

Postal Rate Commission Approves Hikes

APWU: Rate Increases Benefit Mailing Industry at Consumers' Expense, Jeopardize Postal Service's Future

The American Postal Workers Union condemned the postal rate hikes approved by the Postal Rate Commission (PRC) on March 22, denouncing them as unfair to consumers. "The new rates will require American citizens – and the Postal Service itself – to subsidize giant mailers who pre-sort their mail," said APWU President Bill Burrus. "The subsidies will jeopardize the future of the Postal Service, which is in dire financial straits," he added.

The APWU will appeal this decision to the Governors of the U.S. Postal Service, who have the authority to reject them, Burrus said. If necessary, the union may pursue the matter in court, he said.

The Postal Service's plan to boost the cost of first-class stamps from 34 to 37 cents for consumers comes while Postal Service revenues are suffering from the terrorist attacks of Sept. 11, the October anthrax attacks, and a recession. Nonetheless, the Postal Service is offering approximately \$3.8 billion in discounts to giant first-class mailers for pre-sorting their mail. These discounts exceed by more than \$700 mil-

lion the costs the Postal Service avoids when it processes this mail.

In its testimony to the PRC, the APWU demonstrated that under the new rates, discounts would average about 125 percent of the costs avoided. The APWU also noted that since 1981, postage rates for ordinary consumers have risen 93 percent, but have stayed below the rate of inflation as measured by the consumer price index. Postal rates for large business mailers have risen only 76 percent during the same period.

The commission rejected the APWU's objections, despite noting that the Postal Service's analysis showed the rates would pass on more than 100 percent of avoided costs to the major mailers. The commission disagreed with the Postal Service's methods for calculating these costs, but said reviewing the methods was beyond the scope of this case due to its efforts to expedite the process and increase postal revenues.

"We want to ensure that postal rates are fair to ordinary customers," Burrus said, "and we are concerned that the continued viability of the Postal Service may be in doubt."

Notification about Family Leave at Issue

Supreme Court Weakens FMLA

The U.S. Supreme Court weakened a key enforcement regulation that governs how employees are notified of their rights under the Family and Medical Leave Act (FMLA) last week. The FMLA grants workers up to 12 weeks of leave to cope with serious illnesses, the birth or adoption of a child, or to care for seriously ill family members. The FMLA applies to all private-sector employers with 50 or more workers and to all federal, state, and local agencies.

The regulation, created by the Labor Department under the Clinton administration, penalizes employers who fail to notify employees in writing that authorized leave for absences meeting the FMLA criteria could be counted against the 12 weeks workers are entitled to under the law. The regulation says that employers who fail to give workers written notice could be compelled to provide the employees with up to 12 more weeks of leave.

In its 5-4 ruling, the court sided with an Arkansas employer, Wolverine World Wide Inc., which fired Tracy Ragsdale when she failed to return from a 30-week absence the company had given her to cope with cancer in 1996. Ragsdale asked for more time,

the company denied her request, and she then attempted to invoke her rights under FMLA. Since the company had not informed her that her FMLA leave would be included in the time she had already taken off, Ragsdale sued in federal court for reinstatement, back pay and 12 weeks of FMLA leave.

In their majority opinion, Justices Kennedy, Rehnquist, Scalia, Stevens and Thomas wrote, "the FMLA guaranteed Ragsdale 12 – not 42 – weeks of leave in 1996." In a dissenting opinion, Justices O'Connor, Souter, Ginsberg and Breyer criticized the majority's contention that the Clinton-era regulation went beyond the Labor Department's rule-making authority under the FMLA.

The U.S. Chamber of Commerce, a longtime foe of the FMLA, characterized the court's decision as "a major victory for the business community and employer's rights."

The court's ruling does not entirely overturn the regulation's notice requirement, however, noting that there may be other means of enforcing it consistent with the law. It remains to be seen whether President Bush's Labor Department will attempt to weaken or replace the rule.



USPS Issues Plan to Protect Postal Workers and Customers from Biohazards

On March 6, the Postal Service released an emergency preparedness plan to protect postal workers and customers against the threat of future bioterrorist attacks.

The new plan, mandated by Congress in a defense appropriations bill late last year, was developed over the past few months by the Postal Service with input from postal unions and management associations.

The plan calls for installing sensors to detect biological agents, installing vacuum and filtration systems to suck air away from automated equipment, videotaping customers at post offices, and irradiating letters and packages at major facilities.

The vacuum and filtration systems will be installed this summer, followed by the installation of biohazard sensors within a year to 18 months. The Postal Service plans to spend \$1.7 billion over the next two years, an amount that exceeds the \$500 million granted by Congress last December. The new safeguards will be applied only to hand-mailed letters and packages, not pre-sorted bulk mail sent by businesses.

On March 13, Postmaster General Potter told a congressional panel "our plan is balanced. It recognizes the need to maintain an accessible system that is consistent with the traditions of a free and open society . . . It also works to provide the enhanced security necessary to limit the potential of high-risk mail from anonymous senders entering the mail stream."

APWU President Bill Burrus called the plan a "good first step" in guarding against future bioterrorist attacks, but cautioned that more attention must be paid to worker training and awareness to make the plan workable.

"The new plan shows the Postal Service is taking steps to protect the integrity of the mail system as well as the safety of postal workers and customers," he said. "We're also glad to see that the Postal Service regards the cleaning, decontamination, and reopening of the Brentwood and Hamilton Township facilities as a top priority."

"However," Burrus continued, "the plan does not provide enough detail about how to respond when hazardous materials are suspected or found. Having a good plan on the shelf is no substitute for immediately knowing what to do in an emergency," he said.

The APWU will continue to work with the Postal Service to ensure that the plan is improved and carried out effectively to protect the health and safety of all postal workers and customers in the months and years ahead.

The APWU website, www.apwu.org, features the Postal Service's summary of its plan, "Protecting Postal Employees and Postal Customers from Biohazardous Material and for Ensuring Mail Security Against Bioterror Attacks." The full text of the plan can be viewed on the USPS website at www.usps.com/news/2002/epp/welcome.htm.

Congressman Wants Assurance On Proper Fit

Waxman Assails USPS on Facemasks

Rep. Henry Waxman (D-CA) rebuked the Postal Service last month for its failure to ensure that facemasks given to workers to protect them against anthrax fit properly. In a Feb. 7, 2002, letter to Postmaster General John E. Potter, Waxman urged the Postal Service to instruct workers on the proper way to test masks to ensure they fit and will function as intended.

Waxman first notified Potter of his concern shortly after the Postal Service purchased approximately 4.8 million specialized masks. In a Nov. 15, 2001, letter, he said he had learned the Postal Service was not following procedures recommended by the Centers for Disease Control (CDC) to assess whether the masks fit. "The result is that postal workers who wear masks may have a false sense of security," he said. "Because the masks will not protect workers unless they fit correctly, I am writing to urge you to reconsider this policy," he said.

The "fit test" recommended by the CDC involves spraying a chemical to determine whether its odor leaks around the mask. If the mask leaks, it should be adjusted or a different size or type of mask should be used.

In response to his November letter, Waxman said, the Postal Service's manager of health and resource management "told my staff in a briefing in

January that the Postal Service had no plans to provide fit tests to postal employees. He said that motivated workers could always obtain fit tests at their own expense."

"This is an unjustifiable policy," Waxman declared. "Reasonable measures to protect workers, including fit tests, are the proper responsibility of the Postal Service. Moreover," he continued, "it does not even appear that workers have been adequately informed about respiratory protection and the need for fit tests. For example, the Postal Service video on masks erroneously gives the impression that holding pressure with one's hand over the mask and inhaling is sufficient to assess the function of the mask. This short cut has been evaluated by experts and found to be seven times less effective than a fit test," Waxman said.

"I am mystified by how the Postal Service is approaching this issue. Compared to other issues facing the Postal Service, ensuring the correct use of masks should be simple to get right," he said.

APWU President William Burrus thanked Rep. Waxman for pursuing this issue with the Postmaster General. "The proper fit of a mask is an essential component in protecting employees, and all postal workers who choose to use a mask should be provided the test that insures a proper fit," he said.