

Michigan MESSENGER

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PRESIDENT



by
**Michael
Mize**

DeJoy Debacle

There are many things in the new PMG ten-year plan that I could write about. Representing so many small offices in Michigan there is one that stands out to me. The plan to shorten hours and/or close Post Offices. Like we see with Management so often this PMG is this same. If there is not money and foot traffic in an office, then we should close it or make the hours shorter.

The Michigan Postal Workers Union represents over 200 small offices in the state. These small offices are Community hubs in many cases. We are part of the rural America small town. The fact that we don't sell thousands of dollars in merchandise a day is not a reason to close our offices. The USPS is not a business that must make money at every location. We in fact are not supposed to make money overall. I'm not suggesting that we shouldn't make changes, we all know everything must change as time changes. What I am stating is that the PMG and many others have lost site of or never knew what we stood for. We are a Service, again a **SERVICE**, for the American people.

So, I will ask you as the Clerk in the small office. Can you provide a great service to your community if they cut your hours by 2 per day? I can tell you my position, NO we can't provide the service the community deserves if we are not open.

Another question, can the office 8 miles away provide the service to your community that they deserve? Again, I will say, NO. We should not shutter Postal facilities. We need to provide an office in these towns for Postal Boxes and to pick up mail.

As stated above the man at the helm is turning the ship straight into the iceberg. While I can't read his mind and speak to exactly what the plan is, I can tell what it smells like to me. I have been representing in one capacity or another for about 15 years. I am 54 years old and when I smell a skunk, it's a skunk. This is a direct attack on us. This is an attack to destroy the rural Post Offices

and slash at the city Offices. Continue to destroy the Service by taking service out of it. Destroy it by destroying the public's faith in what we do. It is a complete debacle and crying shame that the leader would lead in this way.

Why? Again, my somewhat professional opinion. Get rid of the crust out on the edges so we can sell (privatize) the bread in the middle. It is about money to them. We need a captain that understands our purpose and steers the ship that way.

This is a time when we need all our small office membership to speak out. When you talk to your family and friends at dinner or card night you need to explain what this design is for. We need you all to contact your legislators in Washington DC to explain why it would be a bad thing for your community. We need your family and friends to do the same thing. Congress can address this issue and can stop this attack. This goes for both Democrats and Republican leaders. In fact, if you

vote for a Republican and they are not supporting the USPS and what we do, we need you to reach out to them and explain it. Explain that for them to earn your vote they need to help right the ship to provide a great American Service not a money grab for Corporate America.

It is time for us to fight for our job but most of all for the UNITED STATES POSTAL SERVICE!!!

In Unity.

LEGISLATIVE DIRECTOR



by
**Roscoe
Woods**

The Pro Act

creates an avenue for better working environments."

As the Legislative Director for the state I encourage you all to reach out to your members of Congress who voted this up and thank them, I also ask you to call those of our representatives who did not vote for this and ask them why.

Just so you know the score the Pro Act passed by a 225-206 vote with all the Democrats voting for it as well as five GOP members. In case you are wondering not one of the GOP House members from Michigan landed on the yes side of this important piece of legislation for working people.

From NPR: "The PRO Act would protect and empower workers to exercise our freedom to organize a bargain," Richard Trumka, the president of the AFL-CIO, told NPR in a recent interview. "It's a game changer. If you really want to correct inequality in this country — wages and wealth inequality, opportunity and inequality of power — passing the PRO Act is absolutely essential to doing that."

President Biden — a close ally of labor who earlier this month came out forcefully in support of Amazon workers' union drive in Alabama — backs the legislation.

"Nearly 60 million Americans would join a union if they get a chance, but too many employers and states prevent them from doing so through anti-union attacks," Biden said in a statement on Tuesday. "They know that without

unions, they can run the table on workers — union and non-union alike."

Not surprisingly most business organizations are lining up against this measure.

Another provision of this act reported by NPR is very important to ensuring a fair and equitable union vote:

Employer interference and influence in union elections would be forbidden. Company-sponsored meetings — with mandatory attendance — are often used to lobby against a union organizing drive. Such meetings would be illegal. Additionally, employees would be able to cast a ballot in union organizing elections at a location away from company property.

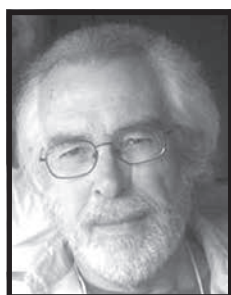
The law would also prevent an employer from using its employee's immigration status against them when determining the terms of their employment. And it would establish monetary penalties for companies and executives that violate workers' rights. Corporate directors and other officers of the company could also be held liable.

After watching the USPS waste million\$ on grievances just because they are too lazy to simply follow our contract or simply ignorant of it would be amazing if frontline managers and postmasters were finally held accountable for their failures and the cost to this service those failures lead too.

continued on page 2

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by
**Paul
Brown**



The dictionary defines trickle as a slow thin stream or flow in drops and that's what us working stiffs and retirees got from Reaganomics. A couple of extra dollars a week every year hasn't exactly gone a long way since 1980. And all that great stuff the Government used to do has pretty well dried up. That is until Joe Biden was elected President.

One caveat though — I am utterly disgusted and appalled by the STATE Legislatures around the country that have proposed over 250 voter suppres-

During a live-streaming event with APWU members on March 31, National President Mark Dimondstein briefly discussed Postmaster General DeJoy's 10 Year Plan. Dimondstein said there were positives and negatives to the plan. The condensed version of the positives was growth through package delivery, better career employee opportunities, and job security. Likewise, a quick summary of the negatives includes more Plant closings, mail delivery times slowed through more surface delivery, and cuts in operational hours to small offices. According to Dimondstein, none of the negatives could happen without first being reviewed by the Postal Rate Commission in an *advisory* (emphasis mine) capacity. Also, the plan would be subject to community/

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In Solidarity

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EDITOR



by
John
Greathouse

I Need Some Help From My Friends!

Michigan Senator Curtis Hertel has introduced Senate Concurrent Resolution No.13. A joint resolution in the Michigan House and Senate. Rep. Kara Hope is introducing the House Resolution when the House is back in session in mid-April.

A concurrent resolution to memorialize the Congress of the United States to oppose recommendations to privatize and slow the service of the United States Postal Service.

Whereas, The United States Postal Service (USPS) is a core governmental function recognized by our founding fathers in the U.S. Constitution. Article I, Section 8, Clause 7 of the U.S. Constitution grants Congress the power to establish post offices and post roads; and

Whereas, The USPS provides high-quality universal service without taxpayer funding. The USPS receives no tax dollars and funds its operations through the sale of postage products and services. Even without taxpayer funding, the USPS provides excellent service and consistently receives the highest approval ratings of federal departments and agencies; and

Whereas, The USPS is a source of decent and dignified jobs in the United States. The agency employs workers of all nationalities from diverse backgrounds of all kinds. The USPS has more than 500,000 employees at the center of the \$1.4 trillion mailing industry that employs 7.5 million Americans. It is also the nation's second-largest employer of military veterans; and

Whereas, Proposals to privatize the USPS would limit service and increase prices for Michigan's 32 rural counties. A privatized postal service will be driven by profit and would lead to increased rates and lost service for rural areas where delivery is more expensive. This will enrich a few private companies at the expense of rural communities in Michigan and across the country; and

Whereas, The current U.S. Postmaster General has proposed numerous changes, including changing service standards that will lead to slower delivery, plant consolidations, and reduced operating hours at post offices. These changes would negatively impact the agency, postal workers, and the American public; now, therefore, be it

Resolved by the Senate (the House

of Representatives concurring), That we memorialize the Congress of the United States to oppose recommendations to privatize the United States Postal Service; and be it further

Resolved, That we memorialize the Congress of the United States to restore service standards to 2012 levels to improve delivery of America's mail; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Michigan congressional delegation.

When this was introduced to the floor of the Michigan Senate, then it was shuffled off to the Government Operations Committee to die, as the GOP is not willing to bring it to the floor.

Here is where you come in

I need everyone to call the listed Michigan Senators (mainly the Republicans) and ask them to support

and bring Senate Concurrent Resolution No.13 to the floor for a vote for America's Post Office.

If we can get enough pressure on these Senators and have it brought to the floor, when the house bill is introduced, it should, hopefully be voted on and not shipped off to committee (if that happens, watch out for emails directing you to make some more calls.

This would be one of the first Joint Resolutions to be passed in the country and it would be sent off to DC to express Michigan's Support of America's Post Office.

Make the Call TODAY, and everyday till the bring it to a vote!

Senator Mike Shirkey – R Chairman
P.O. Box 30036
Lansing, MI 48909-7536
By Phone: (517) 373-5932
senshirkey@senate.michigan.gov

Senator Dan Lauwers – R Vice Chairman

P.O. Box 30036
Lansing, MI 48909-7536
By Phone: (517) 373-7708
senlauwers@senate.michigan.gov

Sen. Jim Ananich – D Minority Vice Chairman
Post Office Box 30036
Lansing, MI 48909
517-373-0142
senjananich@senate.michigan.gov

Senator Aric Nesbitt - R
P.O. Box 30036
Lansing, MI 48909-7536
(517) 373-0793
sennesbitt@senate.michigan.gov

Sen. Stephanie Chang - D
Post Office Box 30036
Lansing, MI 48909
517-373-7346
senschang@senate.michigan.gov

Make the Call . . . Email and Send them a letter too! We need to put the pressure on them to act.

In Solidarity.

NATIONAL BUSINESS AGENT



by
James
Stevenson

Non-Compliance With Arbitration Awards/Settlements (How To Stop It)

addressed or remedied by the prior arbitration award].

Management loves the scenario of the Union filing a new grievance for non-compliance because it gives them a "second bite at the apple" with the hopes that they may obtain a different result with a different arbitrator or somehow find a way to mitigate down their liability ordered by the original arbitrator. Why should the Union be required to go to arbitration to obtain relief for that which they have already prevailed upon? Ask yourself, how many times has the APWU lost a discharge case and the USPS failed to comply with the Arbitration Award terminating the employee. Oh, you can bet your bottom dollar that the USPS will have 100% compliance with discharge cases that we lose in arbitration. The USPS will rarely if ever allow an employee to remain or return to work after losing their arbitration nor will they continue to pay the employee.

In the case of non-compliance with Arbitration awards the document that we should be using to get right back in front of the same arbitrator without filing a new grievance is the Memo-

randum of Understanding Between the United States Postal Service and American Postal Workers Union AFL-CIO [RE: Grievance Reviews & Arbitration Scheduling Procedures dated 12/02/20] which states in part:

1. "Arbitration awards/settlements shall be complied with in a timely manner. However, issues related to non-compliance of Arbitration awards/settlements shall be referred to the parties at the Regional level only after all attempts have been exhausted at the District level. If unable to resolve, joint clarification by the parties will be sought from the arbitrator telephonically by contacting the LR Service Center who will arrange for the joint call, joint letter, or **possible re-scheduling.**"

2. There exists a plethora of Federal Court decisions which articulate that it is proper to remand an arbitration award back to the original arbitrator for clarification of their award as who better to speak to the intent of the award than the individual who issued the award. The parties are not going back to the arbitrator to relitigate the merits of the award as that would violate
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VETERANS' DIRECTOR . . .

Veteran Report



by
John P.
Smeekens

WOMAN VETERANS'

Women are the fastest growing demographic in the U.S. military and Veteran populations, and VA stands ready to provide resources. There are currently more than 2 million women Veterans — and that number continues to rise, according to the **National Center for Veterans Analysis and Statistics**. In fact, women are expected to make up **more than 16%** of the U.S. Veteran population by 2043. Women have served the country in many capacities throughout history; However, they did not receive VA benefits until Congress passed the Women's Armed Services Integration Act in 1948. That act granted them permanent presence in the military, entitling them to VA benefits. VA benefits are a vital part of economic stability. In fiscal year 2020, more than 4,900 women Veterans learned about benefits at nationwide woman-focused outreach events. More than 196,000 women Veterans used education benefits and more than 555,000 women Veterans received \$10.7 billion in disability compensation. Hundreds of thousands also engaged VA with pension, home loans, insurance, employment, and memorial benefits. To learn more about the programs, resources and benefits available, visit <https://www.va.gov/womenvet/index.asp>. Call or chat with the Women Veterans Call Center at 1-855-VA-WOMEN (1-855-829-6636).

MARINES AT LEJEUNE

After years of waiting, veterans who were exposed to contaminated drinking water while assigned to Camp Lejeune in North Carolina may now be able to receive a portion of government disability benefits totaling more than \$2 billion. Beginning in March, the cash payouts from the Department of Veterans Affairs may supplement VA health care already being provided to eligible veterans stationed at the Marine base for at least 30 cumulative days between **Aug. 1, 1953, and Dec. 31, 1987**. Veterans will have to submit evidence of their diagnoses and service information. Outgoing VA Secretary Bob McDonald determined that there was "sufficient scientific and medical evidence" to establish a connection between exposure to the contaminated water and eight medical conditions for purposes of awarding disability compensation. The estimated taxpayer cost is \$2.2 billion over a five-year period. The VA estimates that as many as 900,000 service members were potentially exposed to the tainted water. The new rule, recently announced, covers active duty, Reserve and National Guard members who developed one of eight diseases: adult leukemia, aplastic anemia, blad-

der cancer, kidney cancer, liver cancer, multiple myeloma, non-Hodgkin's lymphoma and Parkinson's disease. Documents uncovered by veterans' groups over the years suggest Marine leaders were slow to respond when tests first found evidence of contaminated ground water at Camp Lejeune in the early 1980s. Some drinking water wells were closed in 1984 and 1985, after further testing confirmed contamination from leaking fuel tanks and an off-base dry cleaner. The Marine Corps has said the contamination was unin-

the VA has fully vaccinated more than 1.5 million people, including veterans and employees. Previously, only veterans enrolled in VA could get vaccinated. The bill's signing comes during a massive concerted effort from the Biden administration to give vaccine access to as many Americans as possible, with the goal of the country starting to return to relative normalcy by Independence Day. All Veterans, their spouses and caregivers can get COVID-19 vaccinations from VA under the SAVE LIVES Act signed into law March 24.



tentional, occurring when federal law didn't limit toxins in drinking water. The 246-square-mile military training complex was established in 1941. The new federal rule covers Camp Lejeune and Marine Corps Air Station New River, including satellite camps and housing areas. Congress in 2012 passed a bill signed into law by President Barack Obama extending free VA medical care to affected veterans **and their families**. But veterans were not automatically provided disability aid or survivor benefits. The issue has prompted lawsuits by veterans' organizations, which note that military personnel in Camp Lejeune housing "drank, cooked and bathed" in contaminated water for years. Affected veterans who were stationed at Camp Lejeune may now submit applications for benefits. Roughly 1,400 disability claims related to Lejeune are already pending, and will be reviewed immediately, according to the VA. See your County VSO.

V.A. AND COVID VACCINE

President Joe Biden has signed into law a sweeping new measure that supercharges the **Department of Veterans Affairs'** ability to vaccinate millions of Americans.

The Save Lives Act will allow the VA to vaccinate all veterans, veteran spouses, caregivers and Civilian Health and Medical Program recipients, regardless of their VA eligibility. However, patients enrolled in VA care will get priority. About half of all 18 million living U.S. veterans are enrolled in VA care, according to the U.S. Census Bureau. As of Wednesday,

HELP FOR VETERANS'

Are you having difficulty dealing with stress, feeling frustrated, or having trouble coping? VA offers a free, phone-based class called **"Mindfulness-Based Stress Reduction"** for Veterans of all eras. This class is designed to help you better manage the challenges and stressors of everyday life. Classes are available from 11am-noon ET on these upcoming days: April 16, May 7, May 21, June 4, and June 18. Join any or all classes.

TRAVEL PAY MADE EASY

Eligible Veterans and caregivers, can now file reimbursement claim for travel related to your medical appointments from your PC, tablet or smart phone. With VA's launch of the **Beneficiary Travel Self-Service System (BTSSS)**,

you can enjoy fast payments, more convenience, and a new ability to track in-process reimbursement claims. If you go to the BTSSS website and file your claim, you will get paid faster. BTSSS is VA's preferred method to receive travel reimbursement claims and related documentation, but submitting a claim using **Form 10-3542** remains an option. However, if you want a faster payment, BTSSS has the clear advantage. Paper claims may take 45 days or longer to be processed, while BTSSS claims take just a few days. BTSSS can be used on android or Apple phones or other devices to file and check on claims. You just need to log in to the **Access VA** website, choose "I am a Veteran," and select "Veteran Travel Claim Entry." Once you are signed in, you can pull up your appointments, answer a few questions, and snap photos of your receipts if needed. If you make a mistake, you can just hit "back." You can also find out you how much you've been reimbursed year to date.

Four easy steps to get started Veterans and caregivers using the system for the first time can get started in four easy steps: **Step 1: Set Up Direct Deposit.** Make sure that you are set up to receive payments directly into your bank account. If you do not have direct deposit set up already, you will need to complete and fax or hand deliver **VA Form 10091** to your local beneficiary travel office. **Step 2: Get a DS Logon.** Veterans will need a Department of Defense (DoD) DS Logon Level 2 (Premium) account. Simply go to **DoD DS Logon Access Center** to register, verify or upgrade your DS Logon account. **Step 3: Login to BTSSS.** Once you have a DS Logon, go to <https://access.va.gov> and use it to log in and review or create your profile. **Step 4: File your claim.** Now that your account is all set, file your first claim.

Learn more about filing a claim online with BTSSS and the eligibility for beneficiary travel benefits at the VA Travel Pay Reimbursement webpage.

LABOR UNIONS:

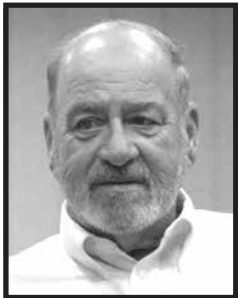
The folks who brought you the weekend.

Child Labor Laws, Overtime, Minimum Wage,

Injury Protection, Workmen Compensation Insurance,

Pension Security, Right To Organize ... Etc.

M.P.W.U-R-E-T-I-R-E-E-A-D-V-I-S-O-R . . .



by
Al
LaBrecque

"Just because we're retired, we're NEVER out of the arena!"

Defeat Snatched From
The Jaws Of Victory!

Jan. 20, 2021 a day of profound relief that we're finally on a path to liberation from the previous administration's concerted efforts to sabotage the popular voting by mail, and to enable privatization of the U.S. Postal Service. Happy as a clam that Biden-Harris won decisively, MI Senator Gary Peters-D was re-elected despite the DeVos millions pumped into his opponent's coffers. Peters, with enormous clout as Chairman of the powerful Senate Homeland Security & Governmental Affairs Committee having oversight of postal operations. The near miraculous GA Senate wins to flip the Senate to a 50 + VP Harris Democratic majority. Couldn't have scripted it any better. "Help is on the way", they said.

Hope Springs Eternal

Buoyed by having both e-mail and phone exchanges with Sen. Peters' extremely knowledgeable MI and D.C. office staffs, who clearly acknowledged that the paramount objective was to remove PMG DeJoy. We were assured that Peters' D.C. staff is in regular contact with the APWU Legislative Dept. It was sure to be just a matter of the Biden Administration removing the holdover ex-president's appointed USPS Board of Governors, then a reformed B.O.G. dedicated to saving the USPS who would then presumably act to remove the treacherous ex-president's hatchet man and "The Enemy Within"; Postmaster General Louis DeJoy. A minor obstacle that President Biden hasn't the authority to fire De(Lay), only the USPS B.O.G. has the authority to hire or fire a PMG. Not quite a slam dunk, but practically an uncontested layup.

In The Meantime – Limbo.

DeJoy, testifying before a congressional committee was asked how long he planned to stay, replied; "A long time.", and; "get used to it.", with his patented curled upper lip sneer. Arrogant for an ex-administration holdover on the chopping block. Then the grand announcement that Joe nominated 3 appointments to the existing vacancies to the USPS B.O.G, but curiously does not replace the holdover ex-president's appointees. We're asked to petition our Senators to support the confirmation of the trio. Only one, Anton Hajjar, former counsel for the APWU with whom, when as Local president, I had occasion to interact. Of the other two; an uneasiness to endorse a recent Deputy PMG complicit in the consolidation massacre of mail processing plants like Flint, Saginaw, and in S.E.

A View From The Mitt

MI. The other obviously diverse nominee of an unknown quantity.

The DeJoy "10-Year Plan" Revealed!

March 23, 2021, the day of the first step of the USPS death march to oblivion. Where's the outrage?! A "plan" to justify further deliberate slowing the mails, raising postage rates & service fees, eliminating First Class mail category, reducing retail window hours, shuttering smaller rural post offices. A toxic designer cocktail, accompanied with the financial weight of the 2006 PAEA prefunding mandate to scuttle the USPS ship. All the while DeJoy remains firmly in place.

A Rude Awakening Of
The Big Letdown

Reports surfacing that Joe Biden had "no appetite" for ousting the ex-president's holdover members of the USPS B.O.G., including Chairman, Ron Bloom, a wolf in Dem clothing. Fat chance that this T**** appointed, Biden anointed B.O.G. will propose DeJoy's removal. As for Chairman senator Gary Peters, where is he in our hour of need? How is this being permitted right under our collective noses? Appalling that the ex-president's B.O.G. appointed GOP mega-donor remains in a position to carry out his deposed patron's obsession with the ultimate strategy for voter suppression by eliminating voting by mail. A fast track to privatization, and voila! **NO USPS, NO Vote By Mail!**

Help Is NOT On Its Way!

Stunning! PMG DeJoy is left to his devices of taking ongoing direction from the ex-president in exile. Baffling. The hollow gut realization that we're back on our own again. Collateral damage. A nightmarish turn of events. Disappointment on a monumental scale. Trust in the no-show friends we endorsed and worked to elect, evaporated. Begs the question; **WHY?** What is yet to be exposed regarding the abandonment of the people's public U.S. Postal Service to the vultures of privatization? Short lived great hopes cruelly dashed in one fell swoop. The vindictive ex-president still effectively allowed to exert his destructive influence over the Postal Service. No amount of lipstick can disguise this pig. Already postal workers poised to bail are asking if the PMG plans a 20 & Out. Indicated, but with no monetary incentive.

The Burning Question:

WHY and HOW can President Joe Biden, Senator Peters, our postal Union leaderships be giving "The Enemy Within"; PMG Louis DeJoy, an apparent pass? The ex-president's hatchet man to undermine balloting by mail, **the ultimate voter suppression.** There can be no doubt that a corrupted USPS B.O.G. did an end run to appoint DeJoy, after being instructed by the

ex-president through his waterbody, former Sec.-Treasury Steven Mnuchin. That DeJoy set about the "Friday Night Massacre" of top 23 USPS Executives, thus usurping all authority. Then, DeJoy issues his deliberate edicts to delay the collection, transportation, processing, and delivery of the U.S. mails coinciding with the ongoing vote by mail in the 2020 presidential election. An action that I firmly believe **violates 18 U.S. Code ~ 595; Interference by Administrative Employees of Federal, State, or Territorial Government.** A felony. Incredibly, given free rein to resume the ex-president's orchestration of undermining the highly successful balloting by U.S. mail now being challenged by the GOP in 43 states in a desperate, concerted effort to suppress the vote.

PMG Louis DeJoy's Portfolio

Corporate Exec. whose business interests in transportation conflicts with USPS operations. A GOP Super PAC fundraiser for the ex-president and GOP candidates who is alleged to have devised a scheme through his employees to contribute to the fund and later reimbursed with a bonus or a raise, to skirt election campaign finance laws. Himself a mega-donor to the ex-president's and GOP lawmaker coffers. I stated from the beginning that DeJoy was installed to protect his own considerable financial investments reportedly to be \$1.2 million to the ex-president's campaign, and \$1.3 to GOP candidates. Senator Peters had even questioned DeJoy on these issues. It's my considered view that PMG DeJoy's track record renders him unfit to serve in the Biden Administration. DeJoy's 10-year plan erases all

doubt that he's the anathema, the grim reaper, to the future of the U.S. Postal Service, and yet remains in place is truly baffling.

What Does Our Future Hold?

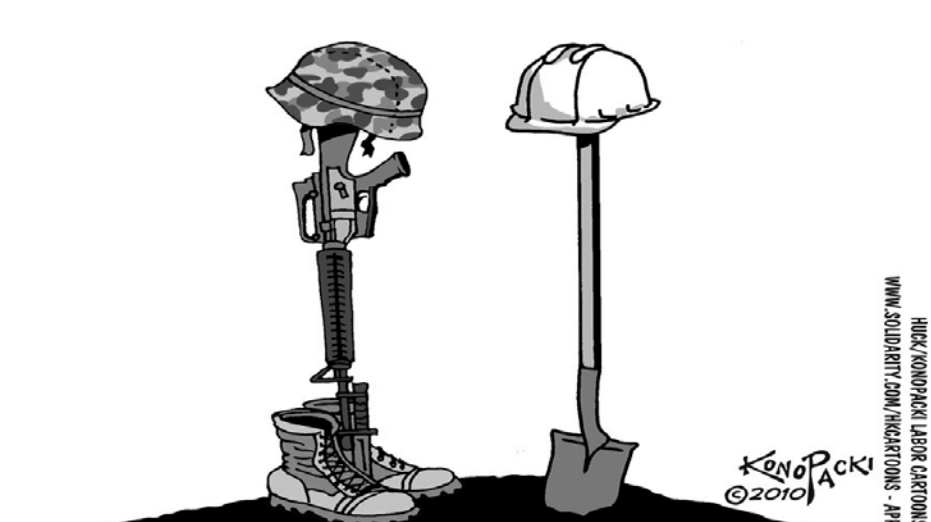
For postal retirees; we're definitely included in "the plan", whatever that entails, by virtue of the imposition of **Medicare Integration.** Talk about a lack of transparency all around! Gives rise to all kinds of whacko theories, my own concerns included. At this writing; left swinging in the wind with the hollow gut sense of impending doom despite our best efforts. Disheartening. At a loss as to why our "friends" in high places have apparently forsaken the USPS and resulting immeasurable damage in terms of Service and human sacrifice. In my view; the obvious **fact** that the ex-president from his FL lair continues to direct his appointed sycophants on the B.O.G., and PMG DeJoy dutifully carrying out his destructive mission unabated with no alarm bells going off defies logic.

"Democracy Has Persevered!"

"Help Is On The Way!" Except for the U.S. Postal Service, 640,000 postal workers, an estimated 113,000 of them military veterans; thousands of postal retirees, the American mailing public and businesses. Misconstruing non-profit "service" operated as a for-profit "business", a sure path to extinction. It won't hurt my feelings if I'm dead wrong. Praying that I am. More to shake out. Stay tuned. Wasn't it our first PMG who said; **"We must all hang together, or we will most surely all hang separately?"** (paraphrased)

Be Strong, Al

If blood be the price
of your all your wealth,
Great God, we've paid in full.



Workers Memorial Day
April 28

HUCK/KONOPACKI LABOR CARTOONS
WWW.SOLIDARITY.COM/HUCKCARTOONS - APR
KENOPACKI
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NATIONAL BUSINESS AGENT . . .



by
Linda
Turney

Turney At The Table

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

Request for information (RFI) in every grievance

Every case file should include a Request for Information or RFI. You should write on it your request for information: ***“I am requesting any and all information pertaining to this case including but not limited to . . . fill in what you need.***

For Example:

If you are investigating a reversion case, you should put on your RFI:

I am requesting any and all information pertaining to this reversion **including but not limited to:**

1. Copy of the personnel action result in the vacancy for job number.
2. Date of the vacancy.
3. A detailed explanation of who will perform the duties of this vacancy and how it will be performed AFTER the reversion.
4. A Detailed explanation of operational changes/needs used in deciding to revert this position, access to copies of all information used for that purpose.
5. A Detailed explanation of reduced mail volumes.

6. A Detailed explanation as to what has changed.
7. Review and/or Copies of necessary Clock Rings for all employees in the office from **date to this date.**
8. Review and/or Copies of work schedules
9. Review and/or copies of Form 50s for people in this office.
10. Review and/or Copies of clerk bids in this office or on this tour and all the duties they perform.
11. Small office List of duties performed by the Postmaster/supervisor.
12. Copies of all PS Form 3971 for **dates to dates.**
13. Copies of any and all emails and written correspondences from Complement Coordinator or other District or Area Representatives.
14. Interviews with supervisors/managers who have discussed this with district/area.
15. Copies of Area or District approved compliment report.

If management does not give you the information or gives you only part of the information or does not give you the information in a timely manner, you need to timely move the case forward and **add** Article 17.3. and Article 31.3. to your Article 37.3.a.2. reversion argument. You should state in the grievance chain that the Union did not receive the

information because “management is HIDING the information”. Do NOT argue that this information “does not exist”. The information does exist, management just won't give it to you, they are **hiding** it from you and me and the arbitrator.

Argue that management has failed to give the Local Union President the opportunity for “meaningful input” by failing to provide the information requested by the Union in accordance with Article 31.3 and Article 17.3. If they want to charge you for the information, Handbook AS-353 governs the costs which management any charge for providing information. Further, if management fails to comply with section 4-6.6 of the Handbook by not giving the Union advance notice of the estimated processing costs in excess of \$25. And by not offering the Union an opportunity to revise its information requests to reduce the costs, that is management’s errors.

If management’s failure to comply with the RFI denied the Union the opportunity for input on the proposed reversion, then we will be successful at the reversion case.

The example above for a Request for Information (RFI) is for a rever-

sion case. You should use this as a template in every case that you file. Your requests for information should be legible, on point and **specific**. Think through what you need to prove your case and ask for it specifically.

Often the most serious controversy of your case may involve the failure of management to provide a response to the RFIs. If the manager returns the RFI to you and states, “I don’t have this information.” Tell them it is their responsibility to extract it from their reports or find the manager who can get the report. If the manager asks you why you need the reports, give them your reasons. If the manager says they don’t understand your RFI, explain it to them clearly. All RFIs must be clearly written and stated. As stewards, you must meet your time limits so proceed to file at the next step without the information, while resubmitting the RFI at the next step.

If we have failed to document, then we have failed to ask. If we clearly and specifically ask and management does not respond, they have failed in their obligation under Article 31.3 and 17.3.



American Postal Workers Union AFL-CIO
Circle one: First or Second Request

Request for Information RFI

CLASS ACTION OR PERSON		NATURE OF ALLEGATION	
DATE OF REQUEST _____			
TO: _____		TITLE: _____	
FROM: _____		TITLE: _____	
SUBJECT: REQUEST FOR INFORMATION AND DOCUMENTATION RELATIVE TO PROCESSING A GRIEVANCE			
I need any and all information regarding this grievance including but not limited to:			
We request that the following documents and/or witnesses be made available to us in order to properly identify whether or not a grievance does exist and, if so, their relevancy to the grievance:			
		Information provided? Yes or No	
1. _____		() or ()	
2. _____		() or ()	
3. _____		() or ()	
4. _____		() or ()	
5. _____		() or ()	
6. _____		() or ()	
7. _____		() or ()	
8. _____		() or ()	
Article 17, Section 3 requires the Employer to provide for review all documents, files, and other records necessary in processing a grievance. Article 31, Section 3, requires that the Employer make available for inspection by the Unions all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of this Agreement. Under 8 a (5) of the National Labor Relations Act it is an Unfair Labor Practice for the Employer to fail to supply relevant information for the purpose of collective bargaining. Grievance processing is an extension of the collective bargaining process.			
<input type="checkbox"/> REQUEST APPROVED		<input type="checkbox"/> REQUEST DENIED	
SIGNED _____		DATE _____	

RENEW THE
PROMISE
SAFE JOBS
FOR ALL

FIFTY YEARS AGO on April 28, Workers Memorial Day, the Occupational Safety and Health Act went into effect, promising every worker the right to a safe job. The law was won because of the tireless efforts of the labor movement, which organized for safer working conditions and demanded government action. Unions and our allies have fought hard to make that promise a reality—winning protections that have made jobs safer and saved lives. But our work is not done. Each year, thousands of workers are killed and millions suffer injury or illness because of dangerous working conditions.

The COVID-19 pandemic highlighted the inextricable link between workplace safety and health and our communities. The virus has killed more than 500,000 people in this country so far—devastating working families, with a disproportionate impact on people of color. Unions and our allies stepped up to demand and win job protections from this highly contagious virus. We organized for safe jobs and the right to speak out against unsafe working conditions. We demanded access to the ventilation, respirators and other measures that protect workers from inhaling the virus at work. Given the lack of federal action, unions won protections in states and held state and local leaders accountable. Organized labor and our allies were key to strengthening job safety to save lives.

Worker safety and workers’ voice go hand in hand. The popularity of unions is at 65%—one of the highest marks since the OSH Act was implemented in 1971—and 60 million nonunion workers say they would vote for a voice on the job today. That is why America’s labor movement is leading the campaign to pass the Protecting the Right to Organize (PRO) Act, which would give all workers who want to form a

union a fair path to do so. Strong unions hold employers and the government accountable to keep workers safe. Strong unions raise the baseline level of job safety protections for all.

The COVID-19 pandemic exposed the lack of resources and accountability for the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA) to ensure workers are protected on the job, as well as the structural failures that have prevented workers from organizing for safer working conditions. Workplace safety agencies have been hollowed out with a reduction in staff and a stagnant budget. Many workers never see OSHA in their workplace. Penalties are too low to be a deterrent. Workers are not adequately protected to speak out against unsafe working conditions and to join a union without retaliation. As we look to the next 50 years of national worker protections, Congress must strengthen workplace safety agencies to renew their promise to working people, and issue life-saving protections against workplace violence, infectious diseases, heat illness, silica in mining and toxic chemicals—preventable hazards that kill tens of thousands of workers each year.

On April 28, the unions of the AFL-CIO will observe Workers Memorial Day to remember those who have suffered and died on the job, and to renew the fight for safe jobs. We will mobilize to pass the PRO Act, so workers have a voice on the job. We will stand united to strengthen workers’ rights and protections, and demand resources and actions needed for job safety enforcement. We will fight for the right of every worker to a safe job, until that promise is fulfilled.

OBSERVE WORKERS MEMORIAL DAY APRIL 28 PASS THE PRO ACT



by
Devendra
"D"
Rathore

Article 1 Section 6. Supervisor Performing Bargaining Unit Work

I hope everyone remains in good health during this challenging time and follows the appropriate safety precautions necessary for staying safe during this pandemic.

The Joint Contract Application Manual (JCIM) language, Article 1.6, Supervisor Performing Bargaining Unit Work, States, "Supervisors are prohibited from performing bargaining unit work, except for the circumstance outlined in Article 1.6. Bargaining unit employees acting as temporary supervisors (204-B) are considered as supervisors for the purposes of Article 1.6.

Article 1.6.B provides in offices with less than 100 bargaining unit employees, postmasters and supervisors are prohibited from performing bargaining unit work except as enumerated in Article 1.6.A or when the duties are included in the postmaster's or supervisor's position description.

Beginning June 1, 2012, Clerk Craft employees will not be utilized in 204(b) details to supervisory positions except in situations involving an absence or vacancy of a supervisor of 14 consecutive calendar days or more. Normally, the usage of a 204(b) in this exception will be limited to not more than 90 days. Exceptions to this 90-day limitation would only be appropriate in very limited situations (e.g., supervisor on four (4) months maternity leave; supervisor on six (6) months military leave; or similar situations).

Tips for the Steward: If the supervisor states it was an emergency, find out the nature of the emergency. The Collective Bargaining Agreement, Article 3.F, Management Rights, defines an emergency as, "an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature."

In the event, there is a second supervisor in, any of level 18, or below the office, only one of the supervisory employees may perform bargaining unit work (either the postmaster or the supervisor).

Bargaining unit work performed by Postmasters or supervisors should be consecutive hours to the extent practicable, so as to minimize the necessity for split shifts for clerk craft employees, whenever possible.

Any office that is downgraded in level will remain at the bargaining unit work standard that is in place at the be-

ginning of the Agreement through the life of that contract.

Documentation needed to support case: Very Important. A written statement with their name print and signed by each witness stating – Who did What? Who saw What? Who said What? When did it happen (date and exact time)? Where did it happen?

The name of the supervisor performing the work and the date(s) on which the work was performed.

The type of work he/she performed and the length of time he/she performed the work.

List names of witnesses, who have observed the same supervisor performing work before, including dates and times.

The clock rings to show which craft employees were available to work.

Overtime Desired List, by section, tour, and work area, where the work was performed.

Position descriptions of the bargaining unit employees working in the area,

where the supervisor performed the work.

The employees daily work scheduled to show employees assigned and available to work in their unit/area/section.

PS Form 1723 (Assignment Order), if the supervisor is a 204-B.

Supervisor / postmaster sign-in sheet or work scheduled showing he/she was working and the steward's notes taken from the interview with the supervisor.

Statement Example: I, Devendra Rathore, was assigned to the manual unit on P/L#330. My hours of work on the date in question were from 14:00 to 22:50. On April 1, 2021, I observed supervisor James Stevenson was performing Clerk Craft bargaining unit work from approximately 18:00 until 22:00. Supervisor James Stevenson distributed parcels and performed bargaining unit work at the manual parcel unit/section from 18:00 to 22:00 for four (4) hours that I witnessed on April 1, 2021. Print your name and sign at the end.

Appropriate Remedy: The identified bargaining unit employees be paid

at the applicable overtime rate for all hours spent by management performing bargaining unit work as identified in this grievance. Cease and Desist from performing bargaining unit work in violation of the contract.

I want to ensure that all the relevant documents you are arguing with are included in your Step 1, Step 2, and Additions and Corrections when filing a grievance. If you do not receive a Request of Information (RFI) before appealing at Step 3, please argue in the additions and corrections that management failed to provide such information to you and a copy of RFI's the union requested. The steward must include all the documents that they need to support their argument to win cases.

All the documents sent to the Step 3 APWU NBA's must also be sent to the Labor Relations, USPS Tampa, FL.

APWU craft employees, please support and help your local stewards and officers provide a statement if you see any violation on the floor without members' support and proper information; the union has a hard time proving a violation otherwise.

Into The Future . . . Why I Like The Federal Government

continued from page 2
public and Congressional input including any legislation.

Dimondstein appears to have backed off from the resounding voices of numerous APWU members who have been calling for the removal of PMG DeJoy. The APWU President stated that DeJoy was not responsible for all of the Postal Service's problems and inherited many of them. DeJoy's plan has also been approved by the current Postal Board of Governors (BOG) albeit a shortened Board and vote as three Biden BOG appointees await approval by the U.S. Senate.

The two big questions are:

1. Can PMG DeJoy be trusted to not attempt to pull the same underhanded trickery he did during the 2020 Vote by Mail campaign?

2. Can the incoming three new Democrat members of the BOG change the minds of the sitting BOG members who have approved the drastic service cuts in DeJoy's plan?

Dimondstein was also less forceful in his criticism of the current BOG, a surprise given his recent denunciation depicting them as "wealthy bankers". I

admit I was certainly overly optimistic in my assessment of the two current Democrats on the Board as even the Board Chairman, a Democrat, has endorsed the DeJoy plan.

In the field, many APWU members want the outright removal of PMG DeJoy, a removal which can only be accomplished by a majority vote of the BOG. DeJoy may have faced a lot of problems when he became PMG but there is no doubt he has made the situation worse. And this man is supposed to be trusted? Given that the sitting five Board members have endorsed DeJoy, his removal seems highly dubious which is why there is a groundswell of support among much of the Union membership that President Biden fire the entire Board of Governors and start over. Not a bad idea considering that the current five members were appointed by President Trump and we all know how Trump felt about the Post Office. And think of the photo op of the Presidents of the four Postal Unions meeting with President Biden in the Oval Office to discuss the future of the USPS. Can we get a press conference here any-one?

Throw into this muddy mix the upcoming Contract negotiations and legislation that repeals the ridiculous

75 years into the future mandated funding of retiree health care costs. Said legislation would relieve the USPS of tens of billions of dollars of debt from failure to make past payments for the health care costs of retirees not even born yet. Plus on the legislation list is congressionally allocated money to relieve the tremendous cost the pandemic placed on the Postal Service. If the airline companies which have been making money hand over fist for years can get billions of federal dollars COVID relief, why can't USPS?

One way or the other in the forthcoming months, you're going to hear a lot of talk about give and take in negotiations. But as I wrote earlier, the big question is do we trust PMG DeJoy? This is the CEO of the Postal Service who tried singlehandedly to sabotage voting by mail. It was through the efforts of not just APWU National Leadership that he was forced to back down, but primarily the hue and cry raised by postal workers, their friends and families, the education of their communities, and the blow-up of media exposure that voting by mail was saved. So, get ready for more torches and pitchforks. The Monster of Privatization perpetually lurks.

Non-Compliance With Arbitration Awards/Settlements (How To Stop It)

continued from page 3
what is referred to as the “Doctrine of Functus Officio”, the parties are going back for clarification and or compliance with the award.

In a recent arbitration award J15C-1J-D 19051856 [April 04, 2021] regarding this specific issue Arbitrator Michael Jordan ordered that the grievant be compensated \$15-\$30 a day for each day that the USPS failed to put the back pay check in the grievant’s hand from the date of the award. The arbitrator also ordered that if the employer failed to comply with the award within thirty (30) days the Union will be compensated \$1,000.00. The employer attempted to argue that the grievance was untimely. The arbitrator appropriately shot this argument down by finding that, **“This award will quickly put aside management’s claims of untimeliness since the non-payment of back-pay as ordered in two prior awards is a continuous breach and violation.”**

When requesting additional compensation for either the grievant and or the Union remember you are requesting “compensatory” not “punitive” damages. There exists a legal theory of recovery for Unions under

two doctrines “Frustration of Mission” and “Diversion of Resources.” This doctrine was articulated well by the United States Supreme Court in Havens Realty Corp. v. Coleman, 455 U.S. 363 (1982). Article 15 specifically states that arbitration awards are **final and binding**. The USPS has written policies which can be cited such as the June 26, 2019 Policy Statement by Doug A. Tulino which states:

“This is a reminder that it is our organizational responsibility to ensure timely compliance with arbitration awards and grievance settlements. Arbitration awards and grievance settlements are final and binding. Compliance is not an option but a requirement. One of the few acceptable reasons for non-compliance with an arbitration award is if the Postal Service is seeking to have the award vacated in a federal Court, which is extremely rare. No manager or supervisor has the authority to override an arbitrator’s award or a signed grievance settlement. Please continue to take affirmative steps to ensure that all arbitration awards and grievance settlements are being complied with in a timely fashion. Failure to do so has the

potential to create organizational liability and negatively impact our credibility with both our employees and our unions.”

When seeking damages, you are seeking compensatory damages for the grievant who not only had to suffer through an improper discharge but now the USPS is exacting their pound of flesh by refusing to compensate the grievant. The grievant has been denied the usage of the funds which were owed them and should have been in their hands. The union is owed compensatory damages for having to expend time and resources fighting for compliance (arbitration cost and expenses). It is improper for the employer to use a settlement to withdraw a grievance from the grievance procedure, refuse to hold up their end of the bargain, and then tell the union you will have to file a new grievance in order to force us to comply.

A grievance settlement is quite similar to a legal contract. When a party fails to fulfil their obligations under the terms of the contract they are deemed to be in “non-performance.” It is improper for the USPS to extract the benefit from the settlement (removing the case from the grievance procedure or arbitration) and then refusing to fulfil their obligation thus leaving the Union with “no benefit for the bargain.”

In order to restore a party to the “Status Quote Ante” you must place the aggrieved party back to the place they would have been in had the employer complied with the settlement. If the settlement is dated for May 01, 2019, then the damages should start tolling from May 01, 2019. Non-compliance is an ongoing and continuing violation(s) as the violation is occurring each day that the settlement is not complied with and the damages are growing.

An example is the Union and the employer sign a settlement to post a job. They remove the case from the grievance procedure. The

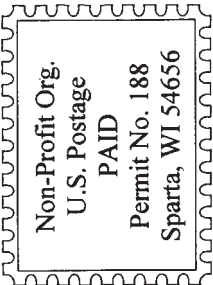
employer refuses to post the job. The damages accrue each day that the job is not posted and an employee is denied the benefit of bidding on the job or a PSE is denied the conversion opportunity which would have presented itself had the job been properly posted per the settlement.

The USPS actually has a “Contract Compliance Unit” which is supposed to ensure compliance with arbitration awards and settlements. So, the question now becomes, if the CBA states arbitration awards and settlements are binding, if the official USPS written policy says arbitration awards and settlements must be complied with, if the USPS has a division whose function includes making sure settlements are complied with, then why is the union forced to chase its tail after a settlement or arbitration award? Well, the answer may be behind door Number three {Catch me if you can}.

It is as if the USPS would rather have the APWU go to court and file for Judicial Confirmation of each arbitration award which would then provide the basis for judicial enforcement of the award which in turn allows for the court to grant relief. The parties have bargained for voluntary compliance not the expense of going to court to obtain forced compliance.

The USPS may evade the short-term obligation to fulfil the settlement but in the long-run the non-compliance ends up costing the USPS more than had they complied initially with the settlement. Not to mention the hardship inflicted upon the grievant or the bad-faith bargaining imposed on the Union. If you are having consistent problems with non-compliance with settlements then put them all together to show a “practice and pattern” of non-compliance. Seek guidance and assistance from your NBAs on non-compliance. In the Central Region you have Linda Turney, Devendra Rathore, and myself James Stevenson.

In Solidarity.



Return to APWU/MPWU
c/o John Greathouse, Editor
P.O. Box 27303
Lansing, MI 48909-7303
Change of Service Requested

DEADLINE

The deadline for articles for the

March-April issue of the

Michigan Messenger is May 12, 2021