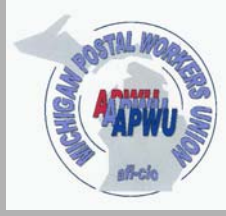


# MICHIGAN MESSENGER



AFFILIATED WITH: AMERICAN POSTAL WORKERS UNION, AFL-CIO, APWU POSTAL PRESS ASSOCIATION, MICHIGAN STATE AFL-CIO

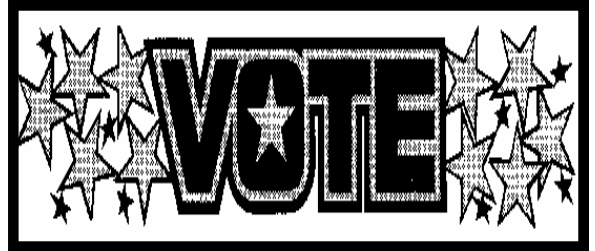
Volume 30, Issue 115

September/October 2004 Issue



## President's Report

Gary VanHoogstraten  
President



I would not feel right if I did not begin this article expressing myself as to the gratitude to this certain individual for his perseverance he has had with this challenge. I only wish he would have been there for the duration of the Convention to see what appreciation the delegates had for him while passing the issues he led the fight on. In the end, the retiree's number one goal, was to be able to elect their Director. This was a no-brainer and the response from the Convention floor showed that by the overwhelming 'yes' vote on it. Only those close to him know of his determination and hard work that he put into this to make it a success. I can only say how extremely proud that we have "COACH" Al LaBrecque as our President of the Retirees Chapter of the Michigan Postal Workers Union. All the words can't express to you Al, for leading the retirees to their victory. Congrats Al, you deserve it.

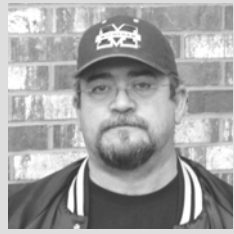
Early Thursday morning, Darren Joyce and I were in between hotels for registration for our Pre-Convention workshops at the Wilshire Grand Hotel, and the Convention Headquarters Hotel (the Westin

Bonaventure) to get our delegates badges and materials for our sessions and convention. As we moved throughout both hotels, we saw many familiar faces and were greeted with handshakes and hugs from many of the delegates and it was great to see so many new ones. In the morning session, we attended a class on Fiduciary Responsibilities of Union Officials. Conducting this class was Judy Beard from the Detroit District Area Local, who is on staff in the Secretary-Treasurers Office. As she has done many times in the past, her presentation was very informative, and she as always managed to add a little of her humor, which brightened the morning session. The afternoon session was one on Withholdings, the Guidelines. For the first time I have had contact with the controller from Headquarters, Mark Conheady, I was totally impressed with him. His knowledge and presentation made it clear as to why he is on the APWU payroll in this capacity. Delegates, in this day and age, seemed to be on the edge, during the class, as he explained the guidelines of withholding taxes and the Union responsibility. As I sat next to Darren, I can only say how lucky we are to have him in his

position. I would put Darren up against any Treasurer in any State or Local organization. He was extremely helpful in his participation and knowledge he shared with everyone that afternoon. There were comments from the class that day as to "Is He For Hire"? That shows how much respect the delegates had for his questions and answer he gave during the program.

In both of the classes that day, we had many National Officers address us and the only thing on their minds was to tell us we need money and that the only way to correct this is to have National Conventions change from every 2 years to every 3 years and the term of office for the National to change from 3 year term to 4 year term. Well when the vote came up on the Convention floor, the delegates turned both these resolutions down and many had their reason for this. I still believe that the Officers did not show us the figures and the necessity that we had to make these drastic changes without more information. The delegates in a huge way all seemed to agree with much of my sentiment. I had this feeling throughout the convention, that this convention was taken over by the dele-

*(Continued on page 8)*



## Secretary's Writings

**Harold Juhl**  
Executive Secretary



## Education at Work

**Lynn Pallas-Barber**  
Director of Research & Education

### National Convention

Another National Convention has come to an end, and the outcome was very different from previous years. With almost 3,000 delegates at the Convention, which was held in Los Angeles, there were a few heated debates on some Constitutional changes that were submitted to the body for approval. One of the first hot issues was that of changing the Conventions from every two years to every three years. There was much debate from both sides (for and against) the issue, and in the end the delegates overwhelmingly defeated this change. The second hot issue was that of changing the term of office for the National Officers from three years to four years, again with much heated debate. After all was said and done this too was overwhelmingly defeated. There were two changes brought forward, each to increase the membership dues. The body also defeated these. I could sense on the Convention floor there was a lot of discontent with the delegates with the way things have been going at the National level. There was a lot of confusion with our National officers on the issue of the budget, on one hand we were told by the Secretary-Treasurer that we were in good financial shape, and on the other hand we were being told that we needed to find ways to save money to help keep the Union financially sound. This is why the above listed changes to the Constitution were submitted.

There were some resolutions that did get passed that were considered a victory for the State of Michigan. Two resolutions for the retirees finally passed, after trying to get them through for the last three Conventions. The resolutions were about the election of the Retiree Director at the National level, and the right to vote for our National Officers. Both passed quite easily by the body.

Another issue that passed was that of the three Craft's of the APWU, holding their Convention during the same time at the same location. This was an issue that I did not personally agree with. It would take the three craft directors and possibly more officers from the local away all at the same time. For more information about the National Convention check out our union bulletin board.

While we were in L.A. we also assisted fellow union hotel

### WE MADE THE "DIFFERENCE"

The theme of this year's APWU national convention was "You make the difference" and we did. The delegates at our national convention are the highest ranking body of this great union. Controversial resolutions concerning the change in the terms of our national officers and the time between our conventions were decided. Nothing will change at this point in time. The national convention in Philadelphia in 2006 may provide an opportunity to readdress these same issues.

Other controversial resolutions were addressed as well. Our retirees will now have the right to vote in the national general election and will have the right to elect the National Retiree Department director. National advocates were given constitutional rights to be paid for 16 hours when it comes to preparing and presenting arbitration cases.

The delegates did vote to combine craft conferences during non-convention years. Hopefully this change will save money and increase educational opportunities for our members in their respective crafts.

The Clerk Craft held its conference the weekend before the start of the convention. Delegates at the convention adopted recommendations from the Clerk Craft conference on Tuesday. Resolutions limiting excessing and job reversion were adopted. Several proposals urged our negotiators to attempt to negotiate contract language that management will have to provide evidence to support job reposting, reversions and abolishments. In my local we have already been successful at this endeavor. Article 31, Section 3 of the contract already gives us the tool to investigate these contractual issues and the means to request documentation to support management's actions.

Tuesday was also rally day. 2,500 delegates walked the walk in the streets of downtown L.A. It is always inspiring to participate in such a rally and to witness and hear the enthusiasm of our delegates. It is unfortunate that the hotel workers in this large town are experiencing difficulty in negotiating a fair contract. It is hoped that the strength demonstrated in our walk inspired the hotel workers in

*(Continued on page 9)*



## The Long and Short of It

**Michael A. Long**  
Editor

I would like to begin this article by apologizing for the lateness of this edition of the Messenger. Due to the recent National Election, I made the decision to delay sending this paper to the printer until the results were announced. In that regard, I would like to extend not only mine but the entire Executive Board's congratulations to Lynn Pallas-Barber as the newest National Business Agent, Chicago Division C. You have definitely earned this recognition. To our brother Jerry Martin, I would like to extend our thanks and gratitude for all your years of hard work and efforts on behalf of the issues from Michigan and the Central Region.

### Website

For those that have internet access, I hope you have had the opportunity to access the new MPWU.com website. We now have an interactive page, where you can post comments and issues. If you haven't done so, please check it out. This is your website. If you have any comments or would like to see more, please let me know.

### Dental

As I stated in the last edition of the Messenger, I made the opportunity available for anyone that would like dental coverage to join the dental plan through the Western Michigan Area Local. I will have a link with the information on the MPWU website for you to download the information and send to me.

In closing, I can not stress enough for you to get out and VOTE. While it is past the deadline to register to vote on November 2<sup>nd</sup>., if you already have....exercise that right...and.....VOTE. Make your voice heard. While I can not tell you how to vote, I would like to reiterate one thing....do you want to continue down the road we are now on, or do you want a change? The choice is yours!

Hope to see you all at the upcoming activities around the state.

Yours in Solidarity,

*Mike*



## Legislative Report

**Regina Favors**  
Legislative Director

### Less Than 50 Days

Yes, my fellow union sisters and brothers, there are less than 50 days before we can (hopefully, prayerfully) breathe a sigh of relief. By the time you read this article, it will be too late for you to register to vote. I was truly socked when I found out that we have an enormous amount of non-registered voters in the APWU, therefore I truly hope that everyone who had not registered took the time to do so. We made every effort possible to notify those of you on that list. To those of you who did not register and to those of you who have that "I don't get a s--- attitude," maybe just maybe I will have a little bit of sympathy for you come 2005 and beyond (cause believe me you will need it). But whatever you do, don't you dare complain. It is so baffling to me that people are so nonchalant about a right and a privilege that so many others fought and died for. In August, I was at the end of the night voting because of the time I got off work. I was appalled at the low voter turnout, since I was number 125 for my precinct. I was told that was one of the high numbers for the precincts in that room. That is disgusting and quite frankly a slap in the face to our ancestors. I have been to a lot of labor walks and some of the tings I often hear are: "my vote won't make a difference" or "it's not up to us anyway" and the classic one is "I feel safer since 9/11" Bull! Yes, one vote can make a difference or even be the deciding one, and yes, it is "up to us." And as far as feeling safe, how, or better yet, why? In the first place your current "Chief" put you in the war that you should not be in, and he lied to you about it. There have been more jobs lost under his watch than under the last 11 President. The economy that he says is growing is not. But what you really need to think about is the exporting of American jobs, the rising cost of health care, and for all of us Postal workers, the possible privatization of the Postal Service. Think and get the facts on where we are now, and what has happened over the past four years, and what the future holds for us if....We know that how you vote is your personal decision but by all means and most importantly; I do PRAY that all of you come out and exercise your right to vote and let your voice be heard! We must have a strong labor tun out. Also on that note we need workers to come

*(Continued on page 8)*



## Injury Comp Report

**Ron Krumrie**  
Human Relations/Injury Comp. Dir.

### Establishing The Essential Elements ( cont.)

As I stated in my last article, for a claim to be approved by the Department of Labor five essential elements must be established. These five essential elements are Time, Civil Employee, Fact of Injury, Performance of Duty, and Causal Relationship. We discussed Time, Fact of Injury, and Causal Relationship in my last article and now let's look at Civil Employee, and Performance of Duty.

#### Civil Employee

If the claim is timely filed, it must be determined whether the injured or deceased individual was an "employee" within the meaning of the law. This is always the second requirement considered.

a. *Provisions of the Law.* The FECA covers all civilian Federal employees except for non-appropriated fund employees. In addition, special legislation provides coverage to Peace Corps and Vista volunteers; Federal petit or grand jurors; volunteer members of the Civil Air Patrol; Reserve Officer Training Corps Cadets; Job Corps and Youth Conservation Corps enrollees; and non-Federal law enforcement officers under certain circumstances involving crimes against the U. S.

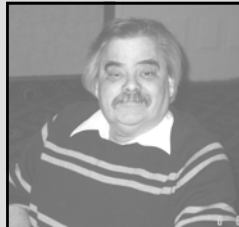
b. *Other Considerations.* Temporary employees are covered on the same basis as permanent employees. Contract employees, volunteers, and loaned employees are covered under some circumstances; such determinations must be made on a case by case basis once a claim is filed. Federal employees who are not citizens or residents of the U.S. or Canada are covered subject to certain special provisions governing their pay rates and computation of compensation payments.

#### Performance of Duty

If the first three criteria have been accepted, it must be determined whether the employee was in the performance of duty when the injury occurred.

a. *Agency Premises.* An employee who is injured on agency premises during working hours has the protection of the FECA unless engaged in an activity which removes him or her from the scope of employment. Coverage in-

(Continued on page 10)



## Clerk Craft Report

**Bob Maloney**  
Clerk Craft Director

A friend of mine came to me a couple of weeks ago to ask me to look over a letter that the Company he works for asked him to sign. He said that he knew that I was involved heavily in the Union at the Post Office and he wanted to get my take on this letter before he signed it. We when I looked at it after he gave it to me, I could see that it was an agreement between the Company and the employee. I of course that out of our National Agreement that we refer to as the contract. Well the first article stated that the employee shall be employed by the Company and the employee's duties and responsibilities shall be as established or changed by the Company. And that the employee will abide by the rules, directives, procedures, and policies of the Company, as they are or as they may change. All standard stuff, but then the next article then states that both parties agree that the employee and employment can be at anytime, without just cause, terminated. Also that this can be done without any notice given to the employee. I had to stop and read that a second time -- fired without any notice given or without any reason. And that was not the best part, it went on to say that the employee, once fired can not seek work in the same type of work as they are performing for the Company for a period of 18 months. Further along in this agreement also states that the fired employee can not file any suit or bring any legal action against the Company and agree to waive any statues of limitation. I am making not of this up. There was not mention of any thing that would benefit the employee. No mentions of overtime pay, or sick leave, or vacation time, or how to use it. Nothing about lay off, or pay increases, or any way to address grievances against the so-called Company. This was the work thing on labor that I have ever read. This was like everything I have ever stood up against or everything that wrong the Republicans have done to working people in this Country. However, this wasn't some big Oil Company, but a little appliance company with maybe twenty people working there. Well, I told my friend not to sign this so-called agreement and then I gave him the phone number of my contact in the Labor Department in Detroit. Is this what it has come down to in this country that small business wants to destroy the working class in this country? Now, my friend is afraid that if doesn't sign it, he may be fired and if he does sign it, he agrees that he can be fired at any time for no

(Continued on page 11)





## Maintenance Memo

**Jane Duggan**  
**Maintenance Director**

As you may know, our national convention voted to urge an end to the war in Iraq and the repatriation of our troops. This is at the end of a convention that raised nearly \$7000 for East Coast custodian Larry Roukey who was killed in Iraq in April. The executive board matched the money raised on the floor and Larry's wife was presented with \$15,000.

Many other members are still serving and as I am writing, the struggle has escalated with many more deaths of GIs, Iraqi civilians and Iraqi combatants. Things seem to be getting worse, not better, by the day.

This morning I received on the maintenance internet connection a request for assistance for a postal worker and union rep from California now serving in Najaf having served earlier in Fallujah. SSG Joe Macias and his entire unit lost everything in an electrical fire. This unit is in need of underwear and toiletries. You can send them directly to

SSG Joe Macias  
208<sup>th</sup> TC, 1<sup>st</sup> Platoon  
APO NY 09381

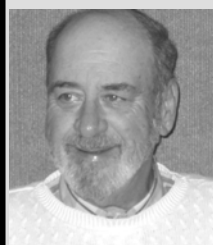
Or you can send money to our members in Bridgeport CT who are buying things and sending them to Brother Macias and his unit. If you want to send a donation to this fund, please make checks payable to Mike Ganino and mail to

Mike Ganino, President  
CT & BRIDGEPORT APWU  
118 Infield Street  
Bridgeport CT 06606

Please consider circulating this request among your members and having a day designated for collecting. It's a small thing they are asking us to do.

Solidarity,

*Jane*



## Retiree Involvement

**Al LaBrecque**  
**MPWU Retiree's Chapter Dir.**

2004 Retirees Department Conference and National Convention Report:

The pre-convention Retirees Dept. Conference was successful beyond expectations. Director John R. Smith is to be commended for conducting a very well structured 2-day conference. This report on the Conference and Convention actions will be limited to our retiree issues. Other Convention reports will undoubtedly cover the issues affecting the active membership.

I'll back up to about 10 days prior to the Convention when Detroit Dist. A.L. Pres., Pat Chornoby, Constitution Committee Chairman, invited me to attend a "preview" meeting, along with Michigan Local Presidents, on the Committee's recommendations on Constitution resolutions. This was a "first" in recognizing our State Chapter as an entity beyond that of our State Union. I deeply appreciate Brother Chornoby's kind consideration and the great DDAL hospitality. That meeting gave us an opportunity to view the Committee's recommendations on our paramount retiree resolutions and three other retiree resolutions, which gave us a "leg up" in developing strategies for the Conference and Convention.

As a result, we were able to develop 'position statements' on our two paramount retiree resolutions. P.K. Wood, Ohio State Retiree Chapter, Sec.-Treas., did the same on their resolution, which I strongly supported. Between us, 1,750 flyers stating our arguments for adoption of our resolutions were distributed to Conference and Convention delegates. I have Flint MI A.L. Editor, Kenna Gay to THANK for putting our position statements on letterhead with a neat computer format for printing. Nice job! We also decided to caucus prior to the Conference, inviting retiree leaderships primarily from Michigan and Ohio, hosted by Western Region Retiree Delegate, Byron Denton, which included Southern Region Retiree Delegate, Beth Cramer. The purpose of the caucus of retiree leaderships was to further develop our strategies on our resolutions, and resolutions submitted by Florida which were counter to what we were attempting to accomplish. Although specifically invited, our Central Region Retiree Delegate chose not to participate.

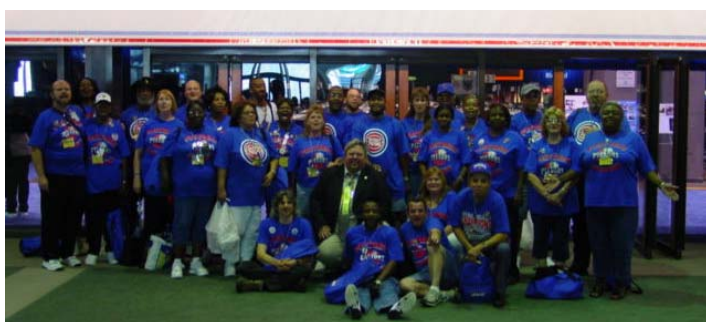
Day #1 featured the usual parade of national officers led by

# 17th Biennial National Convention





# August 23 - 27, 2004 Los Angeles, California



(Continued from page 1)

**President Report Continued**

gates. Not like ones in the past as to whatever the National Officers wanted, they got. I saw a sense of defeat on the face of President Burrus throughout the convention. He smiled and said many times that it is up to the delegates at the convention as to how they wanted this Union to run and I thought we did well. There was a look of defeat on his face many times during the Convention and as I spoke with many delegates, they seemed to have that same feeling.

Prior to the Convention I spoke with Detroit District Area Local President, Pat Chornoby. He explained to me his role as the Chairperson of the Constitution Committee. We had quite a chat before going into the Convention and he explained to me the rules that were placed before the Committee and how they would deal with each resolution. This was the first time I can remember at a convention that the committee had to deal with the resolution as written and not make any changes or recommendations. Why all of the sudden, the rules change is beyond my belief. I thanked Pat for being upfront with me and I can say that he went through pure HELL that week as the Chair. But he did show us that he was up to the challenge and I can't say enough of how he handled himself and made us proud back here in Michigan that he was from our State. I know as the President of the Michigan Postal Workers Union, I was extremely proud of you and the job that you did. As we left the convention, I feel that we accomplished many things. I think the first is that this was OUR convention and we conducted it that way. I also feel that when we left there that we were more Unified than we have ever been before. I hope I am right.

As I look at today's date, I see we are

running out of time before the election of a new President of the United States. I am not going to get longwinded about this because I feel we all know how important this election is for all of us. We do have to remember that it is our duty and responsibility to get to the polls. Make sure that all of your family members and as many friends that you can are registered voters and make a difference in this years choice. Look at both candidates and see which one will best serve us as President. I for one, know who I am voting for and I am proud of it. I hope all of you enjoyed our summer. For what summer we had. I look forward seeing all of you at upcoming functions of the Michigan Postal Workers Union.

In Union Solidarity,



Gary Van Hoogstraten  
President  
Michigan Postal Workers Union

***THE DEADLINE  
FOR SUBMIT-  
TING ARTICLES  
for the November/  
December 2004  
Edition of the  
MICHIGAN  
MESSENGER  
is November 15th***

(Continued from page 3)

**Legislative Report Continued**

out and assist us on the labor walks and also on the phone banks. It is not a very difficult thing to do and any time you could give would be greatly appreciated.

The National Convention was a fantastic event as usual. We voted on lots of resolutions designed to change and shape the future direction of the APWU. We also shot down some resolution. There was a resounding not vote to change the terms of Officers from two years to three or four years and to changing the National Convention to every three years. But congratulations go out to the retirees who made significant strides at this year's convention.

In Union Solidarity,

Regina



*Make your voice  
heard on Capitol Hill.  
Write your  
congressional  
representatives!*



(Continued from page 2)

**Secretary's Writings Continued**

workers by holding a picket downtown around the Hyatt Hotel. This was an awesome sight to see 3,000 APWU Union Members walking (and closing) the streets of downtown L.A.

**National & Local Elections**

Let's not forget about the National Presidential election for the U.S. This year's election could possibly change the whole Postal System and could affect all of our jobs. I would urge all of you to get out and vote and get all of your families and friends out to vote. This election is our future! I believe that changes need to be made at the National Level and I urge all of our members to fill out those ballots and VOTE! Voting is an important right, which you have and you should take advantage of that right, and VOTE!

**Local Events**

The Central Michigan Area Local attended a Lug Nuts game. Not only was the weather good, but the team won the game 2 to 1, and the fire works after the game were also very good as always. Oh yea, as the President of our local, I got to throw out the first pitch. I was also able to take my son Zachary on the field with me. That was a great experience!

**Up Coming Activities**

In October there will be a President's Conference in Indiana. This should be an interesting Conference since it will be following our National Election of Officers. In November there will be a District Meeting in Traverse City. It will be the first weekend in November, 4,5, & 6, 2004. I look forward to seeing everyone there.

In closing, I hope everyone had a great summer (which is coming to an end). Last, make sure that you get out and VOTE, VOTE, VOTE!

In Solidarity,

*Harold*

L.A. and that they will stand strong in their struggle.

The power of POWER was evidenced at the caucus held on Monday night, the first day of the convention. It was extremely lifting to see so many women in our movement holding offices in our union. National and local officers were given an opportunity to introduce themselves to the attending delegates. It was also inspiring to see several men in attendance at this caucus. I hope that my participation in POWER will be a positive and rewarding one and I look forward to working together with my sisters and brothers in this movement.

**GET OUT THE VOTE**

As I write this article the ballots for the election of our national officers are in the mail. It is hoped that every members participates in this election. Your vote is your voice. Not every member can attend a national convention and gain the experience of the democratic structure of our union. They can, however, make their voice heard through the voting and election process. I hope that you took a little time and made sure that YOUR VOICE has been heard.

**GET OUT THE VOTE TWICE?**

In an effort to sound repetitive it is extremely important that our membership, family and friends vote in the Presidential election in November this year. You've seen all the ads and heard all the controversy. This election is extremely important to us as postal workers. Once again the political arena has put our jobs on the line. LET YOUR VOICE BE HEARD!!

**MPWU DISTRICT MEETING**

A district meeting for Areas 10, 11 and 12 has been scheduled in Traverse City on Nov. 5, 6, and 7. As usual we hope to provide a well rounded curriculum of classes which will meet the needs for education of our members in those areas. It is through education and communication that we can remain strong. Hope to see you in Traverse City. See the MPWU web site for all the details.

Until next time,

In solidarity,

*Lynn*



(Continued from page 4)

**Injury Compensation Report Continued**

cludes injuries which occur while the employee was performing assigned duties or engaging in an activity which was reasonably associated with the employment. Such activities include use of facilities for the employee's comfort, health, and convenience as well as eating meals and snacks provided on the premises. The premises include areas immediately outside the building, such as steps or sidewalks, if these are Federally owned or maintained. The supervisor should document an injury occurring in such an area by submitting a diagram showing where it happened.

(1) Outside Working Hours. Coverage is extended to employees who are on the premises for a reasonable time before or after working hours. It is not extended, however, to employees who are visiting the premises for non-work related reasons. The supervisor should verify the time of the injury and provide any information in its possession about the employee's purpose in being on the premises at the time of injury.

(2) Representational Functions. Injuries to employees performing representational functions entitling them to official time are covered. Injuries to employees engaged in the internal business of a labor organization, such as soliciting new members or collecting dues, are not covered. The supervisor should advise whether the employee was entitled to official time when injured.

(3) Parking Facilities. The agency's premises include the parking facilities which it owns, controls, or manages. An employee will usually be covered if injured on such parking facilities. Information submitted by the supervisor should include a statement indicating whether it owns or leases the parking lot, and if the latter, the name and address of the owner (this information may be needed for purposes of developing the third-party aspect of the

claim, which is described in Chapter 4-1). If the parking lot is not immediately adjacent to the building, the supervisor should also supply a diagram showing where the injury took place in relation to the parking lot and building.

(4) Agency Housing. An employee is covered if injured during the reasonable use of premises which he or she is required or expected to occupy, and which are furnished or made available by the agency. (Employees using such housing include firefighters and Job Corps enrollees.) Any claim for injury occurring under such circumstances should be accompanied by a full description of the living arrangements and the requirements and expectations surrounding their use.

b. *Off-Premises Injuries*. Coverage is extended to workers such as letter carriers, chauffeurs, and messengers who perform service away from the agency's premises. It is also extended to workers who are sent on errands or special missions and workers who perform services at home.

(1) To and From Work. Employees do not have the protection of the FECA when injured en route between work and home, except where the agency furnishes transportation to and from work, the employee is required to travel during a curfew or an emergency, or the employee is required to use his or her vehicle during the work day. Such claims should be accompanied by a description of the circumstances.

(2) Lunch Hour. Injuries which occur during lunch hour off the premises are not ordinarily covered unless the employee is in travel status or is performing regular duties off premises.

(3) Travel Status. Employees in travel status are covered 24 hours a day for all reasonable incidents of their TDY. Thus, an employee injured on a sightseeing trip in the city to which he or she was assigned may not be covered, while an employee

injured in the hotel shower would be covered. All claims for injuries occurring in travel status should be accompanied by a copy of the travel authorization.

(4) Vehicular Accidents. Any claim involving a traffic accident should be accompanied by a copy of the police report, if any, and a diagram or map showing the location of the accident in relation to the places where official duty was last performed and next scheduled.

c. *Other Factors*. Some injuries occur under circumstances which are not governed, or not completely governed, by the premises rules. Injuries involving any of the circumstances indicated below must be determined on a case-by-case basis.

(1) Recreation. An employee is covered while engaged in formal recreation for which he or she is paid or is required to perform as a part of training or assigned duties. Also covered are employees engaged in informal recreation, such as jogging, while on the agency premises. Under other circumstances, the agency must explain what benefit it derived from the employee's participation, the extent to which the agency sponsored or directed the activity, and whether the employee's participation was mandatory or optional.

(2) Horseplay. An employee who is injured during horseplay is covered if the activity was one which could reasonably be expected where a group of workers is thrown into personal association for extended periods of time. In this kind of case, it must be determined whether the particular activity was a reasonable incident of the employment or was an isolated event which could not reasonably have been expected to result from close association.

(3) Assault. An injury or death caused by the assault of another person may be covered if it is estab-

(Continued on page 11)

(Continued from page 10)

**Injury Compensation Report continued**

lished that the assault was accidental and arose out of an activity directly related to the work or work environment. Coverage may also be extended if the injury arose out of a personal matter having no connection with the employment if it was materially and substantially aggravated by the work association. The supervisor should submit copies of any internal or external investigation to which the agency has access as well as witness statements from parties having knowledge of the incident.

(4) Emergencies. Coverage is extended to employees who momentarily step outside the sphere of employment to assist in an emergency, such as to extinguish a fire or assist a person in imminent danger.

Until next time, may all your grievances be winners and your claims be approved.

**KNOWLEDGE IS POWER, USE IT, AND SHARE IT!!**

In Union Solidarity,

*Ron*



(Continued from page 4)

**Clerk Craft Report continued**

good reason. Talk about stress on the job. I think about the times, we have all raked about our contract and what he has in it. I know how new employees in the Postal Service don't think to much of the no-layoff clause in our agreement and how some think that grievances procedure is to weak. I know people think that we need stronger language to keep management from doing our work. But if you ever thought we would be better without a union contract, give me a call, and I will send you a copy of this so-called "Agreement." Oh, and by the way, the last Article of this agreement said that his agreement "can not be changed, altered, or contradicted in any respect, whatsoever, except in written form from the Company."

*Bob*

## Area 10, 11, & 12 District Meeting

When: November 5 & 6, 2004

Where: Waterfront Inn, Traverse City, Michigan (US 31 & 4 Mile)



Costs: Room rates are \$60.00 (single), and \$65.00 (double) (plus applicable taxes)

Registration: \$50.00 (includes Dinner on Saturday Night)

Classes will be held on Friday Afternoon (starting at 1:00 p.m.), and Saturday. **Classes are:** Veteran's Rights; FMLA - attendance; OWCP - what stewards need to know; Basic Stewards training; Writing and documenting grievances; Maintenance - how Article 38 works and promotions; Organizing; Dealing with the Inspection Service.

Additional activities - a COPA chili cook-off on Friday night.

Any questions, contact the Traverse City Area Local President - Steve Duede - 231-935-4140



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**Retiree Involvement Continued**

APWU Pres. Burrus. After the perfunctory praises for APWU retired members, pitches for COPA contributions, the general theme was for support of the administration's cost cutting resolutions, with the dire predictions that the APWU was going broke if delegates failed to adopt those proposals. Conferees were allowed to address each speaker, and did. Day #1 concluded with John R. inviting each National Retiree Delegate to address the conferees. Brother Byron Denton gave an outstanding rundown of our structuring activities since 1996, stressing the fact that until the 1998 Convention, the only Constitution provisions addressing the Retirees Dept. structure were establishing the Department, an appointed Director, and 5 elected National Retiree Delegates. Byron let it be known that the 5 original Retiree Delegates (including yours truly) were brought in to APWU Hq. in 1998 to develop resolutions structuring the Dept., resulting in the '98 Convention adopting resolutions establishing Local and State Retiree Chapters, and the formula for rebating retiree dues to Chapters. A subsequent resolution submitted by the MPWU was adopted to reduce the number of members required to organize a Local Retiree Chapter from 25 to 10. The reception by the full-house Conference was outstanding and set the tone for Day #2.

Day #2 began with John R. giving an address on the history of the Dept. and the issues still in need of being addressed. He indicated several times that this would be his last convention(?). Human Relations Director, Sue Carney, advised conferees that the Postal Relief Fund has been extended to postal retirees in cases of natural disaster, home fire, etc., and are eligible to receive grants. Then, APWU Sec.-Treas.,

Terry Stapelton spoke to the Conference continuing the pleading poverty theme, which by now, convinced me that this Convention was going to be "all about the money", rather than about the membership. It did give me the opening to question Stapelton on the status of the 2000 Convention adopted Res. #68 which has not appeared in print in the APWU Constitution.

Stapelton acknowledged that Res. #68 was determined by the National Executive Board to have been "inadvertently omitted" from the Constitution and is proper constitutional language. He said that the Constitution Committee Report to the Convention would confirm that with the delegates. From all reports, that didn't happen. While I was, and am, buoyed by that confirmation after a 2 1/2 year struggle to get some kind of acknowledgement from APWU Hq., I've got to see it in print before I breathe easy. For retiree members' information, that resolution provides; Article 16. Section 2(h): "...establishing APWU Retirees Department membership procedures which allow a retired member residing outside the zip code representation jurisdiction of their home APWU Local from which they retired, the option of assigning their Local Retiree Chapter membership and forty percent (40%) annual dues rebate to their home Local Retiree Chapter." (if they have a home Local Retiree Chapter). The N.E.B.'s explanation of this provision being "inadvertently omitted" is accepted at face value, just as long as it appears in print in the 2004 Amended APWU Constitution and By-Laws.

Then, we got down to debating the 6 resolutions dealing with retiree issues. Dir. Smith brought in 3 members of the Constitution Committee, seating them at the head table with the 5 National Retiree Delegates.

Committee members were; Chairman Pat Chornoby, Co-Chair Richard Phillips-Pres. Tampa, FL, and Terry Grant, Pres. Ohio Postal Workers Union. Debate on each resolution was lively and thoughtful. The conferees voted to reverse the Constitution Committee's non-concurrences on both Michigan resolutions; Res. #16; to elect the APWU Retirees Dept. Director, and Res. #17; eligibility of Retirees Dept. members to vote for National Resident officers, and the Ohio State Res. #38. "...State Retiree Chapters shall receive twenty percent of the annual retiree per capita tax per retiree member of that state." I strongly support Res. #38.

The other 3 resolutions were all concurred upon by the Committee. Res. #1 submitted by APWU of Florida proposed; "As an alternative, such retirees shall have an option to choose to maintain full National membership with the National APWU only, by paying full National per capita taxes to the APWU plus Twenty-Four (\$24.00) Dollars to the APWU Retirees Department." In a fairly close vote, the conferees voted Res. #1 down. I was on the prevailing side, viewing Res. #1 as a deliberate move to block our Res. #17. Much more on this later.

Res. #5. submitted by the North Carolina Council proposed that; "...National Officers and Retiree National Convention Delegates shall be elected by mail ballot of the members for a four (4) year period, effective with the 2004 election." in a very close vote, conferees approved Res. #5. I was on the short end of that vote!

Res. #9 submitted by APWU of Florida proposed that; the retiree dues rebate to Retiree Chapters is to be paid to the Retiree Chapter where the retiree is domiciled as their primary residence. This was an obvious attempt to negate the provisions of Res. #68 as outlined

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above. Upon receiving assurances that Res. #9 would not have an adverse effect upon Res. #68's language, it was approved in a close division. The overall support from the Conference participants was greatly encouraging, although each resolution would have to stand the test of the voting Convention delegates. It was back home to Spruce for me.

The Convention: The "Good News" first! Retirees Dept. members gained the right to elect our own Director! Res. #16 was overwhelmingly adopted by the Convention delegates! I'm told that it wasn't even close!

But, Res. #1 was adopted after considerable debate and effectively blocked Res. #17 from consideration. Debate to consider Res. #17 over Res. #1 nearly got approval, but after the Chair informed the delegates that Res. #17 would be in conflict with Res. #1, well meaning delegates voted to adopt Res. #1 believing they were giving retiree members "something". Res. #1 conjures up some serious constitutional questions, and is a questionable benefit to retiree members. Consider that Members-At-Large Retirees Dept. members already have that "option", and they don't have to belong to the Retirees Dept.! Does this now mean they HAVE to belong to the Retirees Dept. too? It means that retiree members don't have to pay Local dues if they just pay national per capita and Retirees Dept. dues. It also means that they have no standing in their Local to vote or run for Local office or delegate to State or National Conventions. They will be able to "buy" the right to vote or run for national office once every 3 years, that's all..

It won't affect my home Flint MI A.L., for instance. Back in the '70's

we amended our constitution to only charge retired members \$1. per month plus national per capita to remain as full dues-paying members. We felt that "these Builders of our Great Union" had already paid their dues! If they choose not to belong to the Retirees Dept., they actually "save" \$12. per year! I can understand why some retiree members who are strapped with as much as \$20. Local dues per pay period to retain full membership would find this attractive, IF they're willing to forgo the rights of Local membership, so they can vote for national officers once every 3 years. It's also all about the money! With national per capita currently at \$7.48 per P.P. X 26 = \$194.48 per year x 3 years=\$583.44 per voting cycle. Little wonder one highly vocal supporter acclaims this "option" could account for a sizeable increase in revenue for the APWU coffers. Yup! It's all about the money!

As for the other resolutions, Res. #5 was soundly rejected by the Convention delegates, as was Res. #9 when the Chair informed delegates that the constitution already provided for what it proposed. Ohio's Res. #38 "died" when weary delegates voted to adopt the remaining Constitution Committee recommendations of non-concurrence "in toto". That's okay, we'll be back! The 2004 Convention was a complete reversal of what retirees experienced at the 2002 Minneapolis Convention. I am deeply grateful for the great support for 'retiree inclusion' by the convention delegates. Now, we have 2 years to regroup and bring our remaining proposals back to the delegates in 2006.

I have to THANK and apologize to Byron Denton for leaving him in the lurch with all the position statements to hand out at the Convention. State Chapter V.P. George Hendricks stepped up, and with the help of some

unknown volunteers, the flyers explaining our positions were distributed to the delegates. MPWU Sec.-Treas. Darren Joyce and Pres. Gary Van saved my bacon by shuttling me from the hotel to our meetings at the Headquarters hotel the 3 days I was in L.A. I appreciate the good work of Southwest MI A.L., Dan Sullivan for his e-mailed blow-by-blow account of the Convention. Almost as good as being there! Mark Hart for calling me with the "news", Mike Long making sure I was kept informed, and my dear Brother, Byron Denton, for being a real "stand up guy" on the mikes in our behalf, and from all reports the ONLY National Retiree Delegate to stand and be counted when our issues were on the floor.

There's going to be more in the way of fallout over the retiree resolutions and issues I've related herein. As a matter of fact, as I write this it looks like the retaliation has begun!

Be Strong!

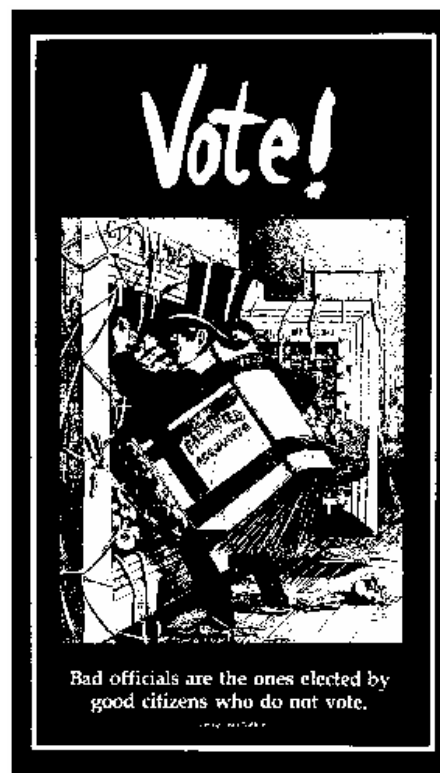
*Al LaBrecque*

## Congratulations to Lynn Pallas-Barber the Newest National Business Agent in the Central Region

I would like to extend congratulations to Lynn on behalf of the entire state of Michigan on her election as National Business Agent. To Jerry, we thank you for your tireless efforts in support of this great union. Your legacy will be hard to live up to.

### Unofficial Totals for the National Elections area as follows:

Candidate Name	Tally	<u>Clerk, NBA New York (C)</u>	<u>Motor Vehicle - NBA Northeast</u>
<b><u>President:</u></b>		Terence Finnerty 1,788	Joseph LaCapria 445
William "Bill" Burrus 48,166		Wilfredo Figueroa 1,001	Thomas M. LaFauci 330
Leo F. Persails 17,525		<b><u>Clerk, NBA Atlanta (B)</u></b>	<b><u>NBA, Alaskan</u></b>
<b><u>Secretary-Treasurer</u></b>		William E. Sullivan 2,939	Denise Hernandez 158
Terry R. Stapleton 45,536		Ralph B. Brown 2,407	James M. Patarini 175
Peter Holter-Mehren 18,113		<b><u>Clerk, NBA Atlanta (C)</u></b>	Roger Ladrido 20
<b><u>Industrial Relations Director</u></b>		Bob Stutts 2,545	<b><u>NBA, Caribbean</u></b>
Greg Bell 43,352		Marie Robbins 2,784	Alberto Ortiz 129
Ray Christopher Chaney 20,983		<b><u>Clerk, NBA Dallas (B)</u></b>	Daniel Soto 250
<b><u>Organization Director</u></b>		Morline Guillory Moore 2,373	Marcelino Velazquez 156
Frank A. Romero 38,747		Ed Thompson 1,660	<b><u>Retiree - Central Region</u></b>
Lance Coles 25,407		<b><u>Clerk, NBA Memphis (A)</u></b>	Beverly M. Shealy 1,638
<b><u>Health Plan Director</u></b>		Billy Woods 975	James W. Hawk 1,280
William Kaczor, Jr. 38,233		Arthur W. Coleman 393	Al LaBrecque 660
Cherli Montgomery 25,930		<b><u>Clerk, NBA Northwest Region(A)</u></b>	<b><u>Retiree - Western Region</u></b>
<b><u>Regional Coordinator, Eastern</u></b>		Martin (Marty) Barron 1,043	Byron C. Denton 964
Jim Burke 6,417		Brian Dunsmore 973	Ronald M. DeLeon 771
LeRoy D. Moyer 4,446		<b><u>Clerk, NBA Northwest Region(B)</u></b>	
<b><u>Regional Coordinator, Southern</u></b>		J. Robert Patterson 832	
Frankie L. Sanders 10,063		Brian Dunn 1,176	
Michael E. Woods 4,759		<b><u>Maintenance - Director</u></b>	
<b><u>Regional Coordinator, Western</u></b>		Steven G. Raymer 6,117	
Omar M. Gonzalez 7,072		William LaSalle 4,236	
Douglas G. Blakely 4,320		<b><u>Maintenance - Assistant Director (B)</u></b>	
<b><u>Clerk, NBA Chicago (C)</u></b>		Gregory "Greg" See 6,075	
Jerome L. "Jerry" Martin 2,115		Joseph Frega 4,282	
Lynn Pallas-Barber 2,532		<b><u>Maintenance - NBA Western (A)</u></b>	
<b><u>Clerk, NBA St. Louis (B)</u></b>		Chuck Sundgaard 1,019	
Roosevelt Stewart 780		Patricia Luttrell 751	
Dennis Taff 1,475		<b><u>Maintenance - NBA Western (B)</u></b>	
<b><u>Clerk, NBA Philadelphia (C)</u></b>		Richard Shepard 1,214	
Jeff Kehlert 4,398		LaDondrous Moncado Green 541	
Steve Collins 1,937		<b><u>Motor Vehicle - NBA Central</u></b>	
<b><u>Clerk, NBA New England (A)</u></b>		Merlie H. Bell 601	
Wayne F. Corriveau 1,478		John "Big Cy" Cychosz 374	
Frank Rigiero 2,521		<b><u>Motor Vehicle - NBA Eastern</u></b>	
<b><u>Clerk, NBA New York (C)</u></b>		Russ Knepp 506	
Jim "Moose" Musumeci 757		Johnny D. Martin, Sr. 294	
Sharon Tyrrell 569			





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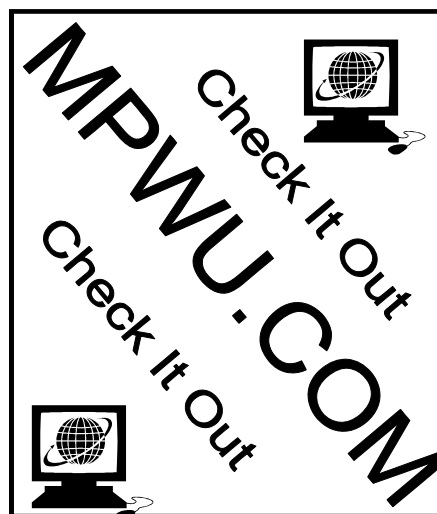


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Your articles are welcome! They must be signed to be printed, but your name will be withheld upon request. Articles sent via electronic media will be treated as being signed. Be aware that articles may be edited to fit the confines of this publication.

In addition, this paper is designed with everyone in mind, please be aware that all mistakes are intentional for the express purpose of keeping those happy that are most happy when finding errors in others.



## Upcoming Events to Plan For:

November 5—6 2004 - District Meeting, Waterfront Inn, Traverse City

June 2005 - MPWU Educational Convention, Radisson Hotel, Kalamazoo

February/March 2005 - Area 1/2/3 District Meeting

August 10 - 13, 2005 - National APWU Postal Press Convention, Reno, NV

April/May 2006 - MPWU Biennial Convention, Detroit, MI



## Michigan Delegation at the 17th Biennial National Convention



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