

# Michigan MESSENGER

APWU

Volume 41, Number 163  
November-December, 2012

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

## INSIDE THIS ISSUE

|                                   |        |
|-----------------------------------|--------|
| Area 2 Director's Report.....     | Page 2 |
| Area 7 Director's Report .....    | Page 2 |
| Editor's Report .....             | Page 3 |
| Unbelievable, But True.....       | Page 3 |
| Veteran's Report.....             | Page 4 |
| Turney Talks .....                | Page 5 |
| Retiree Involvement.....          | Page 6 |
| Sailing on the USPS Concordia ..  | Page 7 |
| Your Voluntary Benefits Plan .... | Page 7 |
| NBA Report .....                  | Page 8 |

## President's Report



by John  
Marcotte,  
President

# Election Day Victory

On November 6th 2012 America won a critical battle in the war to save the Postal Service and I thank each and every one of you for all that you did to make that happen. We elected a President who apposes privatization of the Postal Service. We added to the majority of Senators who will stop siphoning money from the USPS. We removed members of congress who support Darrel Issa's use of thug tactics while preventing postal reform from being debated in the House of Representatives. These are wonderful results to your work and I feel we have only scratched the surface of our potential in the political arena.

Does this mean our work is over and the USPS is saved? No. Did we avert the disaster of electing more enemies of the USPS and its employees? Absolutely. Before anything else the Obama administration must create a fair budget for all Americans. To do this he will have to stare down the Republicans in the House who insist on clinging to the failed fiscal policies of George Bush. In a nutshell those policies involved taxing the top 1% at a lower rate than the middle class, and then just to be sure, creating numerous tax loopholes for the super rich. (Let's not forget starting two wars while not raising the taxes to pay for them) This resulted in exploding deficits, a rapidly shrinking middle class and high unemployment. Getting Republicans to raise taxes on the mega-rich who gave millions to their campaigns will be very difficult but I believe President Obama is up to the task. Only after a budget compromise is reached will Congress be able to address postal reform. When postal reform is under consideration we must rise up and make our voices heard. It will not be easy, it will not happen overnight, but if we all work together we will prevail.

I would like to thank Senator Stabenow for her kind invitation to her party on election night. She was a gracious host and it was an opportunity to network with the most powerful pro-

worker elected officials in Michigan. Some of these same Congresspersons will be crucial to quality postal reform and it was an honor and pleasure to spend time with them. To be standing next to a US Senator as the television announced she won reelection was an amazing and surreal experience.

### District Labor-Management Meeting

The Greater Michigan District had its district Labor/Management meeting, and here is some of the information we received:

- The evaluation of whether an AMP actually saved any money will not be conducted until all mails designated have been moved out of the facility.
- Management is working on a post VERA staffing matrix for the GMD and how to fill critical positions but is not complete at this time.
- The GMD will listen to the MPWU presentation on staffing level 15 and 13 offices with clerks in lieu of postmasters and the current obstacles to allow such staffing will be resolved around the end of the year.
- GMD wants to be notified of delayed mail or mail sent to multiple facilities to be cancelled and or worked.
- GMD will work with the MPWU and local unions on solutions to keep-



Its not unusual for National APWU President Cliff Guffey and Postmaster General Patrick Donahoe to shake hands for a photo op. But this photo was taken in Michigan! On November 7th they both toured the new Call Center in Troy, Michigan.

ing employees within 50 miles of AMP losing facilities.

### Buyout

To all of you electing to accept the VERA incentive and are leaving our union family I wish you a long and gratifying retirement. I ask that all of you join the APWU retirees' chapter. It is the best \$36 a year you will ever spend. In closing I want to wish each of you a joyous and blessed holiday season. At

this time of year I am reminded of all I have to be thankful for: three of the most wonderful children a man could wish for, to be so loved by those dear to me, to be living in the greatest country on earth and the honor of representing the hard working members of the APWU.

### PEACE ON EARTH GOODWILL TOWARD MEN

Yours in Solidarity and Friendship.

*Happy Holidays*  
*To all APWU members*  
*and their families*  
*From the President and Officers of*  
*the Michigan Postal Workers Union*

Michigan

MESSANGER

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

President .....

U&C (989) 619-1741

e-Mail: John.L.Marcotte@gmail.com

Executive Secretary .....

U: (616) 977-1050; C: (616) 302-1409

e-Mail: mdlblong@gmail.com

Secretary-Treasurer .....

W: (810) 257-1530; U: (810) 239-0931;

FAX: (810) 239-6879

e-Mail: fmail11@comcast.net

Dir. of Edca. & Research .....

U: (248) 543-3262; C: (248) 660-3139

e-Mail: lucyapwu56@hotmail.com

Editor .....

U: (248) 543-3262; W: (248) 758-5786

e-Mail: pdf111@comcast.net

Legislative Director .....

W: (517) 337-8753; C: (517) 528-9980

e-Mail: cmalprez300@yahoo.com

HR/Injury Comp. Director .....

W: (231) 946-9616;

e-Mail: Olcubman@aol.com

Clerk Craft Director.....

U: (248) 543-3262 (Ferndale)

U: (248) 758-5786 (Metroplex)

e-Mail: Swood@apwu480.org

Maintenance Craft Director .....

C: (736) 634-9294; H: (736) 953-0581

e-Mail: jaysdeals@att.net

Motor Vehicle Service Craft Dir. ....

U: (248) 543-3262; W: (248) 546-7146

e-Mail: yrubnu@hotmail.com

Veterans Director .....

W: (248) 546-7146; U: (248) 543-3262

e-Mail: mpwuvetdirector@ameritech.net

Area 1 Director (480/481) .....

W: (248) 619-1590; H: (810) 678-3479;

C: (810) 338-2659

e-Mail: apwu6723@bignet.net

Area 2 Director (482).....

C: (313) 465-0757; U: (313) 964-1100

e-Mail: jstevenson1995@yahoo.com

Area 3 Director (483).....

W: (734) 697-0047

e-Mail: relyapwu480-481@charter.net

Area 4 Director (484/485) .....

W: (810)257-1567; U: (810)239-0931;

H: (810) 606-0465

e-Mail: fmail11@comcast.net

Area 5 Director (486/487) .....

W: (989) 771-5718; C: (989) 295-5454

e-Mail: Joanna.atkinson2@sbcglobal.net

Area 6 Director (488/489) .....

W: (517) 337-8753; C: (517) 980-6125

e-Mail: mpwuaread6director@yahoo.com

Area 7 Director (490/491) .....

U: (517) 677-6198; H: (517) 639-4873

e-Mail: tlothamer@msn.com

Area 8 Director (492).....

W: (517) 263-5809; C: (419) 377-4595

e-Mail: kempke.wk@gmail.com

Area 9 Director (493/494) .....

C: (231) 830-7140; W: (231) 722-1414

e-Mail: jadkins1978@hotmail.com

Area 10 Director (496) .....

W: (231) 933-1020; C: (231) 357-2618

e-Mail: Area10Director@yahoo.com

Area 11 Director (497) .....

Vacant

Area 12 Director (498/499).....

U: (906) 774-6303; C: (906) 396-6103

e-Mail: tgranquist@att.net

P.O.W.E.R. Rep .....

H: (616) 453-7091; W/U: (616) 776-1489

e-Mail: kjhodmich@aol.com

State Retiree Chpt. President .....

H: (989) 736-8173

e-Mail: allab@sisna.com

MPWU Aux. President .....

Vacant

MPWU Historian.....

Vacant

MPWU Advisor.....

H: (989) 894-2656

e-Mail: hystreet@att.net w

PPA

POSTAL PRESS ASSOCIATION

100% UNION

PRINTER PRODUCED

✓ Union Printer Type Set    ✓ Union Printer Lay Out    ✓ Union Printer Labelled    United We Stand – Divided We Fall!

by James Stevenson,  
Area 2 Director

Union representatives are essentially “keepers of the gate” as we strive to represent our members and enforce the contract. We cannot strike and we have no injunctive powers to halt management in their tracks when we deem a violation has occurred. Our single most effective recourse is the grievance procedure and the building block of any grievance whether it is a discipline or contractual issue lies within the union’s ability to obtain requested information from the Postal Service.

Year after year and decade after decade Postal unions across the country are forced to file charges with the National Labor Relations Board in order to obtain information. Grievances often progress to arbitration without the requested information. The union makes the usual argument that the employer failed to provide the requested information and the advocate must roll the dice and hope the arbitrator finds the employer’s failure to provide the information as a fatal flaw.

by Thomas Lothamer,  
Area 7 Director

After a long election season of Fox, MSNBC, CNN, and HBO pointing out every diversity in the country it got me to thinking why do we focus on so many demographics to see what we support. Tea Party or Hippie, Republican, Democrat, Independent, White, Black, Asian, Latino, Women, Men, Religious, non-religious, old, young, and the list goes on and on and on and these are just the people who care enough to vote.

While serving our Country in the

# Area 2 Director

## Detroit Local Wins Historic Court Decision

Filing a charge with the NLRB often prompts the employer to provide the information but the union is often prejudiced in the investigation and development of their case as the information is provided so late in the game. The NLRB for the most part allows the Postal Service off the hook by changing the charge to “unreasonable delay” or reluctantly requiring the employer to enter into a settlement requiring a notice posting.

Just like many of you, we in Detroit filed numerous charges related to the failure of the Postal Service to provide information. In 2010 the Detroit District Area Local won over 30 labor charges against the Postal Service and the employer was required to do a “notice posting” and to cease and desist. As to be expected the Postal Service still violated the terms and conditions of the notice posting. After filing several additional charges for refusal to provide information and non-compliance with a settlement the DDAL appealed our case to the national headquarters of the NLRB (Contempt Litigation & Compli-

ance Branch) in Washington D.C.

You can save your local a lot of money in attorney fees if you have qualified union representatives who can put together a well-documented information charge and they are willing to research the applicable federal court decisions and NLRB administrative rulings in addition to executing ironclad affidavits when giving testimony to the NLRB. We decided to do the research, write the brief, and appeal the case without aid of legal counsel as a cost saving measure and fortunately the action resulted in an extremely positive result. I do not advise the use of non-attorneys in any type of litigation as attorneys are always the best option but fiscal priorities sometimes dictate otherwise. The danger of proceeding without legal counsel lies not in an ability to establish a meritorious charge but having your claim dismissed on a procedural defect or not being able to properly respond to opposing counsel.

On August 14, 2012 the United States  
*continued on page 3*

# Area 7 Director

## Veterans

United States Marine Corps, I was able to travel the world and work side by side with diverse people for four years. Quite an education for a small town kid from Amish country. Anyway, you learn to get along, finish the mission, from cleaning a shit can to preparing for combat. Diversity is what makes us strong; we all bring something to the table. We serve to preserve and defend the United States of America. All differences aside, get the job done.

There are many Veterans throughout the APWU, all very proud and dedicated employees who want to get the job done.

Now is when the work really starts but before we begin, let’s put our diversity aside. Let us take that preservation of our Country mentality and preserve our Postal Service.

Overall as a Union, we have to be pleased with the results of the election; there is still hope in our future as a Post Office. The work is not over and I encourage you to stay in weekly or at least monthly contact with your US Congress because our fate lies in there hands. Plant consolidation and reduced hours/service in small offices is real, it is happening right now all over the country and we need to make an impact, collectively. This is our future and we control the outcome.

This article deadline is two days before Veteran’s Day, so I would like to take a moment to thank them all for the sacrifices and commitment. It is also one day before the Marine Corps birthday, so happy birthday Marines wherever you are. A special note of thanks to John Marcotte (State President-US Navy), Lucy Morton (Research and Education), Linda Sarratt (Local President-Southwest Michigan Area Local) and all those involved for a great district meeting. Job well done.

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    |               |

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

The opinions expressed in this publication are those of the writer and not necessarily those of the Editor, the MPWU, the APWU or the Postal Press. Articles and correspondence to the Editor may be sent to Paul Felton, PO Box 361342, Grosse Pointe, MI 48236. Articles must be signed to be printed (your name may be withheld upon request). Articles may be edited to fit the confines of this publication.





by Paul  
Felton,  
Editor

*Note: This article was written before Election Day and is reprinted from the Communicator. The Postscript was added especially for the Messenger.*

My father was not a religious man. In fact, he rebelled against the rigidity of his parents, who were extremely orthodox in their practice of the Jewish religion. Not only did they go to synagogue every day, but every little ritual had to be performed exactly right. My father had a traumatic falling out with his parents at a young age.

No my dad didn't care much for organized religion, but he had a strong sense of right and wrong. There's one bit of advice he gave me that I think about often. He said you should always do what you can to help other people. Not because of some reward you will get in the afterlife – my father didn't pretend to know what happens to people after they die. He said you should help other people for the here and now. When you help another person, it makes *two people* feel good. The person you help feels good, of course. And when you help another person, you get a nice warm feeling inside.

Whenever I repeat this bit of wisdom to a religious person, they smile. I think if some famous theologian had uttered these words, they would be oft-quoted. I also think, without meaning to, my father expressed a union value.

On the masthead of each issue of the *Communicator* are the words, "An Injury to One is an Injury to All." No, this slogan doesn't refer to Workman's Comp. It means when harm is done to one of us, all of us should respond and help. That is one of the reasons I became a steward many years ago.

Another word for this is *Solidarity*. Of course, solidarity applies to more than an individual in need; it applies to other unions under attack. More broadly, it applies to all relatively powerless people under attack from the rich and powerful.

I heard a speech recently by progressive radio talk show host Tony Trupiano. It was a political speech, but I'll skip the politics for now, especially since the elections will probably be over by the time you read this. One line of that speech stuck with me. He said that there is one political party that acts like they invented Christianity and only they know the true meaning of religion. He said what that party calls moral values are not the only Christian interpretation.

## Editor's Report

# — Union Values —

He said true religion is about caring for other people, especially those in need. I am not a biblical scholar, but from what I know of the story of Jesus' life, these are the values that he cared about. In fact, I think my father, in his own way, lived his life closer to the values taught by Jesus than do some of the politicians who try to invoke religion for partisan purposes. The simple values – caring for and helping other people.

In spite of the ridiculous Supreme Court decision that declared "corporations are people," we all know that corporations are impersonal, unfeeling entities whose only goal is to maximize profit – often by stomping all over the human beings they employ. And the Postal Service is an unfeeling bureaucracy that treats us the same way. It is

the labor movement that cares about the welfare of working people, and of all who are under attack from the powerful and ruthless.

No matter who wins the elections, we will have a lot of work to do. If one party wins, we will be under a ruthless attack and will have to join together and mobilize to defend everything we fought for decades ago and thought we could take for granted. And that's not just postal workers; it's a lot of people outside the corridors of power. If the other party wins, we will have to mobilize to push the party we elected to follow through on what they promised to us.

If we stand together and fight, we will be helping a lot of people. And as my father would say, that will make a

lot of people feel good.

**Postscript:** The election results are in and they are mixed. With the election of Barack Obama I would not so much say we won a victory as that we won a platform on which to fight. If the Republicans had won control of Congress and the White House the post office would have been doomed. We will have to organize our strength, bombard Congress with our message, join together with the labor movement to build a movement that will change the political climate in this country. We have a better opportunity to be successful with Barack in the Oval Office, but he will not solve our problems for us. And in the state of Michigan, with the defeat of Prop 2, we will need to join the labor movement in Michigan in its fight for survival . . .

## Unbelievable, But True

by Paul Felton,  
*Michigan Metroplex*

Here's the latest bit of idiotic management behavior at the Michigan Metroplex.

First, they mandate a lot of people to bring in documentation for sick calls, stretching the meaning of the "deems desirable" language in ELM 513 beyond recognition.

Then, when you call in, you are immediately recorded in the timekeeping system as AWOL, without even waiting a day to see if you brought in the requested paperwork or not! This is done in the Leave Control Office. The employee's supervisor may not even notice that the leave was denied. In one case, the supervisor was on vacation, the employee brought in the documentation but didn't know who to give it to, and he only discovered he was marked AWOL when his paycheck was short!

In case you didn't understand what I wrote because your brain had trouble processing the absurdity of it, I'll repeat. They are marking you AWOL at the moment you call in and are asked for documentation, without even waiting to see if you bring it in. This is kind of like a traffic cop giving you a ticket for speeding before you even start your engine. Except it's worse than that, because often times they don't even tell you they marked you AWOL until weeks later.

This grievance had to go to Step 2 without a Step One meeting as differ-

ent managers played hot potato with who was going to meet with the union at Step One. When told that this policy was so ridiculous, that it should be rectified without a grievance, one man-

ager said, "People should just come to work."

Hopefully by the time you read this article the issue will be resolved.

## Detroit Local Wins Historic Court Decision

*continued from page 2*

Sixth Circuit Court of Appeals entered a consent order requiring the Postal Service in the Detroit District to pay a fine of \$17,500.00 each time they fail to provide or delay in providing information to the DDAL and also \$300.00 a day for each day the information is not provided. The consent order also required each and every management official (including 204B's) to sign the consent order with a clause that they can

be terminated if they violate the consent order. It is by far the strongest action taken against the Postal Service and believed to be the first such ruling for a Postal Union in the state of Michigan.

For all my union brothers who have been spinning their wheels with repeated violations of failure to provide information there is light at the end of the tunnel and you can prevail with persistence and research.



Cliff Guffey with Call Center employees at work behind him.





by John Smeekens,  
Veterans  
Director

## Veteran's Report

# Keeping You Up-to-Date

### COLA

It's official. The 2013 cost-of-living adjustment (COLA) for military retired pay, SBP annuities, Social Security checks, and VA disability and survivor benefits will be 1.7%, effective December 1, 2012. It will first appear on the January checks, which will be paid on December 31.

### P.L. 112-154

The Public Law at the heading of this article is about Veterans health care, housing, benefits delivery, burial services, and the *Camp Lejeune Families Act of 2012*. This act offers health care to residents of Camp Lejeune for certain medical conditions caused by contaminated water exposure. Go to <http://veterans.house.gov/hr162>, to get the provisions of this law. If you know of any Marines and/or their families that were stationed at, or lived on or around Camp Lejeune, spread the word so they can check this out.

### VETERANS' SCAMS

It has been reported that Veterans need to be aware of scams involving companies that *require payments for processing pension and benefits forms*. According to the reports, the Department of Veterans Affairs has become aware of pension poachers, targeting veterans through seminars and other veteran outreach events. It is important for all veterans to know that *there is no reason for a qualified veteran to pay anyone to process*

*their benefit claims, and this includes the Veterans spouse*. The VA and numerous Veterans Service Organizations offer these services at no cost to the veteran through accredited Service Officers. These officers are available to assist veterans with necessary paperwork. And

was a Michigan Marine. A World War II Veteran. There's Always Hope.

### MEMORIAL ANNIVERSARY

The Vietnam Veterans Memorial was dedicated on November 13, 1982, in Washington D. C. To all Vietnam

Isolation develops as they avoid engaging, particularly in activities that might trigger memories of the traumatic event or event that triggered the PTSD. Get help!!! If you or someone you know is in a crisis, call the Military Crisis Line 24/7 at 1-800-273-TALK (8255).

### VA eBenefits FACT SHEET

VA is reaching out to more veterans and service members to remind them about their *eBenefits* program. *eBenefits* is a joint VA/DoD web portal that provides resources and self-service capabilities to veterans, service members and their families, enabling them to access and manage their VA military benefits and personal information online. It also gives a list of links to other sites that provide information about military and veteran benefits. It is an essential way for veterans, service members and their families to receive access to, and service from, VA and DoD. Veterans and service members wishing to use the site must be listed in the Defense Enrollment Eligibility Reporting System (DEERS) and obtain a DS login. You can register for an account online using the *eBenefits Logon Account Registration Wizard*. For more information, call 1-800-827-1000 or visit the **eBenefits website**.

### PAC

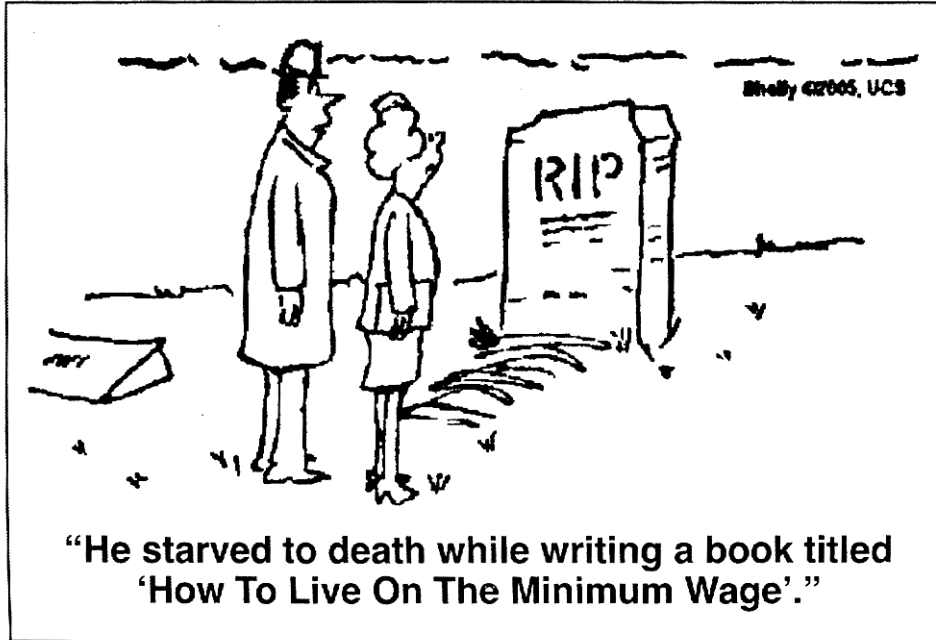
No it's not Political Action Committee, it's the new **Patron Access Card**. Veterans may now enjoy the FMWR(Family & Morale, Welfare & Recreation) offerings at SANGB (Selfridge Air National Guard Base) once they obtain a **Patron Access Card**. This new card will allow Veterans to be able to use some of the facilities at Selfridge Air Base. The SANG Base Golf Course is one of the facilities you can use with your PAC along with Mulligan's Restaurant at the Golf Course. They also have a Boat Marina, a Storage Facility, and the Patriot Pub. I have information sheets available, so e-mail me or call me and I will get one out to you, somehow. I do not know if the PAC card is eligible for other bases here in Michigan or other bases or installations outside of our State.

### VA LOAN TIPS

Get Pre-Approved, before you start the hunt for a house, the best thing you can do is to get pre-approved for your VA loan amount. Check Your Credit, did you know that over 70 percent of all credit reports in the United States contain errors? Consider the Advantages of having a VA Guaranteed Loan. A VA mortgage loan can be guaranteed with no money down, in some cases up to \$417,000. There is also no private mortgage insurance requirement. (PS: Please don't tell my wife)

### DEPRESSION, ANXIETY, PTSD

Depression and anxiety are flip sides of the same coin because they often occur simultaneously. Loss of control causes anxiety for the post-traumatic stress disorder (PTSD) sufferer. On the flip side, depression results from not being able to regain that control. People with PTSD feel detached or disconnected from friends and family. They find little pleasure in activities they once enjoyed. They may even have difficulty experiencing positive emotions such as joy and happiness.



I know you are probably sick and tired of hearing it but, **DON'T FORGET YOUR COUNTY VETERANS OFFICES.**

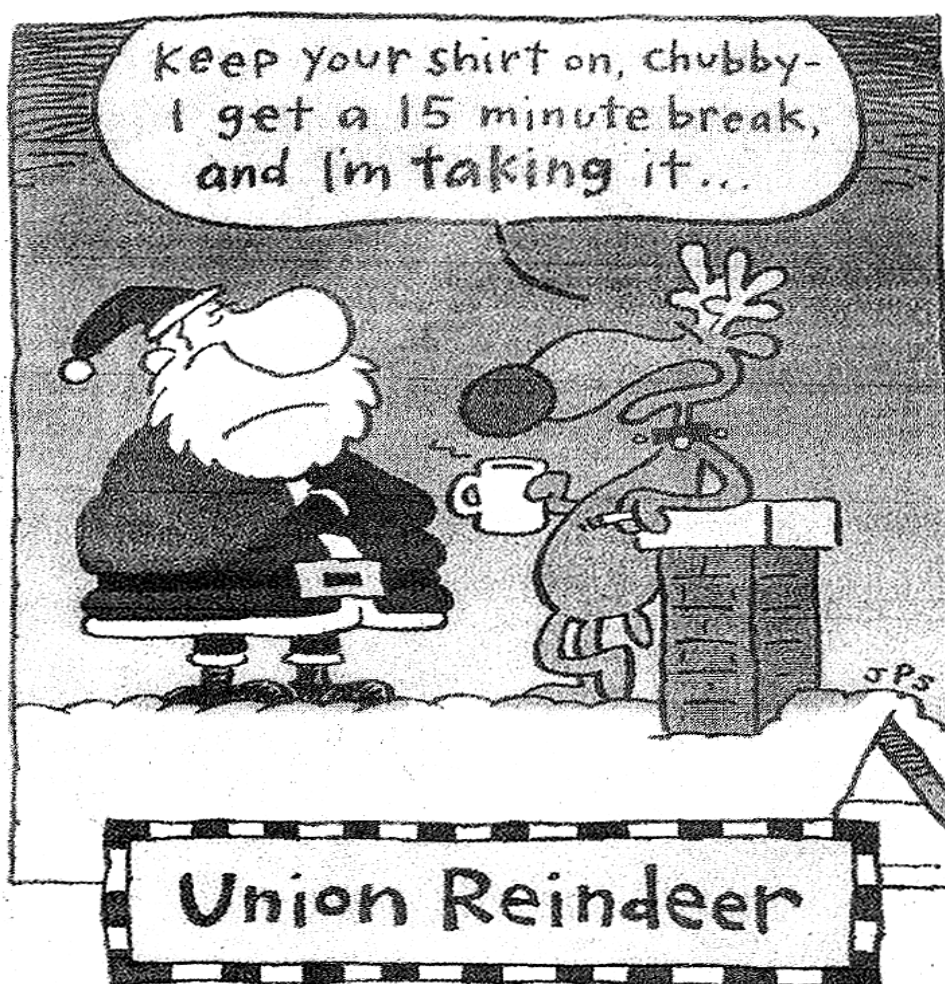
Veterans **"WELCOME HOME."**

### DUTY-HONOR-PRIDE

These words reflect the spirit of generations of Americans who have sought to defend the rights and freedom of others. At the Women in Military Service For America Memorial, these words come to life in stories and memories of the 2.5 million women who have served in defense of our nation. The Women in Military Service For America Memorial Foundation, Inc., the non-profit organization established to build the Memorial, continues to raise the funds needed to operate and maintain the Memorial Education Center. The Women's Memorial provides an important legacy for all generations by capturing the undocumented history of our American servicewomen. If you are a woman who has served in the Armed Forces, or are currently serving, or know of one whom you would like to register, please call 800-4-SALUTE, or write the Women's Memorial, Dept. 560, Washington, D.C. 20042-0560 or visit them online at [www.womensmemorial.org](http://www.womensmemorial.org).

### MIA

The remains of Pfc. John A. Donovan, 20, of Plymouth, Michigan, have been identified. Private Donovan, went missing on April 22, 1944. He was aboard a PBJ-1 aircraft that failed to return from a night training mission over the island of Espiritu Santo, in what is known today as Vanuatu. He







by Linda  
Turney,  
National  
Business Agent

## Turney Talks

# Disability Separation

At the outset the steward should fully investigate as to whether the action taken by Management is properly brought under the ELM as a disability separation which is an administrative action per Article 19 and ELM 365.42.

Arbitrator Margo Newman in C7C4BD22389 explains the difference between Article 16 and disability separation. She clearly delineates the requirements for a disability separation and questions why management did not use disability separation in that case.

The ELM provision (514.4.d.4) may allow the employer the right to remove from the workforce an employee who because of personal illness or injury can no longer perform the duties of their position once they have been on LWOP for a period of one year with no expectation that they will recover and return to duty within a reasonable time after one year. It is management's responsibility to determine health status of the employee **prior** to taking action. The employee may be required to supply information if he or she is properly notified. (Arbitrator Hannah King G98C4GD01052040)

If an employee can be separated for not being able to perform a duty assignment, Article 13 and ELM provisions would be superfluous. These provisions put the burden on management to show the "greatest consideration." The test is whether the employee can perform work within medical restrictions provided the work is available. If able bodied employees are performing light/limited work that was previous work for the ill/injured employee, management must prove there was no other work available for the able bodied employees. (Joseph S. Cannavo H06C1HD11129727)

The steward should make sure management relied on current and updated medical documentation and evaluations (EL505.423). Medical reports must be no more than 6 months old and be comprehensive and conclusive. Medical reports must state whether or not the employee will be able to perform duties in the future. (Linda Di Leone Klein K00C1KD02128432). The medical condition of the employee may be permanent in nature, but possible surgery or physical rehabilitation could bring into question the permanency of disability. This would include the ability to return to regular, light or limited duty within a reasonable time during or after the one year on LWOP.

An administrative action under ELM 365.34 may be taken by Management when the employee's medical condition renders the employee incapable of performing the duties of the position and is ineligible for disability retirement. At the expiration of one year in LWOP status, an employee who is absent due to illness and has committed no "wrong-doing" may be subject to this kind of off the rolls status. "Just Cause" in administrative separations requires management to follow their own regulations. Management must substantiate the Disability Separation by proving that it was not arbitrary, that it was contractually permissible and that it complies with applicable regulations. Management must meet two conditions to separate for disability under ELM 365.34: (1) The employee's medical condition renders her unable to perform the duties of her position and (2) The employee is ineligible for disability retirement. (Margo Newman C00C1CD03211166) The ELM requires retirement counseling prior to the action to separate. Management must also be obligated to produce evidence the grievant reached maximum medical improvement. (Margo Newman C00C4CA06072388)

Stewards should make sure management has not come to inaccurate conclusions regarding the medical. Their conclusions could preclude consideration for work that is within the employee's restrictions. If the employee was put off work and there was available work within their restrictions, management should have

accommodated them rendering the 1 year LWOP status void. As stated in section 365.342.f. for involuntary separation the notice and appeal procedures in the applicable bargaining agreement must be followed, therefore, always argue Article 16 because the Collective Bargaining Agreement must be followed. The degree of the illness/injury may require limited exposure but it may not be necessary to eliminate all exposure to the work environment. The one year time period must related to the illness/injury being considered not for some other illness/injury. Management then must consider ELM 546 which is their legal responsibility, obligation and pecking order to accommodate employees who have partially overcome job related illness/injury. (Linda S. Byars H00C1HD02077658)

The failure to follow specific steps in ELM 365 may be fatal to the removal. This may include a fitness for duty examination which is required to determine whether an employee is able to perform the duties of their position. (ELM 864.3) In addition, management must take steps to seek information as to the grievant's possible recovery and ability to return to work in a reasonable time. Management must seek out and provide the grievant with counseling, fitness for duty examination and information sought for Grievant's possible recovery. (Jacqueline F. Drucker A00C4AD02169708)

### HAPPY HOLIDAYS and HAPPY NEW YEAR

We have much to be thankful for as the Holidays and New Year approaches.

We went out and pounded the pavements and banked the phone calls and were successful in keeping President Obama in the White House. I believe this is good for our country, the USPS and our American Postal Workers Union. In January, we will be seeing a record 20 women going to the Senate. We undoubtedly will be seeing immigration reform due to the record number of Latinos voting. We also will be seeing health care issues for women remaining viable due to the 13 point lead women gave President Obama in the election. Women no longer have to worry that they would have to go to the boss to ask for health insurance that would cover contraception. I find it hard to believe that in 2012, we were facing a contraception issue such as this.

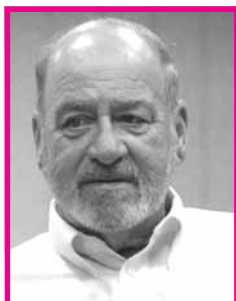
I loved working on the campaign this year. It gave me a real sense of civic duty and pride. Recently, at a family gathering, I told friends and family about the possibility of retiring early since the Postal Service was offering an incentive VER. They were all shocked. I was told that I could not retire because, "The work I do is so very important." Union work is important. It is the work that you do as well. Your work is important. Let us not forget it.

This year, I will be saying good bye to many friends who have decided to retire. It is a milestone in their lives and mine. To all our new retirees: Good Luck and Good bye. Thanks for your friendship, your support and your Union membership. Stay in Touch. You know where to find me.



Cliff Guffey with Call Center employees on break





by Al LaBrecque,  
Retiree's Chapter  
President

## Retiree Involvement

# Blessing In Disguise

Western Region Retiree Delegate, Brother Byron Denton and wife Carolyn, were attending the APWU Health Plan Seminar in Las Vegas representing the California State Retiree Chapter, when Byron experienced an episode in his room early Friday morning of the seminar. Carolyn immediately took Byron down to the seminar area where health vendors were conducting health screenings. Upon checking Byron for his symptoms, the alarmed screeners ordered him to stay put while an ambulance was called and Byron was transported to a nearby hospital. As a result, doctors discovered Byron had a 95% blocked carotid artery and he underwent surgery on Sunday.

Thankfully, surgery was successful. Byron spent the first day after surgery in Intensive Care, then a couple more days in the hospital. Doctors told him he may not have made it back home to California without the quick discovery and subsequent surgery. Tough "old bird" that he is; and strong lady Carolyn is; they drove the 600+ miles from Vegas to Orland, CA arriving home the following Saturday. Close call!

Doctors attributed Byron's tolerance and possibly survival, to having a strong heart (of a 22-year old), and his active, healthy lifestyle. Talking with Byron after he got home, I'm pleased to report he sounds like his feisty old self. He's promised to take it easy, to obey Carolyn, and has scheduled medical appointments.

It was definitely a "blessing in disguise", being in the right place at the right time, not to mention having Carolyn there on this trip with her quick action, and availability of APWU Health Plan vendor's health screenings. I would guess that the "It Pays to Belong" statement of the APWU and Health Plan has new meaning for the Dentons, and certainly for his countless

Union Brother and Sister friends. Stay well, Brother!

### DIET COLA

CSRS annuitants and Social Security recipients will receive a puny 1.7% Cost Of Living Allowance increase in 2013. FERS annuitants will also receive a 1.7% COLA if age 62 or over. It's better than a sharp stick in the eye that more or less may offset FEHBP health insurance premium hikes. Don't spend it all in one place!

### Election Results

A mixed bag, for sure. Ecstatic that our Commander-In-Chief, Barack Obama, and great Senator Debbie Stabenow were re-elected! Pleased that Michigan remains "Blue"! Disappointed that GOP 1st District Congressman. proctologist "Dr." Benishek was returned to do damage or nothing, take your pick. It's shameful that the 1st District once held by our outstanding former Congressman Bart Stupak, has sunk so low. I fault the State Dem Party, State Senate Dem Caucus, and downstate Party big shots for backing a proven weak candidate in '08, and then repeating the same dismal endorsement in 2012.

We battled .500 on the statewide Constitutional proposals. All 6 were rejected. Prop. 1, 5, & 6 went down and that was good. But, Michigan voters voted down Prop 2 on securing collective bargaining for public employees. That's a bite that just might embolden the Right To Shirk proponents in the GOP Legislature. Props 3 & 4 were likewise defeated, rejecting the renewable energy and in-home health care worker initiatives. Michigan government remains Republican stem to stern. Disturbing! After having rode in on Obama's coattails in '08 to be elected by one (1) vote over an incumbent GOP Township Trustee, I got my comeuppance this time, losing to a radical right-winger.

Disappointed, but not surprised in my very conservative county and township. The remaining (all GOP) Board had supported my candidacy and are in a tizzy over the prospects of dealing with a guy who has taken us to court and lost, telling the judge he would go to jail before complying with an ordinance he blatantly violated. But, he's one of "theirs", and I'm rather enjoying their discomfort. Elections DO have consequences.

### EARLY OUT

With a \$15,000. two-phase incentive offered by the USPS, there appears to be a virtual stampede of eligible employees to, at least, consider getting while the getting is good! If you are eligible and considering the early out, just be aware that all that glitters is not gold! Decide wisely! Just remember; taxes come out of that \$15 Grand! I would caution that the devil is always in the details! My recommendation is that members refer to page 6 of the Nov.-Dec. APWU Postal Worker magazine to assist in making an informed decision. This is a life-changing event!

Several Locals are sponsoring retirement seminars on CSRS and FERS. I highly recommend members contemplating retirement to attend seminars if held in your Local or area. Know what you're doing before taking the leap. Acting on suggestions that the MPWU State Retiree Chapter engage in these retirement seminars, I have authorized State Chapter E-Board officers to present an orientation on the benefits of belonging to the APWU Retirees' Dept. to remain connected to the Union that has represented members' best interests during their postal career. LOCALS! If your Local is sponsoring a retirement seminar, please contact me with the date, time and location so that we may assign a State Chapter officer to make a presentation. So there's no confusion, the retirement seminars are sponsored by individual or several APWU Locals. Not the State Union. Likewise, the Retirees' Dept organizing orientations are sponsored by the MPWU State Retiree Chapter, not the State (MPWU) Union.

Among several benefits of belonging to the APWU Retirees' Dept. is the newly won right of retiree members to vote in APWU national elections for APWU President, Executive Vice-President, and Secretary-Treasurer, Legislative/Political Dept officers, Director Human Relations and Director APWU Health Plan. That's in addition to voting for Retirees' Dept. Director and Regional Retiree Delegate to the national Convention. Remember too,

that you MUST have been enrolled in a FEHBP health insurance plan and FEGLI life insurance five (5) years immediately preceding retirement, with only a few exceptions, to carry those benefits into retirement. That's critical!

Just because you retire from the Postal Service you are never out of the arena! It behooves retiring members to join the Retirees' Dept. for only \$3. per month. Michigan retiree members automatically belong to the MPWU State Retiree Chapter, and if your Local has a Local Retiree Chapter as well, at no additional dues. You will enjoy the same sundry benefits of belonging; the APWU magazine, a \$5,000. accidental death & dismemberment policy at no cost to you, eligibility to belong to the APWU Health Plan and Accident Benefit Assn. (ABA).

The APWU Retirees' Dept., State and Local Retiree Chapters work in concert with the parent APWU on our paramount retiree issues, including legislation that affects our retirement and benefits. We welcome our retiring Sisters and Brothers to join us in the continuing efforts to preserve and protect what you have earned and deserve. Best wishes on your individual decisions!

### REQUIEM

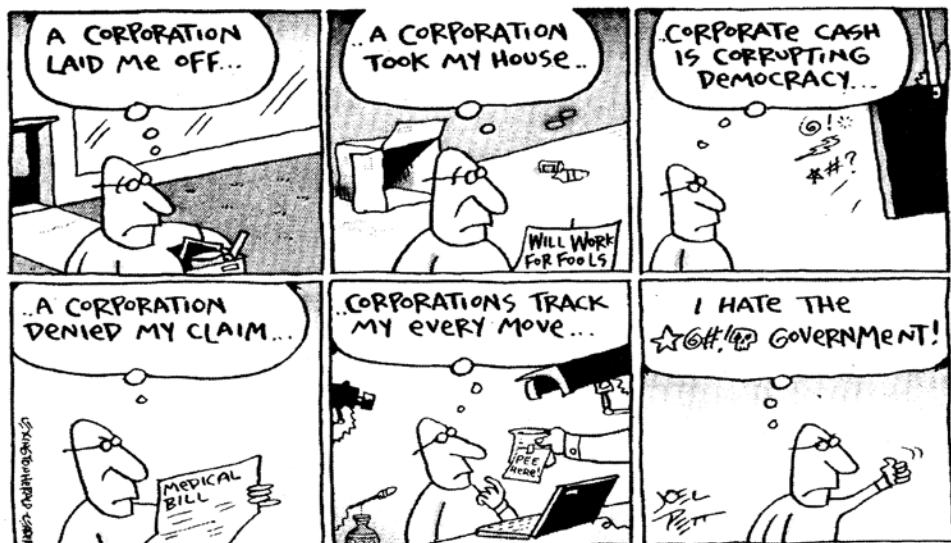
Central Region Retiree Delegate, Sister Beverly Shealy, died unexpectedly on September 16th, less than a month after attending the APWU pre-National Convention Retirees' Dept. Conference in Los Angeles where we had worked together on the proposed retiree initiatives.

Beverly and I had been rivals in several national elections for Retiree Delegate, but there was a mutual respect between us. She served as President of the Cleveland, OH Retiree Chapter. Our MPWU State Chapter expressed our condolences with a memorial in Beverly's name. "Eternal rest grant unto her O'Lord, and let Perpetual Light shine upon her. Amen."

### JUST AROUND THE CORNER

When you read this, Turkey Day will have come and gone along with the effects of our indulgences of the traditional feasts when we count our blessings. Christmas and the 2013 New Year aren't far behind. With those prospects in mind, Michelle and I wish all our dear Sisters and Brothers a Merry & Blessed Christmas and a Happy & Healthy 2013!

Be Strong!





# Sailing On The USPS Concordia

by Bob Dyer,  
Seattle Area Local

“Where is Captain Donahoe”?

“He is back on the Lido deck playing shuffleboard with the muckity-mucks,” the first mate responded. “You know how he enjoys watching those ‘postal pucks’ – as he calls them – slide off the back deck into the ocean.”

“Well we are way off course,” the purser sounded worried. “The crew is concerned, and even some of the customers have noticed. Where are we going?”

“The captain wanted to make a pass by Catalina Island to show off for his old buddy Darrell Issa, and the rest of the Oversight Committee. He thought it would make their day to see the USPS Concordia headed south from their condos on the beach.”

“Isn’t that a bit self-serving, and reckless? What about our mission to provide universal service to the American public?” The purser looked very concerned. “Aren’t we behind schedule already? I hear the lines are getting long at every port of call.”

“Don’t worry about it. The Captain says we are going to be closing many of them anyway. The lines will disappear soon enough. We can run this shipping line with half the crew, once we get rid of all those unnecessary stops. It’s nothing personal, its just good business. The Captain knows exactly what he’s doing.” The First Mate had a look of admiration on his face as he spoke of the Captain.

Meanwhile out on the Lido deck the Postal Board of Governors was fully engaged in a game of shuffleboard.

“Great shot, old boy!” The group of postal executives cheered as Captain Donahoe’s carefully aimed shot collided into another “postal puck,” knocking it completely off the board. They whistled and hooted as a puck labeled “Saturday delivery” went careening off the deck and into the sea.

“Well done, well done!” The crowd cheered the Captain on as he prepared for his next shot.

But all was not well on the USPS Concordia. Customers were gathering on the upper deck, and some of them did not look happy.

Back on the bridge the purser continued questioning the First Mate, who was now steering the USPS Concordia

dangerously close to the shoreline and blowing the ship’s horn repeatedly, as the vessel passed within sight of Issa’s seaside island resort where the Oversight Committee could now be seen from the deck – cheering and hooting as the ship’s whistle echoed across the water.

The purser objected earnestly to the First Mate at the helm. “Aren’t we moving way too fast? We will run out of fuel if you continue to stray from our official route of travel. We are responsible for the American public. How can we continue on this course and still fulfill our mission?”

“The American public doesn’t know what is good for them,” sneered the First Mate. “At least that is what the Captain says. He has a carefully calculated plan. After we offload all of the unprofitable customers and eliminate all those unnecessary stops, there will be plenty of fuel. Not to worry.”

The purser was shocked. The First Mate was referring to customers – the American public – as if they were barnacles to be scraped off the hull of the ship, as if they were leeches that needed to be pulled off and disposed of as pests.

“What about our mission? What about our commitment to public service?”

“Oh puh-lease” the First Mate jeered. “You’re not going to rattle off some quaint nonsense about the weather are you? Come rain, nor sleet, nor snow, and our appointed rounds, and all that archaic rot!”

“But our mission is spelled out in the United States Constitution! Ben Franklin would never have agreed with this course of action. Has the Captain lost his mind?”

“You’re coming awfully close to insubordination there,” the First Mate interjected. “Do you know what happens to sailors who are found guilty of mutiny?”

“Yes, but we are way off course!” the purser raised his voice.

“Just settle down and go with the flow. The Captain will steer the ship to a safe haven – one where the U.S. Constitution no longer has jurisdiction. As for Ben Franklin, this is the 21st Century.” The First Mate was openly laughing. You are way out of touch worrying about ancient constitutional technicalities. It is time that the USPS Concordia sets out on a new course, under a new flag and a whole new set of rules.”

The purser looked on in disbelief, and then responded, “Sir, these technicalities you make light of are the law of the land.”

“Not for long, sailor, not for long. The Captain’s good friends over there on the beach will take care of that. Soon we will be in international waters and all those details you are so worried about will be a distant memory. The Captain’s associates on Catalina Island will see to that.”

“What you are talking about is treason, maybe even piracy,” retorted the purser.

“I wouldn’t repeat that again sailor, if you know what’s good for you,” said the First Mate menacingly.

Meanwhile back on the Lido deck, Captain Donahoe lined up to launch his final blow. He let fly his last shot which sailed down the deck striking the sole remaining postal puck on the board with a resounding smack! The jubilant

observers broke into loud cheers as the postal puck labeled “collective bargaining rights” flew off the deck and disappeared into the briny deep. “That’s what I call the Wisconsin Shuffle,” boasted the Captain.

At this point the air was filled with the resounding report of fireworks and the evening sky burst into bright colors, lighting up the shoreline beach resort. The First Mate went berserk, blowing the ship’s horn in long resounding blasts. The crowd went crazy and a festive atmosphere pervaded the Lido deck.

The purser looked down in horror as the hull of the USPS Concordia gave way to the rocky shoreline below. He knew there were only enough lifeboats for the Lido deck dignitaries and postal executives. What about the fine crew of the ship, and the customers on deck who would soon be floundering in the sea, after the ship went down?

— reprinted from  
*Greater Seattle APWU News-*

## Your Voluntary Benefits Plan

Since 1969 the Voluntary Benefits Plan has been providing postal union members with benefit services specifically designed for them. In 1986, we started a Nationwide Program to provide the main benefits members of the American Postal Workers Union wanted and needed. Programs are now available for Active, Associate, PSE and Retired APWU members, and are available to members only. Over 100,000 APWU members are currently enrolled in one or more of the Voluntary Benefits Plan programs. They are offered a wider variety of programs than ever before and each is from an A + rated American insurance company. Some programs now offered are provided at no cost for APWU members while some even generate significant revenue for the APWU.

Here is a list of benefits available to dues paying members of the American Postal Workers Union:

Short Term and Long Term Disability Insurance, Term Life Insurance, Senior Life Insurance, Dental Insurance, Hospital Indemnity Insurance, Accidental Death and Dismemberment Insurance, Cancer Recovery Insurance, Home and Auto Insurance, Medical Insurance for PSE’s, Pre-Paid Group Legal Services, and Basic Care Insurance. We now have a brand new Mortgage Origination Program and we are working on several other plans to continue to meet your family’s needs well into the future!

You may not even know it, but every single APWU member is already covered by a program from the Voluntary Benefits Plan — the Member Assistance Plan, providing Identity Theft Protection, Concierge services and \$1,500 of Accidental Death and Dismemberment Insurance — at no cost to you or the APWU. That plan can amount to thousands of dollars in benefits to you each year. And then there is the \$5,000 of Accidental Death and Dismemberment coverage we provide to every member of the APWU Retiree Department — again, at no cost to the member or to the Union.

And YES, we can even offer several of these programs for your entire local membership at very competitive rates. Many Locals have already take advantage of this program.

Some benefit programs may be retained when you retire and numerous benefit programs are also available to already Retired APWU members.

*continued on page 8*







by Michael O'Hearn,  
National  
Business Agent

## NBA Report

# Safety And Health

The first sentence of Article 14 states, "It is the responsibility of management to provide safe working conditions in all present and future installation and to develop a safe working force." If management does not live up to this responsibility, it is up to us to see that they do. How do we do this? In Section 2 of Article 14, it says "If an employee believes he/she is being required to work under unsafe conditions, such employees may: (a) notify such employee's supervisor who will immediately investigate the condition and take corrective action if necessary." Therefore, the first step is to notify the supervisor. The form PS 1767 "Report of Hazard, Unsafe Condition, or Practice" can be used to report the situation to management or you can simply verbally notify the supervisor. If your supervisor is unreceptive to such information, I would recommend the PS 1767. If the employee believes that another avenue should be taken, Section 2 goes on to state that the employee may "(b) notify such employee's steward, if available, who may discuss

the alleged unsafe condition with such employee's supervisor." These provisions are designed to resolve unsafe conditions as quickly as possible. Obviously, we want to fix the unsafe condition to prevent anyone from being injured. However, sometimes management may resist such overtures. Section 2 goes on to state that the employee or union may "(c) file a grievance at Step 2 of the grievance procedure within fourteen (14) days of notifying such employee's supervisor if no corrective action is taken during the employee's tour, and/or (d) make a written report to the Union representative from the local Safety and Health Committee who may discuss the report with such employee's supervisor."

That in a nutshell is the way to initiate any safety dispute. It is important to note that any safety grievance is to start at Step 2 rather than Step 1 of the grievance procedure. The reason is plain. If the supervisor did not take appropriate action after being notified, what is the sense in going to him/her with a Step 1 grievance? Again, we are trying to remedy the unsafe condition as soon as possible to

avoid anyone from becoming a victim of the unsafe condition. Going to the supervisor, going to the steward, going to the local Safety and Health Committee, and going directly to Step 2 are all intended to get a quick fix of the problem. If none of this works, the grievance is appealed directly to arbitration. The Union may move this type of grievance to the head of the arbitration docket. Again, time is of the essence in such matters. We don't want anyone to be hurt while we are going through a bureaucratic shuffle.

The steward in such a grievance should include any PS 1767's filed on such a condition, any report from the supervisor, and any report from the Safety and Health Committee. Always check Article 14 of the contract and the JCIM Article 14 to assist you in developing your grievance. In the JCIM you will find information on such topics as Safety Glasses, Gloves, and Radio Headsets. The proper rules and regulations should also be cited in the grievance. To assist the steward in this regard, the APWU has developed a Safety and Health Resource Kit. You can find it on the national website, [www.apwu.org](http://www.apwu.org). The kit is in the Industrial Relations Department. When you get on the Industrial Relations page, you will see on the left hand side a Safety and Health topic to click on. Then, on the left side of the Safety

and Health page, there is a Safety and Health Resource Kit topic to click on. The exact address for the Safety and Health Resource Kit is [www.apwu.org/dept/ind-rel/sh/shirk/index.htm](http://www.apwu.org/dept/ind-rel/sh/shirk/index.htm). Once you get to this page, you will see on the left side a list of some 43 topics that you can click on to get information about handbooks and manuals related to your topic of interest. Just a few of the topic are Accidents-Injuries, Equipment, Lighting, Temperature, and Workplace Violence. As an example, when you click on Equipment, you will find a link to the ASM Chapter 5 "Facilities and Equipment" and PO-502 "Container Methods" manual. This kit will be a great help in researching your particular problem.

Also, on the Safety and Health page you will find other helpful information on the left side of the page like Stand-Up Talks, Bio-Detection Systems, Threat Advisory Codes, External Links, and S & H News Archive. If you still need help you can click on the subject About Safety & Health on the left side of the Safety and Health page. Here you will find the names, phone numbers, and email addresses of the APWU Regional Safety and Health Representatives. You can contact them for assistance.

There is nothing more important than protecting your safety and health at your work site.

## Your Voluntary Benefits Plan

*continued from page 7*

Another significant service we provide is to discount your premium off of our Dental Program if you are also a member of the APWU Health Plan. We automatically discount your Dental Plan rates by 7.5% if you are enrolled in the APWU Health Plan. This is just one way we try to promote membership in the APWU and membership in the union's other valuable programs.

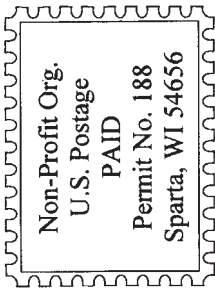
Not only are these plans a good

value for the premium paid, they are a great organizing tool for non members in your area. Ask us about providing mailings to nonmembers in your area encouraging them to join the APWU.

If you need any Voluntary Benefits Plan materials or have any further questions concerning any of the programs available, just call our office toll free Monday through Friday, 8:30 — 5:00 EST at 1-800-422-4492 or visit their website at [www.voluntarybenefitsplan.com](http://www.voluntarybenefitsplan.com).

**DEADLINE**  
The deadline for articles for the November-December issue of the *Michigan Messenger* is  
**January 18th**

**SEASONS GREETINGS**



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