOUR IDEA BE HEARD! YOU DESERVE IT.**

## The Continued Attack On The Living Wage In Michigan

*"There's a direct Relationship between the ballot box and the bread box, and what the union fights for and wins at the bargaining table can be taken away in the legislative halls."*

— Walter Reuther

Michigan's prevailing wage law covers construction workers employed on state financed or sponsored construction projects. Under the prevailing wage law workers wages and benefits are compiled from the rates contained in collectively bargained agreements which cover the locations of the state projects. This legislation prevents gross underbidding on state projects and ensures the workers entrusted with maintaining our infrastructure have the best skills to do so.

It is no surprise that the GOP is now making a very real effort to overturn this law. On January 11th, 2018 MPWU President Mike Mize joined several hundred in the building trades as well as a long list of politicians and their supporters

out in front of our state capitol demanding the legislature keep its hand off this law. WEMU reported: Senator Jim Ananich (D-Flint) wants to keep prevailing wage because, "Prevailing wage ensures that local people get paid a living wage to work on the most important projects in the state. Schools, bridges, roads, public projects. And make sure that they're paid for their training."

The reduction in earning capacity that can be attributed to the attack on unions here in Michigan has already resulted in a brain drain as our well educated folks seeking employment move elsewhere to earn a living wage.

I do believe that repealing prevailing wage will lead to a brawn and brain drain here in Michigan as the most skilled members of our building trades head elsewhere to earn a fair living wage.

I am not certain what the GOP has against

working people making a living wage but any repeal of this law I believe will have a detrimental impact on our economy.

Hard working union folks like us are the real job creators in this state. The fact we earn a hard fought union wage drives the economy here in Michigan and any further attacks on wages and benefits will certainly have a negative impact on this economy. President Mize and I met with 25th District State Rep. Henry Yanez a longtime friend of the APWU and he believed that the House may not take up the measure and instead let the voters decide in 2018 since it will then appear as a ballot initiative.

We all need to stay tuned and be prepared to go to the ballot box and vote a resounding NO on any repeal of this legislation so we can ensure we have the best trained men and women of the building trades managing and supporting the infrastructure here in Michigan.

— The Communicator

EDITOR

Michigan AFL-CIO



by John Greathouse

Greetings Brothers and Sisters.

I hope everyone had a wonderful and safe Christmas and New Year as we begin 2018. With everything that has happened over the past year I truly hope that 2018 is an improvement.

Michigan AFL-CIO

Last week I had the opportunity to attend the Michigan AFL-CIO State Legislative Convention in Warren, MI along with CMAL President Lisa Jackson, WMAL Recording Secretary and Steward Suzi Boyd and MPWU Executive Secretary Mike Long.

During the convention there were two resolutions that were presented in support of APWU Members, one supporting our efforts as we enter our contract negotiations and the continued the fight against plant closures. I made a motion to amendment a resolution that was promoting absentee voting to include voting by mail as well. Both of the resolutions as well as the amendment were supported and accepted by the convention body.

While some might feel that this is just lip service, it is not. This action will become part of the AFL-CIO Michigan's political actions for 2018 at the state level and with the upcoming elections for every seat in the Michigan House and Senate along with Governor, Secretary of State and Attorney General. This action can and will have an impact if candidates support our legislative platform and they win their elections.

In the afternoon there was a Gubernatorial Debate off the four Democratic Candidates, (L to R) Shri Thanedar, Abjul El-Sayed, Gretchen Whitmer and Bill Cobbs. They answered questions from the members

and looking their responses, I feel the field has been narrowed to two, but most likely just one even before the primaries. (I am choosing to keep my opinions as too they might be to myself).

State Of The Union

While writing this article, I was watching the State of the Union speech by the President. This was a hUge feel good moment for Trump that did honor many first responders from the hurricanes in Texas and wild fires in

sound like he has actually done something to help Americans but those were almost all half truths if that. Had to turn it off before I threw something at the TV.

Conventions

The MPWU State Convention is coming up quick so start making plans to attend soon. May 3-5 at the Great Wolf Lodge in Traverse City. There are rooms available at a discounted rate until March 31st. For more information go to mpwu.com and click on Upcoming Events.

The Biennial National Convention will be in Pittsburgh, PA on August 20-23 with pre-convention starting on Friday August 17th. There is a good deal of information on the apwu.org site as well as a link off the mpwu.com site.

Michigan Messenger

This paper is YOUR paper and You can submit articles at any time. You just need to

email it to me for the next edition at the.pacer@yahoo.com. It can be on any topic and should be for the good of all members. So don't be bashful, submit an article and make out paper one of the best in the country. Who knows, your article might just win a PPA Award!

Stay safe and try and keep your sanity as we continue through 2018.

California and it was great that those individuals were honored.

What made me sick was watching Trump roll out parents whose daughters were killed by MS13 gang members which he keep talking about over and over! Those people have been through enough only to have to perform in his circus! Bull Shit!

He keeps making statements that

In Solidarity.



The 4 Democrat Candidates debate at the Michigan AFL-CIO State Convention.



- President Michael Mize
Executive Secretary Michael Long
Secretary-Treasurer Darren Joyce
Director of Education & Research Lucy Morton
Editor John Greathouse
Legislative Director Roscoe Woods
HR/Injury Compensation Director Keith Combs
Clerk Craft Director Thomas Lothamer
Maintenance Craft Director Sterling Bouier
Motor Vehicle Service Craft Director Joe Wrobel
Veterans Director John Smeekens
Area 1 Director Steve Wood
Area 2 Director Patrick Chornoby
Area 3 Director Robin Ely
Area 4 Director Angelyn Gebstadt
Area 5 Director Jan Newman
Area 6 Director VACANT
Area 7 Director VACANT
Area 8 Director Wendy Kempke
Area 9 Director VACANT
Area 10 Director Vince Nichols
Area 11 Director Laura Stafford
Area 12 Director Theresa Granquist
P.O.W.E.R. Representative Tamika Johnson-Smith
State Retiree Chapter President Paul Browning
MPWU Auxiliary President Vacant
MPWU Historian Vacant
MPWU Advisor Gary VanHoogstraten



HUMAN RELATIONS DIRECTOR



by  
Keith  
Combs

# Vocational Rehabilitation Services

The FECA at 5 U.S.C 8104 provides for vocational Rehabilitation services to assist disabled employees in returning to gainful employment consistent with their physical, emotional, and educational abilities. An employee with extended disability may be considered for rehabilitation services if requested by the attending physician, the employee, or agency personnel. In addition, OWCP will routinely consider a case for rehabilitation services if the agency cannot reemploy the employee.

**1. SERVICES PROVIDED:** An OWCP Rehabilitation Specialist will contact the employee for an initial interview. The employee will then be referred to a state or private Rehabilitation Counselor for development of a rehabilitation plan. A plan may include one or more of the following: selective placement with the previous employer, placement with a new employer, counseling, guidance, testing, work evaluations, training, and job follow-up. Each employee is provided the services most suitable for him or her, and not every service will be included in a plan.

**2. ADVICE TO EMPLOYEE:** When suitable jobs are identified, OWCP will advise the employee that it appears that he or she has a wage-earning capacity of a specific dollar amount which will likely determine future compensation entitlement; that he or she is expected to return to work in a job similar to the one identified; that partial compensation based on the wage-earning capacity of the indicated job will probably be paid at the end of this effort; and that when he or she has completed any necessary training or other preparation, then OWCP will provide 90 days of placement services.

**3. FITS PAYABLE:** An employee in an approved vocational rehabilitation program may be paid an allowance in connection with this program not to exceed \$200 per month. The employee is also entitled to compensation at the rate for total disability during the rehabilitation program (if payment of a schedule award meets this requirement).

When the employee returns to work, OWCP will reduce compensation to reflect the wage-earning capacity if the new job pays less than the old. If reemployment is at the same or higher pay rate than the job held at time of injury, OWCP will terminate compensation benefits. Even if the employee does not

return to work, compensation will probably be reduced.

**4. PENALTIES:** Should an employee refuse to participate in an OWCP rehabilitation program or refuse to make a good faith effort to obtain re-employment, OWCP may reduce or terminate compensation depending on the circumstances of the refusal.

**5. CONSTRUCTED POSITIONS:** In some situations, reemployment does not occur despite the best efforts of the employee and OWCP. When this happens, OWCP may determine the employee's wage-earning capacity on the bases of a position which the medical evidence indicates the employee can perform and which is available in his or her commuting area. OWCP will determine the suitability of the position in accordance with the following factors:

1. The nature of the injury;
2. The degree of physical impairment;
3. The usual employment;
4. The employee's age;
5. Qualifications for other employment, including education, previous employment, and training.

OWCP will issue a formal decision, including appeal rights, in any case where the benefit level is affected.

**6. CONTINUED DISABILITY PAYMENTS:** Only after careful medical and vocational development will OWCP determine that an employee has no current wage-earning capacity and should therefore be carried on the long-term compensation rolls at the rate for total disability.

**7. ASSISTED REEMPLOYMENT:** OWCP may reimburse an employer who was not the employer at the time of injury for part of the salary of a re-employed worker. This wage subsidy is intended to assist in reemploying workers who have been difficult to place with their former employers. It is available to other Federal employers as well as to State and local governments and the private sector.

**8. ELIGIBILITY:** To be eligible, the agency cannot have been the worker's employer at the time of the injury, as identified by OWCP charge-back billings, appropriations account number and agency hiring authority.

Intra-departmental salary reimbursements are limited to agencies with a separate appropriation number from that of the original employing agency, it isn't proper to use assisted reemployment where an employee is transferred within the agency, or where an agency uses more than one appropriation number, but hiring is controlled at a higher organizational level.

**9. CONDITIONS OF PARTICIPATION:** The rate of reimbursement may not exceed 75 percent of the employee's gross wage. The actual rate of reimbursement available is decided on a case-by-case basis by OWCP and the agency.

This information is provided so that the MPWU members have some knowledge of how Vocational Rehabilitation works. It is not to scare and alarm you, but for you to know the process. This agency is meant to put you back to work, so be aware.

Until next time brothers and sisters of the MPWU, remember this proper preparation prevents poor performance.

## Severe Flu Season Tightens Its Grip on U.S.

Over the holidays, flu activity increased a good bit. On a national level, the drugs are still there, but in areas hard hit by flu the local pharmacy may not have them." To make matters worse, the flu vaccine is not a good match with the H3N2 flu strain that is dominating the season so far, she said. At this point, 80 percent of reported flu cases are this more severe strain, according to the CDC. Dr. Daniel Jernigan, director of the CDC's influenza division, told *The New York Times*, "H3N2 is a bad virus. We hate H3N2." H3N2 also tends to be very bad news for the very young and the very old. Dr. Matthew Mullarky, an emergency room doctor at St. Joseph Hospital in Orange, Calif., told the *Los Angeles Times* that half of the patients he saw on a recent shift were so sick they had to be admitted to the hospital. Most were older than 85, and struggling with both the flu and pneumonia. "It's incredibly scary," Mullarky added. The CDC doesn't keep track of how many adults die from flu, but it can be as many as 60,000 in a bad season. The agency does track child deaths. So far, 13 U.S. kids have died from flu, Brammer said.

This year's vaccine contains the same mix as last year's shot. That vaccine was 43 percent effective against the H3N2 virus and 48 percent effective overall, according to the CDC. The vaccine may be less effective against H3N2 strains because it's manufactured in chicken eggs, which some recent research has shown interact with H3 strains, making them less like the circulating strain and therefore less effective. The majority of patients being admitted to the hospital for flu are either very young or older than 65, she noted. "We are also concerned if a patient's immune system is not healthy," Fries explained. "Nowadays, a lot of patients get treated for diseases like rheumatoid arthritis or lupus or cancer treatments, which makes them at higher risk for complications from flu. It's been shown in these patients that vaccination, even if it doesn't prevent them from getting the flu, they will have a milder case and that's highly beneficial." The unusually cold winter may be adding to the spread of flu, Fries said. "The cold adds to compromising your immune defenses," she explained. "If you don't have good immunity in the community, then you are going to have higher levels of flu. You are going to see more spread and more disease, and that's what's happening." It's hard to tell, Brammer said, when this year's flu season will peak. Flu can hang around through winter into spring, she noted.

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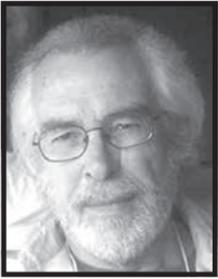
**Get involved in your Union!**

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	Jackson	Stevensville
Central MI	486-487	Ludington	Traverse City
Cheboygan	498-499	Muskegon	Troy Local
Detroit District	Gaylord	Roger City	Western MI
Farmington	Great Lakes Area	Sault Ste Marie	
Flint	Mail Haulers	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 MPWU - Michigan Messenger, John Greathouse - Editor, PO Box 27303, Lansing, MI 48909-7303. 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.

~~R·E·T·I·R·E·E·P·R·E·S·I·D·E·N·T~~ . . .

by  
Paul  
Browning

# One Year Later And My 2 Cents On The CBA

Its Déjà vu all over again as we take to the streets here in this small (pop. 15,000) municipality for another Women's March in conjunction with millions of other marchers across the Country. This year it looks like many more than last year's 3,000 marchers here in Northern Michigan with even

the local police kindly blocking off several blocks of streets for marchers. No running from tear gas here. I suppress the urge to jump on top of a cop car and shout POWER TO THE PEOPLE but instead stop to talk to a policeman younger than my son. I tell him it's a lot different than 50 years ago and he agrees but looks at

me like, what am I talking about! He's Union though and we talk about that a bit before I march on.

I move on chanting "THIS IS WHAT DEMOCRACY LOOKS LIKE" wondering what has changed since last year. Aside from a few Republican women Senators, no one else in D.C.

seems to have changed their minds about anything. But people are energized and that's a good thing. What really matters is, can it be carried over to the ballot box in the November 2018 med-term elections. Former APWU President Guffey emphasized the power of the vote and current  
*continued on page 5*

## MICHIGAN STATE RETIREE CHAPTER 9TH Biennial Constitution Convention Friday, May 4, 2018 Great Wolf Lodge – Traverse City, Michigan

### MPWU STATE RETIREE CHAPTER CONVENTION CALL

The 9th Biennial Constitution Convention of the State Retiree Chapter, Michigan Postal Workers Union, AFL-CIO, will convene on Friday May 4th, 2018 at 9:30 a.m. at the Great Wolf Lodge in Traverse City Michigan in conjunction with the 26th Biennial Constitution Convention of the Michigan Postal Workers Union, AFL-CIO. If business is not completed by the adjournment on Friday, the Convention will reconvene on Saturday. Time to be announced.

• **Registration:** Thursday, May 3, 2018, 8:00 a.m.- 3:00 p.m.; Friday May 4, 2018, 8:00 a.m. – 10:00 a.m.

• **Hotel Reservations:** \$93.00 (per night plus applicable taxes and \$9.99 resort (fee) Great Wolf Lodge; 3575 N. US 31 South, Traverse City, MI 49684 Phone (231) 941-3700. Be sure to tell/mention that you are with "Group Booking Code: 1804POSTAL" to receive the proper room rate

• **Registration Fee:** \$100.00\*\*State Retiree Chapter Executive Board Officer registration fees will be included in expenses. (No registration fee will be charged for one day commuter retiree delegates within the jurisdiction of the host local – The Traverse City Michigan Area Local.)

• **Meals:** Everyone will be on their own for meals. State Retiree Chapter Executive Board Officers meal expenses will be included in their per diem with said amount to be in accordance with the applicable Government travel rate beginning with 75% on Wednesday, 100% on Thursday and Friday and 75% on Saturday.

• **Delegates: Article 10,** MPWU State Retiree Chapter Constitution states: "The Voting strength of member Local Retiree Chapters at Conventions 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. Member-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: In order to fulfill these provisions, Local Retiree Chapters are requested to bring their Local Chapter dues rebate printout to the Convention to verify the voting strength of each Local Retiree Chapter. While it may not be necessary, we want to be correct and without questions.)

• **NOMINATIONS & ELECTION OF OFFICERS: Article 6** "Elections" states "All regular elections shall be hold 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. Nomi-

nations and elections 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 officer 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 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 Secretary-Treasurer."

• **NOMINATIONS:** for State Retiree Chapter Officers will be the last order of business prior to lunch recess on Friday, May 4th. Elections of State Retiree Chapter Officers will be conducted at 3:00 p.m., Friday May 4th. Election results will be announced prior to adjournment on Friday, May 4th, 2018.

• **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 Paul Browning: P.O. Box 138, Lake Ann MI 49650 or call 231-275-6016 or e-mail [oldhipster54@hotmail.com](mailto:oldhipster54@hotmail.com) Local Retiree Chapter credential cards are to be filled out showing both the name of the delegate and the Local Retiree 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 in Traverse City when registering. Return the Blue Card to: MPWU Secretary Treasurer Darren Joyce, P.O. Box 1124, Flint MI 48501 no later than April 1, 2018.

• **RESOLUTIONS:** Resolutions intended to be submitted to the APWU State Convention for Consideration by the MPWU State Convention delegates, must be submitted through a Local Retiree Chapter parent MPWU Local for submission to, and received by MPWU State Executive Secretary Michael Long by April 1, 2018. Resolutions intended to be considered by the delegates to the delegates to the State Retiree Chapter must be submitted to the Trustees no later 12 noon, May 4, 2018. If you have any further questions, concerns or need more information, please contact State Retiree Chapter President Paul Browning, at phone #231-275-6016 or email [oldhipster54@hotmail.com](mailto:oldhipster54@hotmail.com).

# The Labor Union Struggle Continues

*This article was written by Bonnie Sevre, Legislative Aide Editor Auxiliary News and Views. It gives you the history of the rise and decline of American labor from the 1820s to the present).*

Workers have been struggling since the beginning of the 19th century to receive safe working conditions, decent pay and reasonable work hours which are goals the various unions have fought for. Last month touched on the role of children in the labor movement. Labor union organizing has been a struggle over the years. Moving into the 20th century the labor union struggles continued.

Around 1900 corporations decided it might be better to work together helping stabilize conflicts within the various industries. Union leaders decided they couldn't defeat corporations through strikes and work stoppages and decided it might make sense to react positively with moderate corporales. The organization to develop from these changed attitudes was the National Civic Federation (NCF) which was formed in 1900 with leaders from both big corporations and major trade unions. The explicit goal of the NCF was to develop means to harmonize capital-labor relations and its chosen instrument for this task was the trade



union agreement (now called collective bargaining).

The first president of the NCF was Senator Mark Hanna of Ohio, a mining magnate and Republican who was respected by labor leaders for the fairminded way he had dealt with striking miners on some of his properties. Hanna also worked to convince his colleagues that improved productivity and efficiency would follow from good labor relations and would make it possible

for American products to compete more effectively in overseas markets because the finished goods would be a higher quality and lower price. Labor would benefit from employment security and the higher wages that would come with increased productivity and sales. (Weinstein, James. 1968. *The corporate ideal in The liberal slate*. Boston: Beacon Press.)

The unionism that NCF leaders were willing to support was a narrow one, focused almost exclusively on skilled workers, to the exclusion of unskilled industrial workers in mass-production industries. As the union's membership grew and they began making more demands, the employers' dislike of unions resurfaced accordingly. Class conflict once again emerged, which led to organized opposition to unions within the same employer organizations that had been created to encourage trade agreements. This sequence of events revealed the difficulties of maintaining cross-class coalitions, which were to break down often in future decades as well. Even though bad feeling and violence return, union membership grew an average of 2% a year from 1904 to 1915 despite the renewed warfare. (Nelson, Daniel. 1997. *Shifting fortunes: The rise and decline of American labor from the 1820s to the present*).

The struggle continues!

## Now Is The Time To Get Involved

The federal elected officials have direct impact on postal and union regulations. The state representatives can make changes in your life at home.

Free speech and the right to vote are two very important rights we should not take for granted. Get off the couch, put down that electronic device and spend a few minutes trying to make your and others lives better.

Now is the time to think about getting involved, especially those not that close to retirement.

*The article below came from The Nation. I am so proud to be a member of this progressive union.*

"Resistance" was the watchword for 2017. Resistance not just to Donald Trump, but to a status quo that gave our most powerful bully pulpit to an actual bully. Progressives not only refused to go backward in 2017; they demanded a new conversation that challenged old orthodoxies. The hashtag #MeToo became the bellwether for a national dialogue about sexual abuse, workplace discrimination, and equal rights that is opening the way for societal transformation. The stunning electoral victories of nontraditional candidates in unexpected places signaled that a new politics really is possible. What began as a frightening and frustrating year ended with Alabama voters rejecting one of Trump's most vile allies in favor of a decent Democrat, Doug Jones, who claimed his victory in that state's

senatorial contest by citing one of Martin Luther King Jr.'s favorite quotations: "The moral arc of the universe is long, but it bends toward justice." Here are some of the progressives who bent the arc in 2017.

### Most Valuable Union: AMERICAN POSTAL WORKERS UNION

If you want to see solidarity in action, consider the response of the

union that represents more than 200,000 US Postal Service employees and retirees to last summer's Nazi violence in Charlottesville, Virginia. APWU president Mark Dimondstein explained to his members that rallying "for equality and against the hate-mongers" is essential union work. "What does all this have to do with the APWU? Everything!" argued Dimondstein. "Fascists are bitter en-

emies of workers and our unions. Their race and religious bigotry, intimidation, and violence are a direct threat to our unity and ability to stand up and fight back to save the public Postal Service, win good contracts, gain better working conditions, enjoy a better life, and live in a more just society."

— edited for content, Lance Coles, *Iowa Postal Solidarity*

## One Year Later And My 2 Cents On The CBA

*continued from page 4*

APWU President Dimondstein has organized his Grand Alliance but if we don't turn out to vote it all means nothing. Talk is cheap but hotfooting it to the voting booth is what counts.

Recently two MPWU Officers have offered columns in this paper concerning retirement. I sincerely appreciate their advice. I don't know everything about retirement (it's a continuing educational process) and as a somewhat rabid anti-capitalist I avoided my chance to switch to FERS and stayed in CSRS to avoid the whole investment thing, although I do understand today it's a necessity for future retirees. I know FERS retirees who are considerably better off than myself financially because of TSP. And that brings me to the disgraceful fact that we have only 40,000 members in the APWU Retiree Department. For a mere \$3.00 a month APWU members can continue to support our great Union and help pay it forward to those still working. To me, it is a question of Honor- why not for an almost pittance

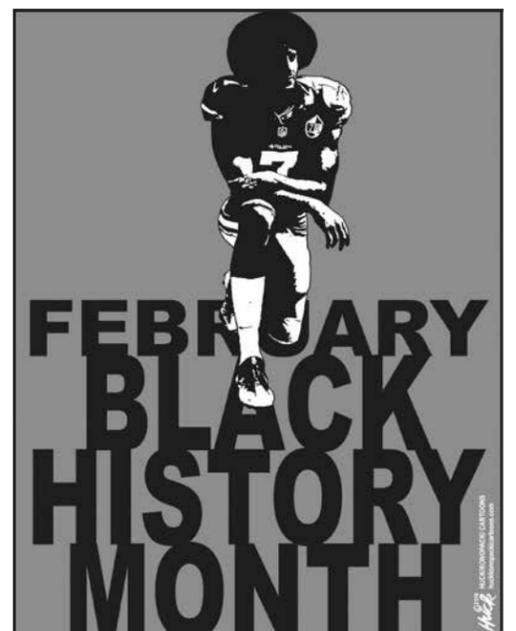
continue membership in the union that allowed them to lead a decent middle class life?

In reciprocation to the above mentioned MPWU Officers, I offer some old Steward's advice. Many grievances are filed under Article 19 of the Contract-Postal Manuals and

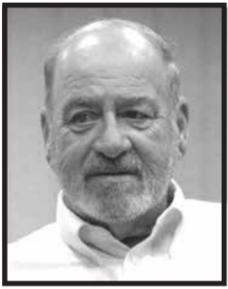
Handbooks which are incorporated into the Contract via Article 19. Frequently Management's argument is over vague language and they insist it means such and such. Well, there is a thing called the Law of Contractual Ambiguity which applies when two parties are arguing over vague, amigos language. The Law (and it's universally recognized by Arbitrators) states that any argument made by the party who wrote the language-in this case the Management Manuals and Handbooks- shall be construed AGAINST the party who wrote the language as they (Mgt.) had the opportunity to clearly spell that out what

they now claim it means. Hence, the Union's argument on meaning carries more weight. Hope you got that.

Again, my thanks to all those still working and all those retirees who realize we are in this together!



## M·P·W·U·R·E·T·I·R·E·E·A·D·V·I·S·O·R



by  
Al  
LaBrecque

**“It’ll never be over. . . It’s just starting.” — MSU Football Coach, Mark D’Antonio**

### Extracting A Pound of Flesh.

That’s what this column started out to be. An expose’ of sorts to inform members under the guise of member’s right to know. To be sure, there’s a lot to reveal that first occurred around the time of the 2014 Chicago National Convention, leading step-by-step to where we are within our Union health plan. I’m no longer looking at the APWU Health Plan (APWUHP) changes through a haze of red; changes that will hit me in the wallet for over \$900 in 2018. I’m no less unhappy with the changes or with elected national officers responsible for their conscious decision. But to extract \$900+ worth “pounds of flesh” to satisfy my issues serves no useful purpose at this time. Understand, what I describe that adversely affects my APWUHP prescription coverage through **Express Scripts**, similarly adversely affects every insulin dependent and hypertension medicating member. I have virtually reams of material poised to do just that. I concede nothing. The “inside story” will stay in my back pocket for a more appropriate time, perhaps the elections for national officers, or not at all. At this point I’d rather contribute something of informative value as follows:

**Medicare Premium Increase: Seniors!** Social Security recipients! Did you receive your annual notice stating a 2% COLA increase in your S.S. monthly benefit, and an increase to your Medicare premium? **It’s no coincidence** that the exact amount of your S.S. increase is the amount of the increase to your Medicare premium. It’s no coincidence that the amount of your monthly S.S. benefit remains exactly the same. **By law**, the government cannot cut into, or reduce an existing S.S. monthly benefit. So, rather than an across the board set premium increase, as has been the practice the 15 years I’ve been on Medicare, Trump’s H.H.S. devised this slick maneuver to give us a 2% COLA increase based on CPI-W with one hand, and take it back with the other hand to apply to our Medicare premium. **Medicare gave itself a 2% raise.** While the amount of your S.S. benefit reflects the 2% COLA increase, we got nothing! Cute, huh? Now everyone’s Medicare premium will be different depending on the amount of the 2% COLA. Both mine and my wife’s premiums will go from \$104.90 each; to mine @ \$113. and wife’s @ \$118. per mo. My small S.S. monthly benefit is just over half of hers, thus the difference. Its nuts, but this is how it is for the average Medicare recipient. As for those

# A View From The Mitt

paying their premiums out-of-pocket, and those already paying \$134., I don’t know exactly how they’re affected, but I’m sure they have their own sticker shock stories.

**In Review:** Two columns ago I wrote about **Cigna** and how rural Michigan is under served by AP-

**around!** I therefore stand by what I’ve discovered by personal experience on this troublesome issue.

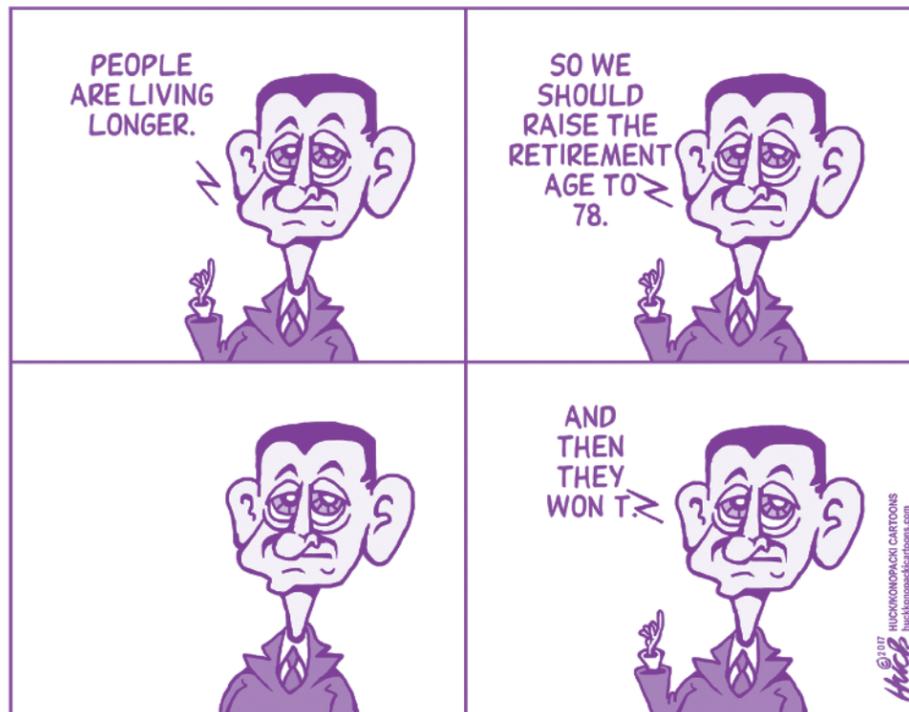
**Part 2 In Review:** My last “View” column addressed the **take-away** of 100% coverage for **insulin, some diabetic supplies, and hypertension meds**, to a 25% co-pay. The column

with Cigna and prescription providers like Express Scripts. But, that’s what we “hire”, via election, the Board of Directors (N.E.B.) each 3 years to do. It was suggested that I rebut Dir. Marcotte’s 1&1/2 page spin, yet informative interview with the Editor point-by-point. I was sorely tempted, but again, what would it accomplish? God forbid I should commit Union heresy by revealing any of APWUHP’s shortcomings! I fully concede that I know just enough to be dangerous. I’m also humbly open to correction for any of the views I express. Just understand that whatever I’ve expressed throughout this exercise is **how I view it through the lens of my eyes as a member!**

**Positively!** Geez Al! Something actually **positive** to say?! Sure! I actually learned a lot by venting my issues. And, have you noticed that the days are getting longer? Punxatawney Phil will predict only 6 more weeks of Winter. The incredibly talented MSU roundball Spartans are awesome in spite of recently tripping over themselves. **Go Green! Go White!** Uh, my daily insulin dosage and 2 hypertension meds are keeping my A1C in normal range, and the blood pressure of a 16 year-old. **Priceless!** The good thing about those regularly checked results is that it’s keeping me reasonably healthy at the “81 mile marker”, thus **saving** the APWUHP from expenses for far worse health issues resulting from those conditions. That’s a **positive**, right?

**Members!** Active, retired, and senior Medicare members of the APWUHP **have a right to know!** Period. No discussion. I’m not sure it’s my place to raise these internal issues as a self-appointed conscience on behalf of retired, especially Medicare members of the APWUHP. I freely acknowledge, and am thankful for the fact that in spite of its warts; **the APWUHP is still the best bang for my buck!** I learned from a NALC credible source that **CVS Care Mark** is the NALC prescription drugs provider. That the NALC Plan charges for a 90-day supply of insulin is \$65., and the same 2 generic hypertension meds are \$7.99 each. NALC’s Self+One premium is comparable to ours by just \$3. more per mo. Okay, I’m beginning to ramble.

**It’s A Wrap . . . for now:** Members need to understand that the **APWUHP Board of Directors consists of the APWU National Executive Board (NEB) plus Plan Dir.** The NEB consists of; President, Exec. V.P., Sec.-Treas. (all offices retired members can vote on), the 4 Division Dirs., including Supply Services, the 5 Regional Coordinators, and Plan Dir. Just know that it’s these folks who **voted** to reach into the pockets of insulin dependent and hypertension medicating members, and who, at the same time, had the almighty gall to reduce premiums! **And,**  
*continued on page 7*



WUHP PPO’s. That Cigna, our Plan’s underwriter charged with obtaining APWUHP preferred providers, hands off recruitment of APWUHP PPO’s in rural Michigan to a subcontractor. The subcontractor **bundles** several health plans in their pitch to rural area providers. It’s my experience that rural MI providers **are not willing** to accept bundled health plans. It’s likewise my experience that **BC/BS is almost universally recognized** by rural area providers. Thus, rural area APWU members are forced by circumstance to enroll in BC/BS at the considerably higher premium until becoming Medicare eligible. When addressing this issue with the past Plan Director and Plan CEO Mgr., they professed not to know Cigna did this. When I had 2 occasions to confront Cigna representatives at their booths during national APWU events, they visibly bristled at my assertion that their rural area PPO recruitment was being handed off, offended that I should question the way they did business. Our Dir., John Marcotte, knows exactly what I’m talking about. John’s from Gaylord, MI right in the middle of rural northern lower Michigan . . . the ‘Top O’ The’ Mitt’.

I simply don’t know how either APWUHP administrators, including the Board of Directors, or Cigna, will neither acknowledge nor address the issue. It’s irksome to realize that **we own the APWU Health Plan.** That virtually everyone, hired employees, the CEO Mgr. and elected national officers **work for us, not the other way**

crunched my personal numbers, verified by Dir. Marcotte, understanding that numbers will vary for affected members depending on dosages, and which generic hypertension meds are prescribed. It acknowledges that the **outrageous charges for insulin** is the primary culprit prompting the, in my view, ill-conceived decision to target insulin dependent and high blood pressure meds APWUHP members to balance the Plan’s income and outgo. Then, at the same time, trumpet the unprecedented **lowered APWUHP premiums**, which for Self+One amounts to \$4.20 per mo., \$50.40 per year. I refuse to apologize for; being made to feel somehow responsible as an insulin dependent and hypertensive member for sucking the blood out of the Plan. I reject the lame explanations for justifying the significant hit to similarly affected Plan members, while proudly advertising the **lowered premiums** among the 6 health plans we’re eligible to enroll in. And, I stand by my view that similarly affected APWUHP members **are subsidizing the lowered premiums!** Finally! I’m compelled to send this message: I highly resent, as an “owner” of our Plan, to be treated as if we’re stupid. Gullible maybe, but arguably **not stupid!**

**The Truth Hurts!** Admittedly, I learned some valuable information within Bro. Marcotte’s rebuttal in the last issue of this *Michigan Messenger*. Truth can cut both ways. I’ve no problem confessing my lack of knowledge of the intimate details of operating the Plan, working with OPM, or the bidding process and contractual obligations

## NATIONAL BUSINESS AGENT



by  
Linda  
Turney

## Turney At The Table

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

### Overtime vs. Penalty Overtime

Article 8.5.H., Article 8.5.G and Article 11.6.B in the Collective Bargaining Agreement does not expressly include or exclude the words "penalty overtime". The position of the Union is that the term "overtime" or even "overtime work" includes overtime for which penalty is payable (under defined circumstances).

Article 8.5.G. is specific regarding the handling of penalty overtime. It covers a broad and complex set of issues. It specifies how much overtime work OTDL employees may be required to work or allowed to work before employees NOT on the OTDL may be required or allowed to work overtime and as to when the USPS can avoid utilizing the OTDL at the penalty rate by assigning an OTDL employee not yet entitled to penalty overtime. Overtime is overtime, no matter what the rate of pay.

Article 8.4.G. requires that prior to using a Postal Support Employee (PSE) over 8 hours in a service day qualified and available OTDL employees will be selected first by seniority rotation. This means that a PSE can work 6 days in a row 8 hours a day without a grievance. It also means that the Union Steward needs to document the hours the PSE worked and the hours the OTDL employee was available to work in order to prove their grievance.

Once again, Article 8.4.G. states nothing about overtime verses penalty overtime. When the contract states "overtime" or "overtime work", this is work that includes overtime for which penalty overtime is payable.

Article 11.6.B. again makes no mention of overtime verses penalty overtime. This language states that as many FTR employees will be excused from the holiday or day designated as their holiday. FTR will not be required or mandated to work unless all PSEs/PTFs are utilized to the maximum extent possible, even if the payment of overtime is required. Of course employees with the needed skills, who want to work, will be allowed to do so. Once again, the payment of overtime does not distinguish penalty overtime. Arbitrator Mittenthal concluded that "...penalty overtime is still a form of overtime and double time is simply a type of overtime rate."



The Collective Bargaining Agreement does not define the term "overtime work". It does define both "overtime pay" and "penalty overtime pay" which are to be paid for hours worked based on Article 8.5.F. Work performed by our members which entitles them to penalty overtime pay is a form of overtime work.

In a 2001 case, Arbitrator Drucker, in a Regional Award states,

As a preliminary matter, however, the Arbitrator must determine whether the obligation to use PTFs to the maximum extent possible, "even if the payment of overtime is required,"

includes penalty overtime. Neither Article 11, nor the LMOU states "even if overtime or penalty overtime" is required, but the word "overtime" as used in Article 11 may be regarded as a generic term. The National Agreement provides no specific definition of "overtime" that would suggest that, when used, it does not include penalty overtime. References in Article 8, section 4 to overtime work draw a distinction between overtime pay and penalty overtime pay, but when this distinction is balanced against the broad obligation in Article 11 for Management to use PTFs to

"the maximum extent possible," the Arbitrator concludes, on the basis of the arguments made to her, that Article 11 obligation to use overtime as a means of relieving non-volunteers from holiday work includes penalty overtime.

### Sexual Harassment

The #Me Too and #Time's up movement is here. Here are some rules to remember in defining Workplace Sexual Harassment.

1. Offering benefits for sexual favors
2. Unwanted Sexual Advancements
3. Threats or Retaliation for saying, "No"
4. Visual Conduct/Suggestive Gestures
5. Verbal Conduct/Derogatory Comments/"jokes"
6. Physical conduct/body positioning or touching

The time is up for joking about these serious issues. The first step in getting sexual harassment stopped is to say, "Stop" to the perpetrator. All Postal Service Managers and supervisors are responsible for preventing sexual harassment. Anyone who believes they have been subjected to sexual harassment or anyone who witnesses it should report it to your Union official and management.

The Struggle Continues . . .

## A View From The Mitt

continued from page 6

**another thing; . . . do not insult my intelligence** by spinning that there are retired NEB members that represent retiree interests on the Plan's Board. **Do Not!** Most, if not all, NEB "retirees" earn 6-figure officer salaries, draw a postal retirement, Social Security, plus APWU expense accounts. How can they profess to relate to us with straight faces?! Not all B.S. emanating from Washington, D.C. is confined to the White House or Congress. While not mandatory for national officers, I wonder how many **do not** belong to APWUHP? Credible sources claim our APWU President doesn't carry the APWUHP, unless he enrolled during Open Season. That's **his business**, of course.

This is what troubles me: Offended APWUHP insulin dependent and hypertension members of our Plan will look at the Director for the hit to (our) pocketbooks. Let's be fair. **12 Board Members voted** to target diabetic and blood pressure med dependent members, not just the Plan Dir. who's obligated to carry out the Board's direction, like it or not. As an APWUHP member since the early 1960's; **do not**

**minimize** Medicare member's significant financial windfall to the APWUHP bottom line! **I know** what **every Director** has stated; from Jack Love, to John Dubay, on to Bill Kaczor, with big smiles on their faces that; **they loved their Medicare members of the APWUHP!** I know "why", and so do they!

Who at the 2014 Chicago Convention can forget the shrill outburst by the APWU Human Relations Dir., vehemently opposing a Resolution authored by yours truly, to place the Retirees' Dept. Dir. on the APWUHP Board of Directors as a voice for retired members? Foolish inter-Dept. jealousies revealed! God forbid the Retirees' Dept. Dir. should "get something" they

wouldn't. Just saying', so now you know too. I'd like to know what the **Retiree's Dept. Director** has to say about this hit to department members like myself? So far; nothing there.

Pfooph! This has been incredibly difficult to write. To skirt around certain internal and political issues directly affecting where the APWUHP is for 2018. Tip of that iceberg! I've said my piece. Let leadership in Chapters, Locals, States, and members paying the freight be the judges. **Anyone** wishing to discuss this in further detail can feel free to contact me. I'll be glad to oblige.

Solidarity Forever!

**DEADLINE**  
for articles for the next issue  
of the *Michigan Messenger*  
is March 15, 2018.

## NATIONAL BUSINESS AGENT



by  
James  
Stevenson

# Excessing And The 'Trojan Horse' (The Hidden Attack)

Brothers and Sisters do not be fooled or lulled into a false sense of security because the USPS has either cancelled or withdrawn the impact statements in which the APWU was previously notified that installations would be subjected to "excessing." In 2017 the USPS issued a massive wave of excessing notices for virtually every location that had a body in both Michigan and Illinois. It mattered not whether your office was a P&DC with a 1500 employees or if it was a small office with only two (2) employees.

The USPS plan was to reduce the number of occupied positions by any means necessary regardless of the actual needs of the operation or the service. The primary tool utilized by the service and the first wave of attack was a concentrated effort to revert each and every single position that became vacant. That is why it is extremely crucial for every local to challenge and grieve each and every single reversion action

and make sure that you are supporting the grievance with information obtained by utilizing MDAT (Max Duty Assignment Tool). The second wave is to intentionally short staff virtually every operation in hopes that one employee will do the job of three (whether that is one

**The USPS sought to "overwhelm" the APWU with thousands of simultaneously issued excessing impacts.**

clerk working on the machine when it is supposed to be two or whether it is a Window Clerk who is skipping lunches and breaks while they run from operation to operation without moving on the clock.)

The third wave is the excessing notices which were sent to thousands of offices based upon "earned hours" which is nothing more than a creature of fiction manufactured by the service

to produce whatever artificially deflated complement they needed. If the Office had 20 employees and needed 20 employees, the USPS would mix the earned hours batter filed with artificial ingredients and out would come a cake that says the office only earned

15 employees. Problem is that the contract under article 37.3.A.1 requires the USPS to utilize "all available work hours" not the "Fake-Cake" hours derived from earned hours.

Sharyn Stone (Central Region Coordinator) is the APWU Regional official responsible for the impact meetings conducted numerous regional meetings to which several I participated in with her. These meetings were nothing short of a complete disaster for the USPS as their "Fake-Cake Earned hours" system was completely exposed. Even though the USPS had between 9,000 and 16,000 hours a month in PSE hours (Yes, I said a month not a year) in some facilities they wanted to excess full-time career employees while at the same time running up a tab of double digit overtime. In smaller offices where they made have had only two employees they wanted to excess one (1). Sharyn Stone along with other National APWU officers attended a Labor-Management meeting with the USPS last year in which this issue dominated the meeting.

### Detroit NDC

The perfect example is the Regional excessing meeting which occurred on November 17, 2017. At the very start of the meeting I asked a very simple and pointed question. "How can the Detroit NDC propose to excess seven (7) career employees while they have sixty-seven (67) PSEs working 9,648 hours per month (often over 8 hours in a day and 40 hours in a week)? I further asked, "What kind of a program are you running that says you cannot find work for seven career employees out of 9,648 hours per month?" The response given by the USPS was one of such silence that you could hear a dove's feather hit the ground. The USPS in their first breath in response to the question was, "We are cancelling the excessing impact for the Detroit NDC."

This scene repeated itself over and over again throughout the region as the arguments put forth by the APWU were met with "paper-

shields" as defense by the USPS. Nothing the USPS stated as the reasoning for the impacts made any sense. Make no mistake about it, the USPS did not cancel the majority of these impacts out of "goodwill." These cancellations were a result of a concentrated effort by the Regional Coordinators and National Officers along with crucial input from local officers.

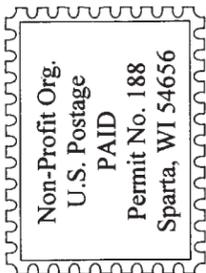
### Trojan Horse

The frontal attack of storming the gate did not work as the initial attack was so defective it was doomed to fail from its inception. The USPS sought to "overwhelm" the APWU with thousands of simultaneously issued excessing impacts. The notices were ill-conceived with the only reasoning being "declining mail volumes and decreasing revenues." The USPS forgot one important fact during their ill-begotten attack and that was that the WORK IS STILL THERE. Be not lulled into a false sense of security as while you are sleeping the other side is plotting. The APWU must be vigilant in protecting every minute of work by challenging every reversion and grieving any time supervisors or other crafts are performing our work. Remember, it is a fair days work for a fair days pay. An employee is not required to run themselves ragged because the USPS decides to understaff the operation.

The USPS in all likelihood is trying to regroup in order to renew their attack at a later day. Locals must track and pay close attention to each and every vacancy and the movement of employees. Make sure employees are working their proper duty assignments and if employees are detailed outside the bargaining unit in excess of the contractual limits challenge to have those positions posted for bid. Make sure that you are vigilantly challenging "sectional excessing and abolishments" as well. A common method by the service is to improperly abolish a position and excess an employee from the section while still having the very same employee or another employee perform the exact same work in the same section.

Please keep in mind that every single job that is reverted or abolished means that is a lost opportunity for a PSE to potentially be converted to career as the position filters through the bid process. In these days and times we are all thankful to be employed but we must not take that for granted as some of our brothers and sisters could very well find themselves faced with very difficult situations. Be leery of that which appears to be a gift or conciliation from management as all too often it is nothing more than a trap laden Trojan horse.

In Solidarity.



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