

Michigan MESSENGER

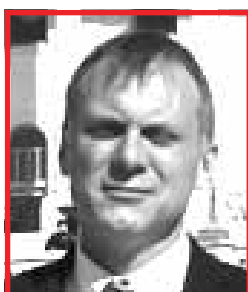
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by John
Marcotte,
President

PRESIDENT'S REPORT

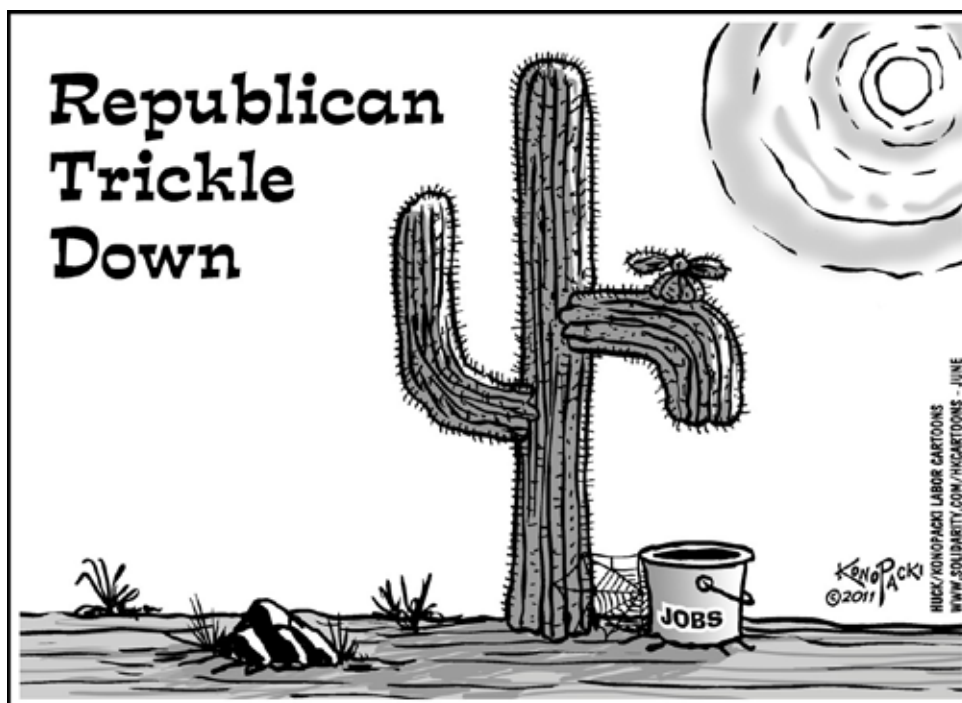
It's Time To Move Forward

After much research, discussion and debate we have a ratified contract that allows us to do what the APWU has always done. That is to move forward and improve the lives of postal workers everywhere. The time to lament what we didn't get in this contract is over. It is now time to educate ourselves on what we did get in this agreement and to develop a plan to maximize our benefit from it. Unlike the partisan political world that surrounds us our members can have vastly different opinions on issues at convention, in local meetings, in the elections of officers or the ratification of a new contract and argue each side aggressively. However, after the motion or resolution is voted on, the election or ratification votes are tallied we come together and support the new language, contract or officers regardless of our previous position as brothers and sisters with a common cause. That a great source of pride for me as a member and that is what we must do now.

With the assault on postal workers from what seems like every direction we must embrace the new language and use it to fight back against a management team that only knows how to cut costs one way and that is to take it from the worker. The days where we pay for the mismanagement

of Washington will only stop when we make it stop. We need to celebrate the gains in this contract and reclaim our work that was improperly taken from us by management. We must be proud of the gains we negotiated

their lives now and ensures they have a fair opportunity at obtaining a career position in the future. We must come out of this contract stronger and more united than we have ever been if we are to succeed in fighting against the



on behalf of non-career employees whose wages increased \$3-4 an hour; they also obtained access to employer paid health insurance, paid leave and union representation. We must organize our new brothers and sisters that will be hired as PSE's by explaining how much our contract has improved

rising tide of anti-labor corporate money flooding into Washington.

The MPWU's efforts to embrace the labor community has gone extremely well and we ask you help us join together to give the working class back its voice in Michigan and National politics. By the time you read this our Education-

al Convention will have been completed in Bay City. Legislative Director Reid, myself and the AFL-CIO all spoke on how and why our members should get involved in the political process. With bills already introduced in Congress that require an increase payment by postal employees into the FERS retirement fund from .8% to 5.8% of our pay with no additional benefit it is easy to see that any gains we make at the bargaining table can be more than wiped out by a worker hostile Congress. Along with being more involved with the AFL-CIO the MPWU is working to start a state chapter of the Association of Retired Americans to Michigan. One of our members will be part of the committee that will write the proposed bylaws and constitution which will be subject to adoption. This will unite workers union and non union alike in the common goal of securing a dignified retirement for all Americans.

Finally, a sincere thank you to our national officers and business agents who will be attending our Education Convention in Bay City. It is your participation that made this event such a great success and allowed us all to get a jump start on understanding and enforcing the new contract. On behalf of Michigan I thank you and welcome you back anytime.

Yours in Solidarity and Friendship.

Director of Education Report

We All Need To Get On Board

by Lucy A. Morton,
Director of Education

Hello. I would like to take this opportunity to thank MPWU President John Marcotte and the Executive Board of the MPWU for allowing me the opportunity to complete the term of office vacated by Mike McCain as your Research and Education Director. Mike did an excellent job and put his heart and soul into the work he performed. I am sure that I have a lot to learn and share, and I genuinely value all comments, input and sug-

gestions from my fellow officers and members of the MPWU.

It has been a little crazy lately with the Southeast Michigan District being absorbed by the Detroit District, and the number of changes and impacts to employees in both areas. Greater Michigan District has also experienced changes in the Management administration and new personalities always take a little getting used to. In addition, we now have a new Collective Bargaining Agreement, and whether or not you were in favor of, or dis-

agreed with the Agreement, it is here. We all need to get on board, learn the new changes and move forward providing the best representation for our membership that we can do.

I am asking that all participants and locals who are attending the MPWU Educational Conference please bring at least two copies of their Local Memorandums of Understanding (LMOU's) for the offices that they represent. As the Collective Bargaining Agreement has been ratified, we will all be entering local negotiations

before too long. We would like to assist everyone with the preparation for this process during our Educational Conference in Bay City. We want you to have your current LMOU for your own use to take notes, and we would also like to start an archive of the LMOU's for the MPWU so they may be referenced by Officers as needed, and be used for educational purposes.

I am excited for all members of the MPWU as this year we have invited, and a number of our APWU National

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by Paul Felton,
Legislative Director

Legislative Report

Rally, Recall, And Resist The Attack On Public Workers

BENTON HARBOR

As I write these words, the city of Benton Harbor has been taken over by a dictator (that is, an Emergency Financial Manager). The Mayor, the City Council, any other elected officials have no more authority. The manager that was appointed by Governor Snyder runs the show completely. This is an African-American community with a median income of about \$10,000 a year. It appears the Governor is starting with African-American communities with few resources, hoping to get little opposition from the rest of the state. Then, once the precedent has been set, he will move on to other cities. And this Emergency Financial Manager bill has other ramifications. The Mayor of Detroit, a Democrat, Dave Bing, is using the threat of the city being placed under an emergency manager to try to wring more concessions out of the unions representing city workers.

THE RECALL

An effort is underway to recall Governor Snyder. The first step is the collection of signatures to put the recall on the ballot. I encourage members and retirees to get involved in this effort. It has the potential to build a movement uniting the labor movement with the civil rights movement, seniors, students, and anyone who believes in democracy. This movement is both extremely necessary to fight the attacks on our rights, and an exciting opportunity to build a movement that will rock the state (and the nation) and make politicians of both parties take notice.

THE GOOD, THE BAD AND THE UGLY

Now, to postal issues, starting with the good. I encourage every member to write, call, or visit their Congressional Representative and ask them to support HR 1351 (sponsored by Rep, Stephen Lynch of

Public employees are under attack, and public employees are fighting back. I won't repeat what I wrote last month about the struggle in Wisconsin; I'll just add that recall campaigns are under way against some of the state reps who voted to strip the unions of their bargaining rights.

Republicans in Congress have attacked our contract as being too generous (yes, the same contract that doesn't give us a raise until late 2012 and starts new hires at a lower pay rate) and proposed legislation to harm postal workers (see the portion of this article under the heading "The Good, the Bad and the Ugly"). They are playing from the same playbook as the Republican Governors and legislatures in close to 20 states – and some Democrats as well. The battles being fought at the state level affect the political atmosphere in this country. If we can build strong coalitions linking labor and the community we serve – and if we can win some of these battles at the state level – we'll have a better chance of passing the "Good" legislation described later in this article.

THE RALLY

On April 13 there was a huge rally in Lansing protesting Governor Snyder's attacks on the labor movement in Michigan. Too many unions were present to name them all; I will say APWU had a significant presence, and it's also worth mentioning that bus service in the city of Detroit was curtailed because so many of the drivers called in sick and went to Lansing. There was a tremendous spirit at the rally. And the issues raised were broader than union issues – the Snyder budget that takes from the poor and gives to the rich, the cuts to education, the dictatorial powers given to Emergency Financial Managers – the Governor is attacking the community at the same time as he tries to bust public employee unions.

The Michigan Postal Workers Union proudly represents the Members at Large within the Great State of Michigan. The following locals have also affiliated with the MPWU for training, education and information sharing between their members, stewards and officers of their own local and others throughout the state and nation:

Alpena	Flint	Muskegon	Stevensville
Battle Creek	480-481	Pontiac	Traverse City
Central MI	498-499	Roger City	Troy Local
Cheboygan	Gaylord	486-487	Western MI
Detroit District	Jackson	Sault Ste Marie	
Farmington	Ludington	Southwest MI	

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The opinions expressed in this publication are those of the writer and not necessarily those of the Editor, the MPWU, the APWU or the Postal Press. Any and all correspondence to the Editor may be sent to: Michael Long, Editor, PO Box 280, Sheridan, MI 48884-0280; fax to: 616-776-1536; or e-Mail to: mpwueditor@yahoo.com

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.

Lastly, 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.

Massachusetts) which would recalculate the formula for USPS payments to FERS and CSRS. This bill would put the Postal Service on the road to solvency. Another good bill is HR 1262 which calls for the "co-location" of post offices at retail establishments – to be staffed by USPS employees. Instead of contract stations that provide some of the services we do, these stations would be staffed by our members and provide the same level of service as a Post Office. Go to the national apwu.org web site and look at web news article 041-2011, dated April 11, for more details.

The bad includes the fact that Congressional Republicans grilled postal management and our National President Cliff Guffey about our contract. However you voted on the contract, it is not our salary and benefits that are causing USPS financial problems. And a contract that actually saves USPS a few billion dollars should not be criticized by these outsiders as being "too generous." I don't believe these Republicans, led by Darrell Issa of California, really expected to stop the contract by legislative means. I think he wanted to set the stage for new legislation to change the way our contract is negotiated, tipping the scales in favor of management. The bad also includes an attempt by Senator John McCain to make postal workers pay a greater share of our health benefits, and a bill by Republican Senators Coburn and Burr that would gut the pensions of future postal and federal employees.

Now for the ugly. A bill introduced by Representative Chaffetz (R – UT) would require postal and federal employees who are delinquent on their federal taxes to be fired by their employer. This bill was passed by Darrell Issa's committee and will go to the House for a vote. I suppose they are justifying it as a deficit reduction measure. But the irony I see is that the Republicans took over a majority of the House as a result of the Tea Party vote, and the Tea Party hates taxes. In fact I am informed that the "TEA" in Tea Party stands for "Taxed Enough Already." So here are the people put in power by the Tea Party demanding we be fired if we don't pay all of our taxes (the fact that many corporations avoid paying any taxes at all doesn't seem to bother these Republicans, but that's a story for another day). An amendment that would exempt postal workers – because USPS is not supported by tax dollars – was defeated.

Finally, a quote from Rep Darrell Issa, Chair of the House Oversight and Government Reform Committee that held hearings about our contract. He said: "The American people want to keep the 47 cent first class stamp." Someone had to inform this gentleman that stamps are 44 cents.



by Michael A. Long,
Editor

Editor's Report

Good Ole Day's Reminiscing

While I am sitting here at home writing this month's article, my mind begins to drift and reminisce about the 'Good Ole Days'. Not those of yesteryears gone by, but of two, even three months ago; which into today's high-speed, everything now genre, could have been centuries ago.

Long ago, going to the store in the hopes of 'finding a deal' not only could be fun, challenging, and downright exhilarating (to some), but also could be considered a race of skill, stamina, and fortitude; going through the store, seeing if you can notice one of those items being mismarked, saving you not only pennies, but maybe a few dollars, or even more. I am reminded of a story my wife told me about one day. She was going to the Shoe Store to buy those new Sketcher shoes; she wanted a pair to help her with standing up behind the automation machine day in and out, and I have to admit, it does help tighten up some things (but that is a story for another time). However, back to the story, she arrived at the Store, went in, and was looking for her size. All the shoes were neatly marked...\$99.95 a pair, except that one. Don't know what happened, but it was marked...\$9.95. Same shoes, same in every regard, except for the price. "Whew," she say, "Found it." A race well done! But let me transgress a little more,

You go into Meijer, Kroger, Spartan Store, or your favorite grocery store with your shopping list in hand. You go from aisle, to aisle, filling your cart with only those items on your paper, and of course, being the contentious and frugal shopper, we have all become now a days, in these tough economic times, you know what it will cost you. You get to the store, and it is a madhouse! People everywhere, because, it is either the first or third of the month, or it is a Friday or Saturday (which is normally the busiest days of the week/month), but no worries, you are only going to get the items on the list, for which you priced them out beforehand as well, and are ready. You get your items, and proceed to the checkout lane. Once your cashier scans you out, you look at the bill, and notice the total is way over the amount that you had planned. Oh well, you think to yourself. You pay the bill, and think that you will check your groceries when you get home to make sure they scanned properly and make sure you weren't overcharged; because, everyone from Michigan knows, that all items must be marked and tagged with the price on them, right? Wrong! Not anymore!

We are from Michigan. We have had these 'rights' since 1976. It is something

we have not only become accustomed to, but have learned to rely upon to make sure customers are not taken advantage of by businesses, or those in power. Well, Ladies and Gentlemen, get ready for a wake up call and a change, and it isn't happening in the corporate board room, but in your local grocery store.

On March 29, 2011, our new Governor – Rick Synder, signed House Bill 4158 (which has become Public Act 15), entitled: the "Shopping Reform and Modernization Act". This bill has and will change the way, you and I shop; not only now, but well into the future (for at least the next 25 years to be sure, since a Sunshine Rider was attached to this bill). No longer will a store be required to affix the price to each item. They (the store) will now only be required to "display the total price of a consumer item at the place of the retail sale. A price would be 'displayed' if it were stamped, affixed, or otherwise marked on the item; **or displayed by signage, an electronic reader**, or any other method that clearly and reasonably conveyed the item's current price, to a consumer when in the store at the place where the item was located." (except taken from the Senate Fiscal Agency Bill Analysis, with emphasis added in bold). What does this mean to you and me? When you go into the store, if the store wishes to, they may mark the item (as they currently do, which I highly doubt will continue), have the price on the shelf where the item is located, or have no price, and have scanners throughout the store for you to check the price of each item yourself. Don't know about you, but I can see the lines at those scanners, growing by the second. I guess the new race will be getting to the scanner before others.

Another law I would like to inform you about is the new Emergency Financial Bill (HB 4214 (Public Act 4) that was signed into Law on March 16, 2011. This law gives an Emergency Financial Manager (EFM) pretty much all the power in a town/city and/or school to do whatever he/she wants to do: get rid of elected officials, get rid of any contracts (not only Collective Bargaining), or even dissolve the township/city in its entirety. The law states, in part (with the top five listed here) that the EFM is authorized to: "(1) reject, modify, or terminate the terms of an existing contract or a collective bargaining agreement; (2) to order millage elections; (3) to disincorporation or dissolve a municipal government...or recommend consolidation with another municipal government; (4) to sell assets valued at \$50,000 or more, or to sell a public utility; (5) provide that the local governing body and chief administrative officer could not exercise any of the

powers of those offices. What does that mean for you and me? You elect your local representatives and they are your voice on the city or townships boards. If your township or city was under an EFM, they no longer have any power, vote, or voice. In turn, neither do you! What happened to the old battle cry of the Revolution, "No Taxation without Representation?" It seems that we may be going back to that. We will have to see and only time will tell.

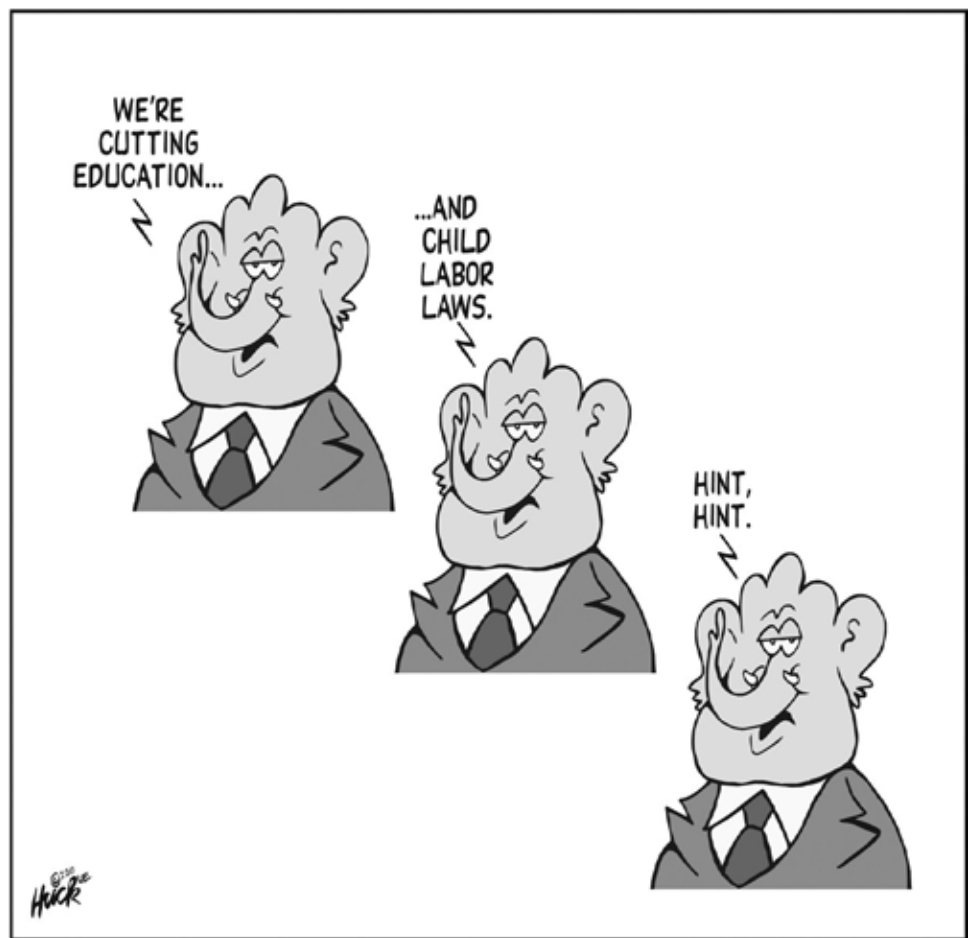
The Federal Side, while not as contentious as previously stated, has definitely seen some highlights this year as well (which I will address in my state and next local column), and let me tell you brothers and sisters, we are under attack. I know we keep hearing we are under attack from this group or others, and we have become catatonic when we hear it, but we are. Those in power now want nothing more than to destroy what we have created, not just the Postal Service and Unions as a whole, but in my view, the betterment of the American life. It isn't good anymore that we strive to make more, or to be better than we were before; it is now spun to the American public that if someone makes more than they do, those who make more are (for lack of a better word), evil and must be brought down. Not only brought down in the physical sense, but also in the ways of financial too. We have become a country that before, if you were working for a company and made \$10 an hour, and the same position at another company was paid \$15.00, you were upset and you wanted a raise. Now, you are still upset, but now instead of striving for what they have, and try to better both

positions, you want the other person's wage to be lowered down to what you make. How does that make our lives better. You never see anyone saying that this CEO or CFO is making this much or that much. Why? Because the other CEOs and CFO, want to make that much too. I was recently reminded of something that puts this in plain and simple terms: One Day there were Three people sitting around a table talking. One was the CEO of GM, the other was a Politician (Tea Party Republican), and the other was the UAW President. On this particular day, while they were having their discussion, a waiter brought five cookies out to the table for a snack/ dessert. The CEO, being closest to the cookies started to munch while they were all talking. Before you know it, the CEO had eaten four of the cookies. He looked at the Politician and told him: "You better watch out, the Union is going after your cookie." Brothers and Sister, we need to start looking at the big picture, not just our little corner of the world. We need to consider each of our union brothers and sisters from all walks of life and start lifting them up.

With the upcoming Education Convention, I would highly encourage everyone to attend. One of the presentations schedule is the Michigan AFL-CIO Organization/Legislative Department. The previous article was written from the information obtained by them.

I would also like to publically thank Michael Johnston for starting to write an Editorial column for us. Mike is a Labor Historian from Western Michigan and has received numerous awards for his writing. Thanks Mike.

Yours in Solidarity.





by Jason
Rushing,
Maintenance
Craft Director

Maintenance Craft Report

Maintenance Changes

Well it is spring finally in Michigan for good. No more snow, I hope, and warmer weather ever week. With spring comes change, in scenery, greenery and for us a Collective Bargaining Agreement. It's not every spring you get a new CBA but this time we did. A new agreement means some change. There are some changes in the Maintenance Craft article dealing with promotions and seniority. There are also changes dealing with contracting out work, reverting positions and custodial staffing. There are more than one change so reading the entire article 38 and contract in whole would be a good idea. There were also changes

to Article 12, excessing, which sound to have some promise to them. There is a new classification of employee along with 3 salary raises and multiple possible cost of living adjustments throughout the contract term, which is 5 years.

The ratifying of this contract came with quit a bit of debate. We as members have the right and choice to voice our opinions as we see them. That is one of the things that make a Union so great. Now that the decision was made by members to ratify this CBA, we need to all come together with one accord and purpose. To make the best of our opportunity with this new contract. Most have been through this many times before and know it will take some time to get used to

the new language and procedures. There will be difficulties I am sure with the new contract. Never fails with a new contract. This is what it says, but what does it mean, what was the original intent of the parties who signed this and how are we going to apply this? Some things will need to be interpreted again through Step 4's and sign-offs along with, unfortunately, arbitrations.

Again we need your, the members help. You can keep us up to date on contractors in your building. Let us know if someone is doing your work. Let us know if you are doing work that is above, beyond or outside your job classification or level, description. Again, if you get a chance to update a score or take an exam for a higher

level, do it. You don't have to promote but you will have that choice maybe somewhere down the road. You never know the path that you might have to go down someday.

The new contract looks to have some good, bad and ugly I guess you could say. If training is available on the new contract, make use of it. If nothing else for your own edification. It can only help you out. What would even be better is to learn the new contract language to help out fellow Union members. Volunteer some time, maybe be a steward, be on a committee, picket, phone bank or the like. Your Union can use you and can only help us strengthen our ranks for the struggles ahead!

In Union Solidarity.



by James
Stevenson,
Area 2 Director

Area 2 Director

Publication 164 And Severance Pay

The new contract limits the excessing actions which have been so devastating to the lives of many clerks but should management attempt to weasel its way around the new language you should be aware of certain provisions regarding severance pay. It is widely known how management excessed hundreds of employees from Detroit. What Detroit District Officials under the direction of former District Manager Nancy Rotten house (Rittenhouse) did was force employees to move great distances, convert to PTR and live off of 4 hours a pay, or be terminated. Management refused to inform employees of their right to severance pay if they could not relocate and to

date has refused to pay the employees who were terminated severance pay. The postal service was very crafty in manipulating Publication 164(Relocation). Publication 164 prior to being amended in June 2008 contained express provisions which guaranteed severance pay for employees declining an Article 12 reassignment outside their commuting area (50 miles). In June 2008 the Postal Service provided an Executive Summary on the Postal Accountability and Enhancement Act-302 Network Plan to congress. In that report under the "Workforce Rationalization & Employee Impact Policies" the postal service assured congress that employees who are not eligible for discontinued service retirement would receive severance pay if they are involuntarily separated. Later, that

same month and just before beginning the excessing smorgasbord the postal service conveniently amended Publication 164 to disallow severance pay to employees impacted under article 12. USPS Handbook EL-301 has specific categories for employees who were unable to relocate but management in Detroit refused to inform employees of those options. I guarantee you that management will avail all possible options for themselves as they are now being downsized.

The postal service wrongly assumed that amending Publication 164 would relieve them of their obligation to pay severance pay to employees who were involuntarily separated for being unable to relocate. In regular arbitration case COOC-4C-00309176 (2004) the arbitrator {George R. Shea, Jr.} ruled that "USPS Publication 164 is not an article 19 Handbook or Manual." The dispositive provisions for severance pay are Section 435.1 of the Employee Labor Manual and 5 U.S.C. 5595. Severance pay depending on length of service and age could range from \$10,000 to \$60,000.

VICTORY FOR EMPLOYEES IN THE MILITARY

The United States Court of Appeals ruled in favor (February 28, 2011) of our union brothers and sisters serving in the military in what could amount to \$1,000,000.00 in back pay. Postal employee and National Guard member Richard Erickson was terminated by the postal service while on military leave and the decision was upheld by the Merit Systems Protection Board.

The Postal Service alleged that Erickson abandoned his job while serving his country. The labor relation specialist for the postal service stated that "(Mr. Erickson) told me he is staying in the military until his orders expire . . . he likes the military and said that he did not like working for the [Postal Service]. He doesn't care for the way they treat their employees." Erickson informed the specialist he did not wish to quit his job with the postal service. On appeal to federal court the MSPB ruling was vacated as the court found a violation of The Uniformed Services Employment and Reemployment Rights Act ("USERRA"). The postal service may want to think twice before discriminating against employees who have decided to serve their country in the military. Case No: 2010-3096.

DON'T PLAY WITH FMLA MANAGEMENT

Management all too often gives employees a difficult time in applying FMLA and sometimes retaliating against employees for using the leave. In James D. Dotson v. PFIZER, Incorporated in a published decision by the Fourth Circuit Court of Appeals {No. 07-1920 & 07-1979} a jury verdict of \$333,305.25 in damages and \$375,000.00 in attorney fees was upheld. The case was based upon violations of the Family Medical Leave Act of 1993. In addition to filing a grievance any member who believes their FMLA rights are being violated should contact the Wage and Hour Division of the United States Department of Labor.

We All Need To Get On Board

continued from page 1

Officers have accepted to come to this Educational Conference. It will be a great opportunity for you to hear and learn from our National Officers who helped negotiate the Agreement, the nuances of the Agreement, why and how we were able to achieve items we wanted, and the problems and difficulties faced with those we were unable to achieve.

I have also asked NBA Lynn Pallas-Barber to present a session on Local Negotiations as part of a general session to all members. If you have not previously participated in the local negotiation process, you may come away with a better idea of how this process works, what you can do now to get ready for negotiations, and review the positives and negatives of your current LMOU.

Again, I want to thank the Executive Board of the MPWU for this opportunity and look forward to working with all of you to expand educational endeavors for our membership.

Yours in Union Solidarity.





by Joanna
Atkinson,
Area 5
Director

We have a new contract, yeah! Were you one of the few that voted? It never fails to amaze me how few of the members of the APWU actually sit down and take one minute to send in their ballot. And it didn't even cost you a stamp. Oh well, its over and done with. Now the learning process begins and there

Area 5 Director

Yeah! We Have A New Contract!

will be lots to learn. There are so many changes in this contract and many are unlike anything we have ever had.

I recently had the opportunity to file a grievance for a member on discipline in one of the small offices. There were a few items I wanted to bring up to remind everyone to follow if you are ever in this position. First and foremost make sure you ask for a steward. In this case the person had been given a letter

of warning and never filed a grievance on it. Thank goodness the two years had already passed. If it hadn't this member would have been looking at a seven day suspension. In this day and age you can't assume anything will ever happen again to you. File a grievance right away. Please don't wait! We only have 14 days to have a step one. Management would love to get rid of you if they can by issuing discipline and the grievant never files

a grievance. Don't let this happen to you. And its not just discipline for attendance anymore; in fact, in the small offices it's usually for something strange. And a lot of times the Postmaster is told to issue discipline from the POOM. So be aware and know your rights. Ask for a steward. As a reminder my phone number is 989-295-5454. I am still on midnights, but if you call and leave your name and number I will call you back.



by Gary
Van
Hoogstraten
MPWU
Advisor

The State House and Senate on Thursday May 12, passed sweeping tax reforms, making good on Gov. Snyder's campaign promise. How do you like your Governor now? Snyder said he would sign the package into law as soon as possible. The Michigan Business Tax will be eliminated and replaced with a 6% corporate tax by companies with shareholders. From what I have read up until this morning, the bill passed by one single vote - the Lt Governor vote due to being a tie. Just a note to all of you that say my vote wouldn't have made a difference or why do I have to vote? Well this will show you that a major issue can be won by a single vote. Another part of the bill is the pension tax. This tax is close to me because I fall within the guidelines and I am sure many of you do. Opponents claim vulnerable citizens including poor families and seniors will unfairly shoulder the burden. The opponents also say they are disappointed that the Michigan Senate believes that raising taxes by 538 million on seniors to help pay for the percentage of the 1.7 billion business tax cuts, makes good public policy sense. If you are a senior, under 67, and have an income \$20,000.00 for a single and \$40,000.00 joint filers, this will have a major effect on you beginning this year, with the signing of the bill. There are more changes still up in the air. One of them has to do with welfare benefits. The House voted 72-36 that there would be a cap assistance of four years for able-bodied adults with limited exceptions. This will vote according to party lines. Don't you think the Governor should be doing more to correct welfare fraud? Another proposal on hold is the closing of 23 DNR campgrounds. It is on hold for now because the DNR is talking with other governments interested on running some of the campgrounds. The last item is the earned income tax credit. The earned income tax credit for working

MPWU Advisor

A Single Vote Makes A Difference

poor will be reduced. Under the new formula, families will receive \$138.00 down from \$432.00.

As we look at most of what the Governor has plans for, seem to target

the seniors. I know we are not all there yet, but hopefully someday all of you will.. For him to pull the rug out from under the seniors is devastating to them. Now is the time to stand up and put one

foot ahead. Contact your legislators and voice your concern. You don't have to be a senior, or a welfare recipient, but just a concerned citizen.

Until Next Time.

2010-2015 National Agreement Articles/MOU's

Contract Language And Effective Date ARTICLE 1.3 – FACILITY EXCLUSIONS

However, work performed by bargaining unit employees as of (the effective date of this agreement) will not be covered by the facility exclusion solely due to moving the work into an excluded facility. Effective Date: 5/23/2011

ARTICLE 7.1.B.3 POSTAL SUPPORT EMPLOYEES (PSEs) AND PSE MOU Conversion of PTR/PTF to Full- Time – Effective Date: 8/23/2011

In the Clerk Craft, the total number of PSEs used in mail processing (function one) within a District, will not exceed 20% of the total number of career mail processing (function one) clerk craft employees within that District, except in accounting periods 3 and 4, beginning two (2) years from the effective date of the contract. **Effective Date: 5/23/2011**

In the Motor Vehicle Craft, the total number of PSEs used within a District will not exceed 10% of the total number of career motor vehicle craft employees within that District, except in accounting periods 3 and 4, beginning two (2) years from the effective date of the contract. **Effective Date: 5/23/2011**

Postal Support Employee MOU Effective Date: 8/23/2011

The transitional employee and casual category of supplemental employees will be eliminated within three (3) months of the effective date of this Agreement.

CLERK CRAFT JOBS MOU Corporate Call Center Staffing – Effective Date: 5/13/2011

All Corporate Call Center locations shall be staffed by Clerk Craft employees no later than two (2) years from the ratification of the 2010 National Agreement.

The Employer shall staff Call Center locations with no fewer than a total of 1,100 Clerk Craft duty assignments during the term of the 2010 Agreement. These duty assignments will be filled by a mix of 70% career and 30% rehabilitation status employees. Each call center location shall become part of the bid cluster for the nearest postal installation. The appropriate administrative process will be followed by the Employer during the transition.

Lead Clerk – Effective Date: 5/23/2012

In order to ensure the orderly establishment of the new Lead Clerk position, the Employer will have 1 year from the signing of this memorandum to develop the Lead Clerk senior qualified job descriptions and any training program that may be

necessary, post and fill the positions and complete any other relevant activities.

204B Effective Date: 1/1/2011

Not later than June 1, 2012, the Employer will eliminate the usage of 204-B's except in the absence or vacancy of a supervisor for 14 days or more. The usage of a 204-B in this exception is limited to no more than 90 days.

Audit of EAS Jobs Effective Date: 6/23/2011

The parties shall meet within 30 days of the execution of this Agreement to review the audits and career position descriptions.

Custodial Effective Date: 5/23/2011

Custodial duties currently performed by contractors in 1,500 designated Post Offices will be assigned to Maintenance Craft Postal Support Employees (PSEs). The 1,500 duty assignments will be added to the Maintenance Craft as each current vendor **contract expires**, but no later than two (2) years from signing this MOU and provided the work can be performed by maintenance craft employees at a cost equal to the cost of the contract service.

MTSC Help Desk Effective Date: 5/23/2012

The tier 1 duties currently performed

continued on page 11



by John
Smeekens,
Veterans
Director

Veteran's Report

Congratulations Seal Team VI

OEF/OIF

CONGRATULATIONS

I would like to extend congratulations to Seal Team VI, on their recent double tap, on target.

WE DID IT

Deputy Postmaster General of the U.S. Postal Service Ron Stroman unveiled the "Purple Heart with Ribbon" forever stamp in a ceremony May 5th, 2011, aboard the USS Midway in San Diego harbor. It now joins the Liberty Bell as the nation's only two forever stamps. Remember all those letters we sent to the commission? Remember their denial? Somebody must have listened ! ! !

GRADUATE

Well it is official, on May 07, 2011, I graduated from Veterans Service Officer Training, by attending the Veterans of Foreign Wars, 10th Annual Veteran Benefit Seminar, hosted by UAW Local 5960. It was held on four Saturdays, during April and May, at the Locals facility in Lake Orion. The classes were taught by Mr. Gary Putinsky, of the Detroit VFW Office. All I can say is WOW. If I don't have the answers for you, I can at least get you aimed at the people who can. All I need to know is your County of Residence, so I can hook you up with a County VSO.

A brand new newsletter, especially designed for *Operation Enduring Freedom/Operation Iraqi Freedom* Veterans, can now be accessed on line, via your computer by going to, www.publi-health.va.gov/exposure/oefoif. By clicking on "Resources and Materials" in the upper right box, you will be linked to an electronic edition, that will give you up to date information on benefits, health risks, and current news. You can also order free hard copy subscriptions at this same site(you know, the kind they send through the U. S. Mail, which helps us keep our jobs).

FAMILY CAREGIVER PROGRAM

May 03, 2011 marked the first day that the VA was to start taking applications for the New Family Caregiver Program. This new rule will provide additional support to eligible post-9/11 Veterans who elect to receive their care in a home setting from a primary Family caregiver. Some of the additional services for primary Family caregivers of post-9/11 Veterans and Servicemembers include a stipend, mental health services, and access to health care insurance, if they are not already entitled to care or services under a health care plan. This new program builds on the foundation of Caregiver support now provided at the VA and reflects what families and clinicians have long known; that Family

Caregivers in a home environment can enhance the health and well-being of Veterans under VA care. Veterans may download a copy of the Family Caregivers program application (VA CG 10-10) at www.caregiver.va.gov. There is also a toll-free National Caregiver Support line open Monday through Friday 8:00 a.m. to 11:00 p.m., and Saturday 10:30 a.m. to 6:00 p.m. Eastern Time. The number is **1-855-260-3274**.

TBI STUDY

A study, checking the effectiveness of hyperbaric oxygen therapy (HBOT), is being performed by a coalition of Doctors seeking volunteers with mild cases of TBI. The study is now accepting applicants, and could last until April 2014. The Doctors are especially interested in including war Veterans between the ages of 18-65. Active duty troops can also participate as well. For more information go to www.nbirr.org. This sounds like a private study, so be cautious ! ! !

VETERANS COURT

First established in 2008, these courts are showing compassion toward War Veterans. At least 20 states have some 50 special courts that give consideration to an offenders War record before sentencing. They say that the crimes committed by these War Veterans are sometimes symptoms of wartime trauma, and the court system should

account for the Veterans sacrifices. In Michigan these courts are operational in Detroit, Ionia, Traverse City, Oakland County, and Ingham County.

WELCOME HOME 2011

Welcome Home 2011 has been designated to commemorate the 25th anniversary of the most historic event that Vietnam Veterans and the City of Chicago have ever experienced, namely the 1986 Chicago Vietnam Veterans Welcome Home Parade. That weekend helped to change the country's outlook on the Vietnam Veteran. At that time, the country had a difficult time accepting the plight of the Vietnam Veteran, and the parade provided a healing process, which generated a grassroots movement that laid the groundwork for today's returning soldiers. As part of the lessons learned by the Vietnam Veteran, we have bridged the generation of men and women who now no longer have to overcome the obstacles that the Vietnam Veterans endured at the time of their return from the War. The event will take place the weekend of June 17-19 in Chicago. Go to www.serviceandhonor.org, for more information. I've been told that there WILL NOT be a parade! To my brother and sister Vietnam Veterans

"WELCOME HOME AND THANK YOU FOR YOUR SERVICE ."

WELCOME HOME

On April 26, 2011, at Arlington National Cemetery, a memorial service was held for a Michigan soldier who was shot down in Laos in 1968. Army Staff Sgt. Melvin Dye of Carleton has been listed as missing in action for over 40 years. In 2009, military officials notified family members that they had evidence that Sgt. Dye had been killed. Sgt. Dye was buried along with two other soldiers that were aboard the same helicopter with him. Army Staff Sgt. Robert S. Griffith, of Hapeville Georgia, and Sgt. 1st class Douglas J. Glover of Cortland, New York.

Welcome Home Brothers ! ! !

TRICARE

The House of Representatives proposed 2012 defense budget includes provisions that would protect military retirees from the DOD's plan to increase Tricare premiums for yet another year. Given DoD's need to somehow cover the rapidly increasing cost of TRICARE, some veterans groups are now willing to accept some moderate increases tied to the annual COLA rate. However, DoD is hoping to peg the rate increases to the much more aggressive National Health Expenditure index, which could save the DoD \$3.2 billion.

— Buy American —

by Pat Glover,
Chief Steward

IBEW Local 827, Unit 1, Subunit 13

All,
Did you see that Diane Sawyer did this special report a few weeks ago? They removed ALL items from a typical, middle class family's home that were not made in the USA . There was hardly anything left besides the kitchen sink. Literally! During the special they showed truckloads of items - USA made - being brought in to replace everything and talked about how to find these items and the difference in price etc..

It was interesting that Diane said that if every American spent just \$64 more than normal on USA made items this year, it would create something like 200,000 new jobs!

I was buying food the other day at my local grocery store, and on the label, plain as day, of some of the products, it said: "From China."

For example, the "Our Family" brand of Mandarin Oranges says right on the can: "From China."

I was shocked! For a few more cents,

I bought the "Liberty Gold" brand or the "Dole" brand, since it is from California.

pear — or — is it that we just do not think while the Chinese, knowingly and intentionally, export **inferior and even toxic products and dangerous toys and goods to be sold in American markets?**

70% of Americans believe that the trading privileges afforded to the Chinese should be suspended.

Why do you need the government to suspend trading privileges? **DO IT YOURSELF, AMERICA!!**

Simply look on the bottom of every product you buy, and if it says 'Made in China ' or 'PRC' (and that now includes Hong Kong), simply choose another product, or none at all. You will be amazed at how dependent you are on Chinese products, and you will be equally amazed at what you can do without.

Who needs plastic eggs to celebrate Easter? If you must have eggs, use real ones and benefit some American farmer. Easter is just an example. The point is do not wait for the government to act. Just go ahead and assume control on your own.

THINK ABOUT THIS: If 200 million Americans refuse to buy just \$20 each of Chinese goods, that's a billion dollar trade imbalance resolved in our favor...fast!!

Most of the people who have been reading about this matter are planning on implementing this on May 1st and continue it until June 1st. That is only one month of trading losses, but it will hit the Chinese for 1/12th of the total, or 8%, of their American exports. Then they might have to ask themselves if the benefits of their arrogance and lawlessness were worth it.

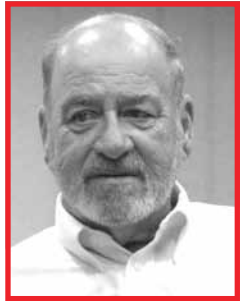
START NOT.

Send this to everybody you know. Let's show them that we are Americans and NOBODY can take us for granted.

If we can't live without cheap Chinese goods for one month out of our lives, WE DESERVE WHAT WE GET!

Pass it on, America . . . BUY AMERICAN ! ! !

Editor's NOTE: When I went to our local Family Fare yesterday, I looked at Spartan Brand Mushrooms. Guess what? From China. It is scary what we import now a days.



by Al
LaBrecque,
Retiree's Chapter
President

Retiree Involvement

Retirees Are Here To Help

"Every advance in this half-century: Social Security, Civil Rights, Medicare, Aid to Education . . . one after another — came with the support and leadership of American Labor." Former President, Jimmy Carter.

EDUCATION CONVENTION in Bay City, June 9-11, is upon us. A letter was sent to the presidents of APWU Locals across the state in late April outlining the retiree related classes. Thursday p.m. will be a CSRS/FERS Retirement PowerPoint conducted by APWU retirement advocate, Joe Gordon. Friday a.m. will be a presentation by the director of Mid-Michigan Alzheimer's Assn.; "Know the 10 Signs of Alzheimer's." "Tentatively", the Friday p.m. session will be the AFL-CIO's Alliance for Retired Americans to address Social Security, Medicare, and legislation vital to seniors. At this writing, efforts to obtain confirmation for an ARA representative are ongoing. Saturday is a day-long Retirees' Dept. Open Session featuring Dept. Director, Judy Beard. The letter to Locals requested consideration to assign officers or members whose local duties include Human Relations or retirement related matters to participate in these classes.

Locals were also reminded that May is designated as Older Americans Month. APWU Locals across the nation were asked to sponsor an event to recognize the contributions of their retired members. The State Chapter offered to furnish Locals a mailing list of their Retirees' Dept. members upon request. I would appreciate being advised of those Locals that sponsored a retiree program.

H.R. 1351: This is where retired members can flex their legislative/political muscle! H.R. 1351 introduced by Rep. Stephen Lynch (D-MA), is a bill that addresses the current financial crisis facing the Postal Service as well as correcting the methodology used by OPM which has led to overpayments into CSRS of over \$50 billion dollars, and overpayments of over \$7 billion dollars into FERS. Write or otherwise contact your Congressperson and request that they cosponsor and support H.R. 1351. My 1st District GOP freshman Rep. Benishek responded with a boilerplate; ". . . I will keep your views in mind . . ." reply that said nothing. Don't give your Rep. a free pass with a noncommittal script. Respond as I did by asking they specifically address your request that they cosponsor AND support H.R. 1351. Currently, there are 1,300 APWU Retirees' Dept. members in the state. Imagine the impact 1,300 contacts would have on our Michigan U.S. House delegation! We have

the skill . . . do we have the will ? !

THE CONTRACT: Ratified by a 3-1 margin. The question is; does the 75% approval reflect a good contract, or out of resignation that it's the best we could expect in the worst of times? The internal debate was deep and contentious on the unique provisions. I found a lot not to like, and in better times probably would not endorse. There's also a lot to like, making it pretty much a wash depending on whose ox is being gored. 4 1/2 years is a long contract. Hope against hope, the economic climate will have improved and we live to fight another day.

That doesn't lessen the potentially troubling effects of some concessionary provisions. Then I look around us. The once all powerful UAW gave up far more to GM and the auto industry that adversely impacted their retirees and new hires. Some aspects of the APWU-USPS Agreement reflects the template created in UAW concessions. Arbitrators are acutely aware as well. No Layoff is a huge selling point, but it also holds us hostage. I wouldn't want to risk having it on the arbitration table in this climate. The good, bad, and ugly is evident in the small P.O. provisions. Good that there are restrictions on postmasters and supervisors doing bargaining unit work depending on the A.O.'s level. The bad and ugly is that it cleverly comes AFTER USPS Districts have lowered small P.O. levels through excessing rural carriers, eliminating postmasters, and reducing retail hours. This is what has occurred in Lincoln, MI 48742 resulting in going from a level 16 to 13 office. So, where does that leave our member PTF in Lincoln? Enforcement will be a real challenge.

Normally, I would not weigh in on APWU collective bargaining or critique a contract in which retirees have no stake. I've long held that retirees should have no voice or vote in the contract ratification process. All that has changed with retiree provisions negotiated into Article 15.7 "Outstanding Debts of Retired Employees", and the option of filing grievances over payroll disputes. Article 21 contains a retiree provision concerning distribution of checks. Thanks to Dept. Dir., Judy Beard, first-ever retiree proposals came to the bargaining table which now gives retirees access to the grievance procedure under certain financial circumstances. This is a historic first step for retired members.

Consequently, there's strong sentiment that these provisions effectively bring our members under the "Duty of Fair Representation" principle, thereby affording both full dues-paying AND \$36. per annum Retirees' Dept. members eligibility to vote on contract

ratification. Unfortunately, an unfair labor practices charge was filed when the APWU did not respond to a request to provide a ballot to retired members. The issue was exacerbated by APWU's announcement that non-members would be furnished a contract ratification ballot along with a Form 1187, and if they sign up for dues check-off authorization, their ratification vote would be valid. Although I concur with the contentions and would support them in another forum, it's regrettable that labor charges were filed to settle the question. It is, nonetheless, a valid, groundbreaking issue.

ALLIANCE for RETIRED AMERICANS: I've been invited to attend an ARA organizational meeting in Lansing on May 19th, hosted by the Michigan State AFL-CIO, representing our MPWU Retiree Chapter for the purpose of establishing a Michigan ARA Chapter. As an ARA member, I'm familiar with their outstanding work on behalf of seniors politically and legislatively, especially in the areas of S.S. & Medicare. The APWU Retirees' Dep. works closely with ARA at the national level.


SOMETHING TO THINK ABOUT! With 1,300 Retirees' Dept. members in Michigan, there's a virtual bounty of experience and leadership skills lying fallow. Most of our Local and State Chapter officers have been actively involved since our chapters were organized. Several do double-duty as State Chapter E-Board members and as Local Chapter

officers. As an aging group we're mindful that we won't last forever. Personally, I thoroughly enjoy and believe in what we do, but only for as long as I can be effective. While I can't speak for our State Chapter officers, at this stage in life nearly 20 years retired, we need to be encouraging our younger retired members to step up to take over and carry on. Nothing would be more rewarding than to be comfortable in transferring leadership to the next generation. I'm confident that most of us would be proud to serve in an advisory capacity. The foundation has been laid and is solid. Think about it!


GET WELL! We are advised that former Retirees' Dept. Director, Doug Holbrook, had major surgery on May 9th. Earlier this year he was diagnosed with cancer of the kidney. His doctors have informed him that the surgery was successful. Please keep Brother Holbrook's speedy and full recovery in our warm thoughts and prayers. Cards and get well wishes can be mailed to Doug at: 10240 Amherst Cir.; Fredericksburg, VA 22048.

THANK YOU! For all the cards and kind get well wishes. Just a 'bump in the road' minor surgery. Now, I'm 'computerized' and doing very well. Thank God for Medicare and my APWU Health Plan for financial peace of mind! I don't forget for one minute of where and how we got it, and what we must continue to do to keep it, not just for ourselves, but for future generations! Be Strong!

JUST SAY: N YES



to Managers
Doing Bargaining
Unit Work!



★ IT'S IN THE CONTRACT ★

If you see a Supervisor doing
Craft work - YOUR work - ask
to see your Steward and GRIEVE IT!



by Linda Turney

Tourney Talks

Upcoming Recess

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

RECESS

Recess is a favorite time for school children. It is a favorite time for Unionists too, as Congress has blocked out recess weeks to meet with constituents. These dates are allowed for representatives to meet with constituent groups, like APWU. Upcoming recess dates are: **Senate**, May 30-June 3, July 4-8, August 8-September 5 and September 26-30 and the **House**: May 16-20, June 6-10, June 27-July 1, July 18-22 and August 5- September 7.

BILLS TO DISCUSS

H.R. 1351: Addresses reported overpayments into CSRS and FERS pension plan. Get your representatives to co-sponsor this bill. **Support this bill.**

H.R. 1440 Improves FMLA by allowing parents/guardians protected time off to participate in the kid's educational and extracurricular activities. "Family member" is expanded to cover grandchildren. **Support this bill.**

H.R. 828: IRS would be required to report individuals who have tax liabilities, workers could be removed for not resolving tax issues. **Do not support this bill.**

S.252: Senate version of HR 1351 addresses overpayment and future retiree health benefit payment obligations, but bill requires injured OWCP workers be forced into retirement. It also

requires Arbitrators consider financial conditions of the Postal Service. **Do not support this bill.**

S. 261: When injured OWCP workers reach social security retirement age, this bill forces them into retirement. **Do not support this bill.**

S. 493: John McCain has introduced an amendment to this bill which increases the cost of health and life insurance premiums for postal employees. **Do not support this amendment.**

S. 644: Ends defined benefits portion of FERS program and only allows for TSP. It reduces employer's pension contributions, which will force employees to pay more for retirement. **Do not support this bill.** Thanks to Myke and Steve for the updates. apwu.org

MAY DAY 2011

In Turkey, 200,000 workers gathered in Istanbul's Taksim Square to mark International Workers Day with a May Day Rally. In Seoul South Korea, 50,000 rallied for better labor protection. In Manila square, 3,000 Philippine workers demanded higher wages. Several thousand workers gathered in Valencia Spain and protested the government's failure to create new jobs. In Taiwan, people rallied in Taipei to protest the widening income gap and to demand their government create better working conditions. Since the 1991 collapse of the USSR, May Day has been known as the Day of Spring and Labor, marches are held throughout Russia.

In Chicago, the place where it all started, 2,000 Unionists gathered for a rededication of the Haymarket Monu-

ment. I also attended the "Music and Rebellion" concert at Old Town School of Folk Music. It was a great celebration! I hope you celebrated too!

ALTERNATIVE DISPUTE RESOLUTION PROCESS (ADRP)

As of this date, the vote is not in on the new contract. I would like to comment on something that has not been addressed in the meetings that I have attended. On page 191 of the flimsy it states,

"Any concerns or disputes regarding non-traditional staffing and assignments will not be pursued through the normal grievance procedure. Such issues will be processed through ADRP with an opportunity for discussion with operations management at the local level, District Area, and National Level. If any disputes arise and remain unresolved after such reviews, the National APWU may appeal the dispute to the appropriate arbitration docket."

While a dispute between the parties is defined under Article 15 of the contract, this new language redefines how to handle issues regarding creation of NTFT. If you have a dispute with the creation of NTFT look at the ADRP process which is on page 329 of our present contract. This process is used to resolve disputes identified by the parties without the filing of a grievance. Both Union and Management will designate individuals at the national level to discuss and resolve disputes. If a grievance has been filed and the issue comes under ADRP, this grievance will be removed from the procedure and forwarded to ADRP. No special forms are necessary. If no resolution is agreed upon, each party will issue a dispute in writing within 30 days and the issue will be put on the arbitration docket.

I believe this portion of the tentative agreement will be interpreted to mean that if you or your local has a grievance concerning the creation of the NTFT duty assignment; it should go to the ADRP process. Other issues regarding NTFT duty assignments should be filed through the normal grievance procedure.

FAILURE TO FOLLOW INSTRUCTIONS

Discipline issued to employees for "Failure to follow Instructions" is often difficult to resolve or win at arbitration. If an employee fails to do as instructed, arbitrators often think it is a breakdown of the very nature of the employer/employee relationship. One successful argument would be a lax enforcement of the rule. A lax enforcement of rules may reasonably mislead someone to believe conduct not allowed by the rule will not

result in discipline. If Management has in the past failed to discipline for the rule, that will signal to the employees that the behavior is tolerated. If management gives clear notice that they were lax in the past, but now they are serious about enforcing the rule, this argument would no longer be successful. Grievants must know the rule and be aware of the consequences of breaking such rules.

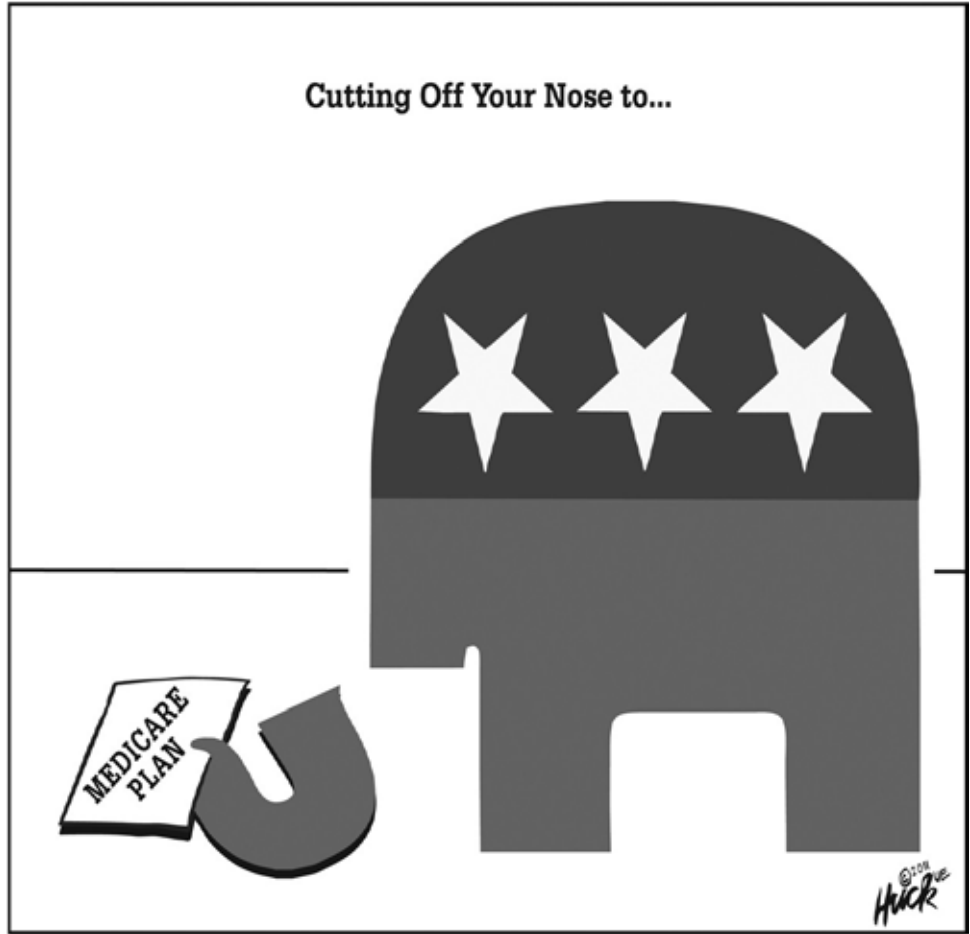
Safety could be a good reason not to follow an instruction. For example, I had a case in Oak Park IL, where the grievant was deaf and insisted that he could not work the machines in the basement as the sound was bouncing off the walls causing his hearing aid to malfunction. He informed the supervisor and got a Doctor's note. He was fearful that he would have an accident due to the inability to hear. The arbitrator sustained the grievance based on safety.

If a supervisor is constantly engaging or provoking a grievant in a negative fashion, we can argue that the grievant would naturally have reacted by not following the instruction. In a case where there were no witnesses and no admissions of wrongdoing, the issuing supervisor engaged the grievant first by issuing discipline. The grievant was upset and distraught. The supervisor then on the same day engaged the grievant a second time and having less than good relations it was reasonable for the arbitrator to conclude the supervisor knew exactly how the grievant would react. In other words, the supervisor was provoking the grievant.

Inform Union members to follow the order now and grieve it later. "Failure to follow instructions" are difficult cases.

THE KEY TO ORGANIZING

If the contract passes, we will have an opportunity to organize new members. It is tougher today to organize, however our business is organizing or we will die. New Postal Support Employees (PSE) coming into our ranks need to know the Union will offer them what they "want". We will give them "just cause" representation, health care benefits and a step into a career position. The Union is the economic power of members. Our Union has helped raise families, put children through college and create the American Dream for our members. The Union is the only vehicle in which workers can stand up, demand respect and have a voice in the workplace. The labor union is built on the principle that the strong will assist the weak; an infraction to the weakest is an infraction to us all. Our strength only remains because of our numbers. You are the key to organizing.



— Did You Vote? —

by: Lynn Pallas-Barber,
National Business Agent

Your vote is your voice. Our Union is one of the most democratic labor unions in this country. It truly is disheartening when our membership does not vote. If you did not vote, then you have no complaint. There was a lot of negative information put out by some of our locals. There are a lot of significant changes in this contract. Not all the questions have been answered. I can only tell you that I voted "YES"!

The contract was ratified with more than 75% of the ballots in the affirmative. The final tally was 69,451 to 22,351. Ballots were mailed to 176,611 members. Ballots were also mailed to 35,668 non-members. It still is extremely upsetting that 75,007 of our membership failed to vote. There should be no excuse for not exercising your rights.

If any member had any doubt about this contract, I hope that they viewed the video of the hearing that President Guffey and Postmaster General Donahoe participated in. The hearing was held on April 5, 2011. The hearing was tense the Democrats praised the two parties for being able to reach a contract settlement. The Republicans criticized claiming that management did not get enough concessions from the APWU and that this new contract would only add to the financial ruin of the Postal Service. Both the union and management responded that the new contract was fair to both sides. The real financial solution for the USPS lies in the hands of Congress.

President Guffey once again will testify before the Senate-Subcommittee on May 17 and defend our contract. The hearing will focus on the Postal Service financial crisis and need to restore financial stability. It is extremely important that our membership contact their elected officials in congress and ask that they support legislation to assist the USPS on getting back on track to fiscal solvency.

LEGISLATIVE UPDATE

The following legislative report was sent to the NBA's by our legislative department on 4/19/11:

H.R. 1351 - the "United States Postal Service Pension Obligation Recalculation and Restoration Act of 2011" was introduced by Rep. Stephen Lynch (D-MA) on April 4, 2011. This bill is intended to address the previously reported overpayments made into both the CSRS and FERS pension plans. It also instructs OPM to modify its methodology to avoid such overpayments in the future. As you may be aware recent independent auditing reports have disclosed overpayments into the CSRS pension to be between \$55 billion and \$75 billion dollars. At present the FERS system has been overpaid nearly \$7

billion dollars. The bill also eliminates the current requirement to make annual payments of Over \$5 billion dollars a year to prefund future retiree health benefit obligations by transferring the previously mentioned overpayments into that fund. This bill is strongly supported by the APWU.

S. 353 - the "U.S. Postal Service Improvements Act of 2011" was introduced by Senator Susan Collins (R-ME) on February 2, 2011 and is somewhat similar to H.R.1351 with respect to the overpayments and future retiree health benefit payment obligations but this is not a clean bill and there are many aspects of the bill that the APWU finds troublesome.

The Bill contains a provision that in future negotiations the Arbitrator is compelled to consider the Financial condition of the Postal Service. While this may seem logical putting this language in the law would make that the primary consideration of the arbitrator above all other arguments.

This bill also requires that injured workers on the rolls of OWCP be forced into retirement when they reach their Social Security retirement age. If enacted into law this would have a devastating financial impact on injured workers. The APWU is not supporting this bill.

S. 261 - the "Federal Employees' Compensation Reform Act of 2011" was introduced by Senator Susan Collins (R-ME) on February 2, 2011. This is a standalone bill to force injured Postal and Federal workers into retirement when they reach their Social Security Retirement Age. As previously mentioned we do not support this bill because of the devastating impact it will have in those injured workers.

H.R. 828 - the "Federal Employee Tax Accountability Act of 2011" was introduced on February 28, 2011 by Rep. Jason Chaffetz (R-UT). This bill would require IRS to report to Federal employers any individual who is "seriously delinquent" in paying their federal taxes. If the identified employees, including postal workers, do not make a good faith effort to resolve their tax liability they can be terminated from their job and declared ineligible for federal employment. The bill exempts military personnel on active duty.

The House Oversight and Government Reform Committee Chairman Darryl Issa (R-CA) convened a full committee hearing on April 13, 2011 to mark up HR 828.

Representative Danny Davis (D-IL) offered an amendment to exclude Postal workers from the measure because they are not really federal workers and are not paid with tax dollars Those arguments fell on deaf ears and Mr. Davis' amendment was defeated easily by the majority party on the committee.

This bill was passed by the Com-

mittee on Oversight and Government Reform on April 13, 2011 and is now on its way to the house floor for a final vote. A similar measure **S.376** has been introduced in the Senate by Senator Tom Coburn (R-OK). **APWU opposes both bills.**

H.R. 1440 FAMILY AND MEDICAL LEAVE ENHANCEMENT ACT 2011

On April 8, 2011 Representative Carolyn Maloney (D-NY) introduced a bill to improve the Family and Medical Leave Act (FMLA). If adopted it would allow parents and guardians protected time off to attend and participate their children's and grandchildren's educational and extracurricular activities.

The bill is also clarifies qualifying situations relating to the care of elderly individuals related to the eligible employee, such as visiting them in nursing homes not to exceed 4 hours per instance and 24 hours in a 12 month period. Similar leave provisions are proposed for "routine" treatments like eye care, medical and dentistry.

The definition of covered "family member" is expanded to cover "grandchildren" of eligible workers.

THE APWU SUPPORTS THIS LEGISLATION

Sen. McCain on Postal Worker Health Plan Premiums

On March 28, Sen. John McCain introduced an amendment to S. 493, the SBIR/STTR Reauthorization Act of 2011, which would force active postal employees to pay a higher portion of their health and life insurance premiums.

According to the union's current contract with the USPS, the Postal Service pays approximately 81 percent of an employee's health plan premium, while other federal agencies pay 72 percent of their employees' health insurance premiums and the USPS pays the full premium for basic life insurance for active employees. Over the life of the Tentative Agreement between the APWU and USPS, management's share of health plan premiums would

decrease by 5 percent and the USPS would continue to provide free basic life insurance for active employees.

Sen. McCain's amendment would set postal contributions for health and life insurance coverage at the same rate other federal employers pay, increasing employee contributions substantially.

Thanks to Steve Albanese for this update.

CHANGE OF ADDRESS FOR GRIEVANCE APPEALS

As of May 15, 2011 every local should be sending their grievance appeals to the new address. The USPS will process all grievances, Step 3 Appeals and Direct Appeals, and Employee Claim Grievances to the new address:

Collective Bargaining and Arbitration

ATTN: Appeals/ LR Service Center
United States Postal Service
P.O. Box 23788
Washington, DC 20026-3788

MEMORIAL DAY

Memorial Day is always observed on the last Monday in the month of May. It commemorates US soldiers who have given their lives while in military service. It was first enacted to honor Union soldiers of the Civil War. It was extended after World War I to honor all Americans who have lost their lives in all wars. It can be celebrated in many ways. If you spend your holiday weekend shopping, at a family get-together, watching a parade, watching fireworks, or maybe going to the Indy 500, make sure that you take time to remember our fallen soldiers.

Soldier, res! Thy warfare o'er.

Sleep the sleep that know not breaking.

Dream of battle fields no more.

Days of danger, nights of waking.

— Sir Walter Scott

Enjoy the summer and be safe!

Yours in Union Solidarity

Until next time.



Union Members Ratify Contract

APWU members approved a new contract May 11, with more than 75 percent of those casting ballots voting in favor of ratification. The final tally was 69,451 to 22,351 in balloting that ended May 10. The agreement will expire May 20, 2015.

"The new contract is an important achievement for the APWU," said President Cliff Guffey. "We were able to retain protection against layoffs, bring back thousands of jobs in each craft, and limit excessing.

"The agreement includes many big changes, and I realize that some union activists are apprehensive," Guffey added. "With help from the national union, I am confident that locals can implement the new provisions and protect the rights of APWU members.

"We also must make legislative activity a priority," Guffey said. "We must support bills — such as H.R. 1351 — that will enable the Postal Service to remain viable in the future. This measure, which would correct postal funding inequities, is essential to our future.

"APWU members must visit mem-

bers of Congress frequently and talk to them about our issues," he said.

"In addition, we must focus on organizing," the union president noted. "We have an opportunity to reach out to newly-hired workers and to non-members who are already on the rolls," he said. "They will benefit from many of the new provisions, and we must let them know that their participation will make the union stronger.

"As a result of the new contract, the USPS will begin hiring — for the first time in many years. New people will strengthen the union and improve work life for current employees," Guffey said.

NEW PROVISIONS

In addition to safeguarding jobs and restricting excessing, the contract awards wage increases of 3.5 percent, as well as seven uncapped Cost-of-Living Adjustments. The first increase will take place in November 2012.

The agreement also includes several new concepts: The "full-time" designation will apply to any position of

30 or more hours per week and to any position of 48 hours or less per week. This will allow for the creation of a variety of full-time schedules, including four 10-hour days, three 12-hour days, and four 11-hour days.

However, no current employee can be forced into a full-time position of less than 40 hours per week or more than 44 hours per week. Furthermore, there will be no mandatory overtime for employees in non-traditional assignments or in functional areas that utilize non-traditional full-time assignments.

The new agreement also provides for the creation of new positions for non-career Postal Support Employees. These employees will have the opportunity to join the ranks of the permanent, career workforce by seniority. They will be part of the APWU bargaining unit, and will receive raises, health benefits, and leave.

Transitional Employees and Casuals will be eligible for conversion to Postal Support Employees if they have passed the appropriate tests and are on the register. "We will begin to spread the word among TEs and Casuals right

away and encourage them to take the necessary exams," Guffey said.

THE NUMBERS

Ballots were mailed to 176,611 union members, and more than 50 percent were returned by the deadline.

"I wish more union members voted," Guffey said, "but I am pleased that participation increased substantially over previous ratification votes." Forty percent of eligible union members took part in the ratification process for the 2006-2010 contract.

"The increase demonstrates that our membership is interested and active," he said.

Ballots were mailed to 35,668 non-members, who were invited to vote, provided they completed union sign-up cards that were enclosed in their ratification packets.

The vote count was conducted by the American Arbitration Association on May 11 near Washington, DC, under the supervision of the Rank and File Bargaining Advisory Committee. Clarice Torrence, chairperson of the committee, announced the final results at 3:30 p.m. Eastern Daylight Time.

Results showing the voting by individual locals will be posted at www.apwu.org as soon as they become available. Winners of the union's voter-participation contest will be announced as soon as they have been identified.

Bargaining between the APWU and the USPS began Sept. 1, 2010, approximately 90 days prior to the expiration of the old contract on Nov. 20. The parties agreed to several extensions while negotiations continued.

On March 14, the union and management announced a tentative agreement. The Rank and File Bargaining Advisory Committee voted unanimously to endorse the agreement, as did the National Executive Board.

THANKS

"I want to thank the members of the union's Negotiating Team for their invaluable assistance," Guffey said. "They are Greg Bell, Executive Vice President; Mike Morris, Director of Industrial Relations; Rob Strunk, Director of the Clerk Craft; Steve Raymer, Director of the Maintenance Craft, and Bob Pritchard, Director of the Motor Vehicle Craft. In addition, APWU staff worked long hours and provided expertise that was crucial to our success.

"I also appreciate the seriousness and dedication of the members of the union's Rank and File Bargaining Advisory Committee," Guffey said. "They worked diligently to represent the membership of our union.

"Finally, thank you to all the union members who made the effort to read the agreement and vote. No matter how you voted, the APWU is stronger and better because of your participation."

Repugnant Republican Attacks Not New

by Michael Johnston
(Grand Valley Labor News)
(debssoc@sbcbglobal.net)

Republicans sweep the elections and control over half the state governments. Anti-union legislation passed as a severe recession puts millions on

the street. Organized labor fights for its life.

However, a Democratic president elected by organized labor appoints someone pro-labor to head the Dept. of Labor and labor leaders have ready access to the White House.

While labor has a well educated and cerebral friend in the White House, big biz wages a relentless p.r. war to destroy unions in state legislative halls and in the minds of the public.

It was the 1920s! Wilson was president and anti-union forces were rampant and powerful like today.

The "yellow dog" contract became law. The unemployed signed it if they wanted a job. It forbid them to join unions.

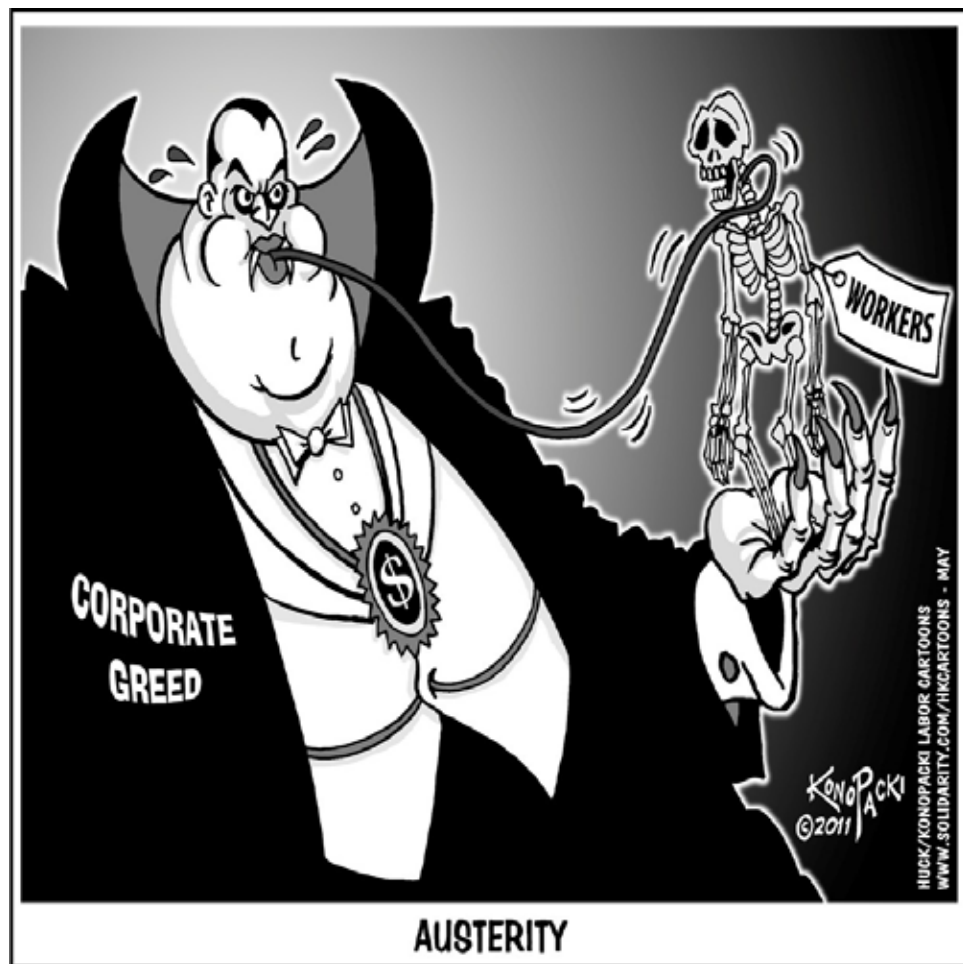
A severe recession from 1920-21 made workers grateful to have a job and fearful to lose them.

The number of organized workers dropped from five million to 3.5 million as the bosses of industry manipulated the media to convince Americans that unions were somehow "alien" and unamerican, just like 24/7 right wing radio today.

It was called the "American Plan" and it worked.

Today, Kasich of Ohio, Daniels of Indiana and Scott of Wisconsin have passed similar extremist legislation. In Wisconsin unionized public sector employees, other than police and firefighters, must now vote every year on whether they want to remain union. Those who forget to vote or are no shows are counted as "no" votes.

Next month. A strategy of survival for today from the past.



2010-2015 National Agreement Articles/MOU's

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by contract help desk call agents at the Maintenance Technical Support Center (MTSC) shall be assigned to Maintenance Craft employees as the current vendor contract expires but no later than one (1) year from signing this MOU.

Audit of EAS Jobs – Effective Date: 6/23/2011

The parties shall meet within 30 days of the execution of this Agreement to review the audits and career position descriptions.

MOTOR VEHICLE CRAFT JOBS

Motor Vehicle Services – Effective Date: 5/23/2011

The Postal Service will provide each individual HCR contract to the APWU upon ratification.

Audit of EAS Jobs – Effective Date: 6/23/2011

The parties shall meet within 30 days of the execution of this Agreement to review the audits and career position descriptions.

ARTICLE 1.6 MOU

Q06C-4Q-C 10005587 Global Settlement – Effective Date: 11/21/2010

The parties agree that grievance Q06C-4Q-C 10005587 will be resolved effective with the signing of this settlement. The parties further understand that any cases held in abeyance pending the outcome of this case will be affected by this settlement. Those cases will be returned to the level they were held for further processing.

NON-TRADITIONAL FULL-TIME EMPLOYEE (NTFT) MOU

Posting of NTFT Duty Assignments Effective Date: 7/23/2011

Note: The process should begin by this date. It will be rolled out from HQ with local opportunity for input so it will be a gradual process Agreement, has a full-time regular work schedule of 40 hours a week will be involuntarily reassigned to occupy a NTFT duty assignment of less than 40 hours a week.

Non-Traditional Full-Time (NTFT) Duty Assignment MOU Effective Date: 5/23/2011

However, such employees may be reassigned to occupy a NTFT duty assignments of 40-44 hours a week, so long as those assignments have at least two (2) scheduled off days, with no scheduled work days of less than six (6) hours or more than ten (10) hours. All other employees, including current PTR's, PTF's, and any career employees hired after the signing of this Agreement, may be assigned to any residual NTFT duty assignment in

accordance with Articles 37 or 39, respectively.

All other employees, including current PTR's, PTF's, and any career employees hired after the signing of this Agreement, may be assigned to any **residual** NTFT duty assignment in accordance with Articles 37 or 39, respectively.

Effective Date: 11/23/2011

Effective 6 months from the signing date of the 2010 National Agreement, full-time career clerk craft and motor vehicle craft employees who are not on the Overtime Desired List and are in an installation with employees working in NTFT duty assignments in the same Functional area, will not be required to work overtime except in an emergency.

Effective Date: 8/23/2011

There will no longer be Part-Time Flexible (PTF) employees working in Function 1 or in post offices Level 21 and above.

Effective Date: 8/23/2011

There will no longer be Part-Time Regular (PTR) employees in the clerk craft.

Effective Date: 8/23/2011

There will no longer be Part-Time Regular (PTR) and Part-Time Flexible (PTF) employees in the motor vehicle craft.

Effective Date: 5/23/2011

At the National Level, the APWU and Postal Service will oversee implementation of non-traditional staffing and assignments through regular bi-monthly meetings.

Meetings may occur more frequently if needed.

OT Rules For Non-Traditional Full-Time (NTFT) Duty Assignment – Effective Date: 11/23/2011

Effective 6 months from the date of the 2010 National agreement, full-time career clerk craft and motor vehicle craft employees who are not on the Overtime Desired List and are in an installation with employees working in NTFT duty assignments in the same Functional area, will not be required to work overtime except in an emergency. In the Motor Vehicle craft, employees may also be required to work overtime in the event of unforeseeable circumstances (e.g., PVS drivers stuck in traffic, weather conditions).

ARTICLE 13

Rehabilitation Issues – Effective Date: 5/23/2011

The parties have been unable to agree as to Temporary Assignment, Reassignment or Reemployment in

APWU Represented Crafts of Employees Injured on or off duty or employees with job related illnesses. Accordingly, the parties agree as follows:

The Parties will submit to the Department of Justice's

Office of Legal Counsel proposed language concerning a possible resolution of the above dispute.

In the event the Department of Justice either determines that the language does not comply with applicable law or declines to issue any determination, the parties agree to submit to interest arbitration the dispute concerning the temporary assignment, reassignment or reemployment in APWU represented crafts of employees injured on duty or employees with job related illnesses.

The parties will, immediately upon the signing of this Agreement, begin to select a neutral arbitrator and to develop the procedures and processes for such an interest arbitration.

Pilot Grievance-Arbitration Procedure – Effective Date: 8/21/2011

The parties agree to meet within 90 days from the signing of the National Agreement to jointly develop and pilot new grievance/arbitration procedures designed to effectively ensure local contract compliance, improve the labor climate and foster more professional relationships.

HRSSC MOU – Effective Date: 8/21/2011

The parties agree that it is in their mutual best interest to resolve continuing issues with posting and bidding which have developed through the implementation of computerized bidding through the Human Resources Shared Services Center (HRSSC).

To further this effort, the parties agree to meet at the headquarters level within ninety (90) days after the signing of this agreement to discuss these matters and explore opportunities for resolution.

Minimizing Excessing MOU – Effective Date: 5/23/2011

"There are several steps required by the USPS in the MOU." If a need still exists to reassign employees who have been notified of pending excessing after the steps above have been taken, such employees given notice of reassignment pursuant to Article 12 prior to the effective date of this Agreement may be reassigned.

Position Description Delivery/Sales service & Distribution Associate, PS-06 MOU Effective Date: 7/2/2011

The Employer agrees to establish the position of Delivery/Sales Services and Distribution Associate, Stand-

ard Position x-xx. PS-6, to be filled by the senior-qualified bidder in the clerk craft. The Delivery/Sales Services and Distribution Associate position will contain the existing duties and responsibilities of Sales Services and Distribution Associate, PS-6 and Clerk/Special Delivery Messenger, PS-6.

The Postal Service agrees to implement this combined position description by July 2, 2011.

Excessing By Seniority Task Force MOU (Clerk Craft) – Effective Date: 6/22/2011

This joint task force shall begin meeting no later than 30 days from the signing of this Agreement. At the discretion of the task force, language and/or Questions and Answers (Q & A's) may be developed to further the implementation of any agreed-upon process of excessing from the craft or installation by Clerk Craft seniority. This language or these Q & A's shall be developed no later than by August 30, 2011.

Non-Traditional Work Schedule Task Force MOU Effective Date: 6/22/2011

To further this effort, the parties agree to establish a national joint task force to discuss opportunities for the creation of these non-traditional duty assignments. This joint task force shall begin meeting no later than 30 days from the signing of this Agreement. At the discretion of the task force, pilots or trial programs may be authorized to test these non-traditional schedules at facilities and in operations designated by the parties. These programs should be initiated no later than by June, 2011. At the conclusion of these trial programs and tests, but no later than by August 30, 2011, the parties will meet to determine whether such tests should be continued, expanded, or implemented in whole or part, or terminated at the request of either party.

Career Employees In Remote Encoding Centers MOU – Effective Date: By Separate Agreement

The percentage of career bargaining unit employees in Remote Encoding Centers shall be increased to 50% by adding 20% full-time flexible assignments. Pursuant to the MOU Re: Maximization/Full-time Flexible APWU, these assignments will have flexible reporting times, flexible nonscheduled days and flexible reporting locations within the Center, depending upon operational requirements as established on the preceding Wednesday. The conversion of current Transitional Employee to career

continued on page 12

continued from page 11

Local Implementation MOU (Article 30.B) – Effective Date: 8/1/2011

**Function Four Flexibility MOU –
Effective Date: 6/2011**

At the discretion of the task force, pilots or trial programs may be authorized to test these concepts at facilities and in operations designated by the parties. These programs should be initiated no later than June 2011. At the conclusion of trial programs and tests, but no later than August 2012, the parties will meet to decide whether such test should be continued, expanded, or implemented in whole or in part, or terminated at the request of either party.

All part-time flexible (PTF) clerk craft employees on the rolls on the effective date of this National Agreement who have completed their probationary period in installations with less than 100 career clerk craft employees will be given an opportunity to be reassigned to offices with 100 or more career clerk craft employees.

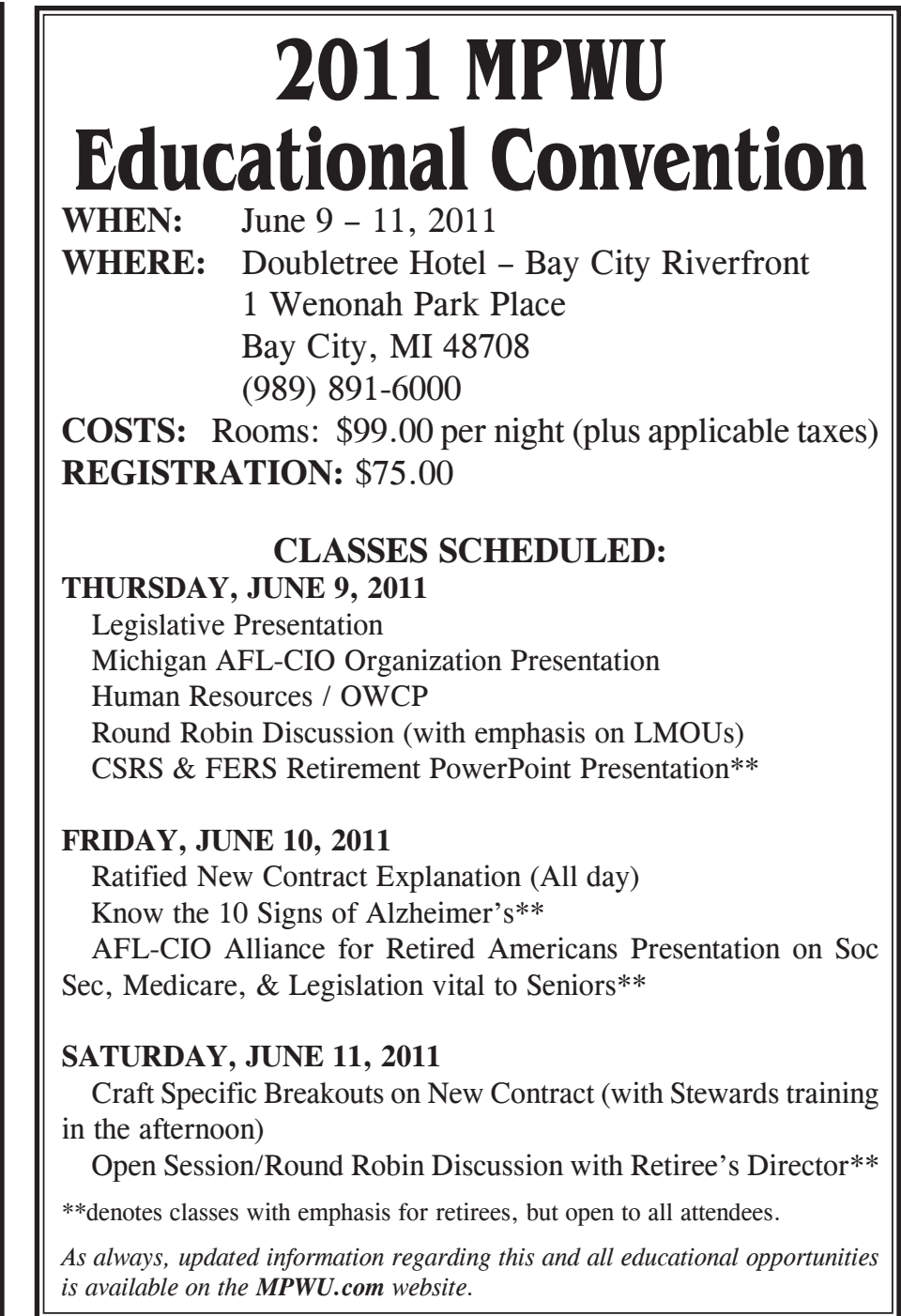
Letter Of Warning (LOW) Purge
MOU – Effective Date: 5/23/2011

The parties agree that there will be a one-time purge of Official Disciplinary Letters of Warning from the personnel folders of all employees represented by the American Postal Workers Union, AFL-CIO. To qualify to be purged, a Letter of Warning must meet the following conditions:

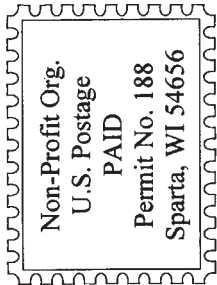
2. The Letter of Warning has been in effect for 6 months and has not been cited as an element of prior discipline in any subsequent disciplinary action;

3. The Letter of Warning was not

4. All grievances associated with



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