

THE AMERICAN

Postal Worker

APWU

July/August 2019

A Service Plan for the USPS

GOOD SERVICE
GOOD JOBS

DEFEND WORKERS RIGHTS

BETTER SERVICE STANDARDS

EXPANDED FINANCIAL & OTHER SERVICES

PROPER STAFFING & SAFE WORKPLACES

REPEAL PRE-FUNDING MANDATE





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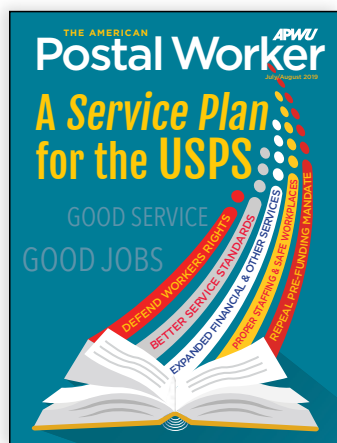
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The American Postal Worker

(ISSN 0044-7811) is published bimonthly by the American Postal Workers Union, AFL-CIO 1300 L Street NW, Washington, DC, 20005
www.apwu.org

Periodicals postage paid at Washington, DC and additional mailing offices
POSTMASTER: Send address changes to
THE AMERICAN POSTAL WORKER, 1300 L Street NW, Washington, DC, 20005

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Joseph LaCapria	Jerome Pittman
Kenneth Prinz	William Wright

SUPPORT SERVICES DIVISION NATIONAL BUSINESS AGENT

Judy McCann

OTHER NATIONAL BUSINESS AGENTS

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James M. Patarini	

PRODUCED BY THE APWU COMMUNICATIONS DEPARTMENT

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PRESIDENT MARK DIMONDSTEIN

Members Are Asking...

Members have legitimate questions and deserve factual answers. “Why are we facing interest arbitration for a new contract when there was a tentative agreement?” “What was in it?” “Why didn’t I get a vote?” “When am I receiving raises and my next COLA?”

Some background: As lead negotiator, my goal was to find a principled path to a negotiated contract, thus keeping members in control of our destiny. The National Negotiating Committee believed the best path forward was to seek a two-year extension of the 2015-2018 union contract. Last December, the APWU and USPS reached a “Tentative Agreement” (TA) that extended the contract, until September 20, 2020, with some work-rule changes.

Question #1: What were its general terms?

Answer: The TA protected and retained the crucial: no layoff provisions; 50-mile limit on excessing employees; all-career maintenance workforce; elimination of MVS PSEs except for new work; moratorium on expanding retail contract stations; small office local memo; ban on subcontracting PVS (driver) jobs; the residual vacancy memo that so far has led to 60,000 PSE conversions to career. Also, for the first time in eight years, no increase in employee percentages of health insurance premiums.

The wage package for the first year of the TA included a retroactive 1.3% wage increase in Nov. 2018, plus two 2019 COLAs. (COLA is often greater than wage increases. The last 1.3% raise combined with two COLAs represented a 3.6% annual increase in pay. The 2019 COLA negotiated in the TA is estimated to be over \$800/year.) A 2.3% PSE wage increase in Nov. 2018 and an additional 20 cents/hour increase effective May 2019 (PSEs receive no COLA).

We rejected management’s unacceptable second year wage proposals and opted for a “wage re-opener” (not uncommon in union contracts) in September 2019. If a second-year wage agreement was reached, it would be sent to membership ratification. If no agreement was reached, only the second-year compensation package would be resolved in interest arbitration, thus skillfully avoiding placing job security, rights and other benefits at risk.

Question #2: What other changes were agreed to?

Answer: A guaranteed one-day off per week for PTFs and PSEs; A new top step (worth \$1,100/year) for “Schedule Two” custodial pay scales; Full custodial staffing and protection of overtime as a condition for allowing management to exempt some “line H” hours due to long-term absences required by law (such as military leave) or Article 12 withholding of vacancies required by union contract to limit excessing; Strengthening the “Filling of Residual Vacancies” Memo including voluntary PTF movement within 50 miles to unfilled vacancies; The use of a “substitute” PSE only when the assigned PSE (“81-4”) window clerk was unavailable and a career clerk absent; When regular clerk(s) were absent and hub clerks unavailable, the 15hrs/week of allowable bargaining unit work by Level 18 postmasters could vary week to week, not to exceed 60 hours over a set four-week period; a Memorandum aimed at eliminating hostile work environments.

Question #3: Why didn’t members get to vote?

Answer: I believed the tentative agreement was great for job security (according to polling, the most important concern of our members) and good for your pocketbook. It was certainly worthy of your vote to decide what was in your own best interests. The constitutionally mandated Rank and File Bargaining Advisory Committee decides if the TA is sent to the members for their ratification vote and rejected doing so. Their action canceled the entire Tentative Agreement including the negotiated raises and COLAs.

Question #4: What now?

Answer: The terms of the new contract will be determined by an interest arbitration proceeding, expected to be completed by the end of the year. Your leadership will leave no stone unturned in our efforts to win retroactive pay raises, COLAs and the decent union contract you’ve earned and deserve. We will keep you updated as “The Struggle Continues...!!” ■

Contract Mediation **Ends,** Interest Arbitration **Next**

“We invoked mediation to make sure we pursued every avenue to reach a good contract for the membership,” said President Mark Dimondstein. “Despite our best efforts, it did not result in an agreement.”

In a June 3 conference call, the APWU National Executive Council (NEC) was briefed on mediation and the negotiation process by President Dimondstein (lead negotiator) and Industrial Relations Director Vance Zimmerman (chief spokesperson) and the NEC was provided the opportunity to question and comment.

Fox Valley Local (IL)



Mediation began with the appointment of a mediator by the Federal Mediation and Conciliation Service (FMCS). The mediator met privately with the APWU 2018 Negotiation Committee, including the Industrial Relations Director, Executive Vice President, and Secretary-Treasurer and the Clerk, Maintenance, and MVS Directors. Assistant Craft Directors were also invited to attend. Officers unable to attend in person could join by phone.

The mediator followed this meeting with day-long sessions with the chief spokespersons of both the Postal Service and APWU. Clerk and Maintenance Craft Directors, and Assistant Directors, also met separately in day-long sessions with their Postal Service counterparts and the mediator.

After a series of these meetings, the mediator saw no movement toward an agreement and suggested further meetings, at this time, would not bear fruit. This ended mediation.

Arbitration Panel

Following mediation, the law requires an interest arbitration where a panel of arbitrators will determine the terms – wages, benefits, and work rules – of our next collective bargaining agreement.

“While we were hopeful that mediation would be successful, we have been vigorously preparing for interest arbitration,” said Director Vance Zimmerman. “We are working hard to develop our case and preparing evidence to support our demands.”

There will be a tri-partite panel of arbitrators: an APWU appointed arbitrator, an USPS appointed arbitrator, and a “neutral” arbitrator who will chair the panel. The party arbitrators are not neutral, but advocates for their side.

APWU and USPS already made their arbitrator appointments to the panel. Discussions on selection of the neutral chair continue. Failing mutual agreement on the neutral chair, the chair will be selected by alternate striking of names from a list provided by FMCS.

Once the chair is selected, we will schedule hearing dates. We anticipate the need for at least 15 hearing dates. Scheduling difficulties with the arbitrators, lawyers, and expert witnesses may result in the dates spread over two or three months. The 2016 interest arbitration took 18 hearing dates spread over three months. After the final evidentiary hearing, it took another ten weeks to get the award.

APWU is working to start the arbitration soon and get a decision before the end of the year. Interest arbitration is a time-consuming process, but the time is necessary to fight for the contract we deserve.

During the arbitration process we are free to continue talking with the Postal Service. If something breaks the current impasse, we can still reach a voluntary agreement subject to the ratification of members.

Check apwu.org for the latest interest arbitration news and what you can do to join the fight for a good contract. ■



Atlanta Metro Area Local (GA)

MESSAGE TO THE PMG — NOT SO FAST!!

APWU National Executive Board Counters Postal Management's Cut and Slash 'Business' Plan with the Union's 'Service' Plan

The Postal Board of Governors (BOG) and Postmaster General (PMG) Megan Brennan are promoting a new management “10-year Business Plan.”

This business plan poses a serious danger to postal workers and postal customers alike.

The “plan” calls for reducing workers’ rights and benefits, including raising postal workers’ retirement contributions by *thousands of dollars a year*, creating a lower-tier of career workers with fewer benefits, and increasing the “non-career,” lower-paid workforce. It advocates for an end to defined benefit retirement plans – moving to 401K type plans with no guaranteed monthly annuities for future workers.

Using the excuse of financial stresses on the Postal Service manufactured by the 2006 Postal Accountability and Enhancement Act (PAEA), their “plan” includes the outrageous proposals of closing more processing plants, fewer delivery days, thousands of post office closings and subcontracting more jobs currently performed by members of the APWU.

“Instead of improving and expanding service, management’s plan undermines the needs of our communities and guts the benefits of the employees who service postal patrons,” said President Mark Dimondstein. “We will fight back to ensure that vital services and job security are not sacrificed.”

In stark contrast to the USPS’s “**business**” plan to cut and slash service and worker benefits, the APWU National Executive Board proposes the following ten year “**service**” plan. It is an optimistic and creative plan to ensure that the public Postal Service – enshrined in the U.S. Constitution – is viable for generations to come and continues to be a place of decent, dignified work for hundreds of thousands of workers.

Job Protection, Job Creation, and Service Improvement and Expansion

1. No cuts to the benefits of current, retired or future workers. Good jobs build strong communities. No balancing the books off the backs of those who move the mail every day and are trusted public servants.

- 2.** Job creation through expanded and enhanced services to meet the needs of the public:
- a.** Restore overnight mail service/delivery to where it stood on July 1, 2012. The elimination of overnight delivery even within the same city or town failed to meet customer needs and drove away business and revenue.
 - b.** Reopen many closed processing plants to restore the processing network for better/faster service. Closing plants has reduced service while adding transportation costs.
 - c.** Proper Staffing. Short staffing means mail sits too long before being processed and delivered, and retail lines are too long. It also places undue stress on the workers and drives business away.
 - d.** Expanded financial services. Postal services the world over provide financial and “postal banking” services. The USPS should start with paycheck cashing (transferred to no-fee debit cards), increase international remittances and money transfers, electronic bill paying, and ATMs. Customer service and revenue will grow and the USPS can help lift up the 25% of U.S. households forced into the predatory paycheck-cashing and payday-lending loan industry.
 - e.** Use the postal infrastructure to perform same day and/or overnight “store to door” package delivery. More retailers are shipping from local retail outlets. No one is better positioned to successfully perform this work than the USPS.
 - f.** Promote vote by mail as the law of the land. Vote by mail significantly prevents voter suppression, increases democratic rights, and increases mail volume and revenue.



- g. Reverse current and stop future cuts to retail hours. Expand hours of service to meet customers' needs and business/work/life schedules.
- h. Implement an array of expanded services, partnering with federal and state governments (including bringing back normalcy after natural disasters). Have the Postal Service also provide notary services, licensing, and electric car charging stations for an electric postal fleet and individual customer use.

Legislative Action

1. Legislative "postal reform" that ends the "prefunding" debacle – the mandate that forces the Postal Service to fully pre-fund retiree health care costs seventy-five years into the future. No other entity or company faces such an onerous burden. This pre-funding mandate created the financial crisis used to cut service and jobs.
2. Properly assess the Postal Service's finances, taking into account the agency's true retirement health care benefit liabilities. Honest accounting would present a much more favorable financial picture rather than the dire one used to advocate less service and less jobs.
3. Return billions of dollars of FERS and Civil Service overpayments to the USPS. Legitimate studies determined that the Postal Service's contributions to both FERS and CSRS led to billions of dollars in overfunding. This is money that should be returned and used for proper staffing, new services, capital improvements, and a new and environmentally friendly fleet of vehicles.
4. Stop forcing the retiree health care benefit funds into low interest Federal Treasury bonds when health care inflation is rising at close to double digits. The USPS should be allowed to invest some of the fund in secure TSP-like investment instruments where it would generate more money to fund retirement health care benefits.
5. Explore alternative means of financing a robust universal service obligation. For example, broadband and public access TV are funded by a cable TV and internet users' fee. A "bind the nation" small user fee could be charged when utility and other bills are paid on line, to be then placed in the Postal Service operating funds to ensure universal service to everyone.

Regulatory and Administrative Measures

1. End the pre-sort discount "corporate welfare" system that drains revenue from the USPS and creates a giant private mail processing industry at the expense of the public Postal Service.
2. Eliminate the 2006 Postal and Accountability Enhancement Act's artificial price cap on postal rates. The Postal Regulatory Commission (PRC) now has authority to entirely scrap the cap. Without any cap prior to 2006, the U.S. Postal Service proved capable of providing the most reasonable postal rates in the world.
3. Cancel all reseller programs, used by Stamps.com and others, that drain revenue and business from the Postal Service, enrich private

companies, and shift work away from postal employees.

4. Save hundreds of millions of dollars each year by forcing frontline supervisors and postmasters to comply with the terms of our collective bargaining agreements.
5. Limit subcontracting. It leads to the loss of decent union jobs, to corrupt practices and to higher costs compared to performing maintenance, motor vehicle and information technology work in-house.
6. The USPS is a dangerous place to work, costly to worker well-being and the Postal Service. Invest in workplace safety measures including better designed equipment, ergonomic rotations on the machines, training, proper staffing and less forced overtime.

Stamps & Other Services		
Stamps	7.85	39.00
Money Orders	95	1.35
Sure Money (DinensSegura)		10.00
Passports	82.00	87.00
Passports	170.00	185.00
Passport Photos		15.00
PO Boxes		Prices vary



Engagement and Solidarity Win the Day

Right now, postal worker jobs, wages and benefits are under attack like never before in the history of the APWU. The best defense against the current threats from management and the government is activism and unity.

"The union is the front line of defense against corporate privatizers," said President Dimondstein. "We strongly encourage all members to get more involved in their union. Attend local meetings, go to our website – apwu.org – to stay up to date on what is going on, sign up for alerts, volunteer to help on a *US Mail: Not for Sale* action or another local action. Together, we will prevail." ■

CANDIDATES NOMINATED AND BALLOT PLACEMENT SET FOR THE ELECTION OF APWU

Editors Note: Below is a message from the APWU National Election Committee.

The APWU Secretary-Treasurer has certified the union members listed below as candidates for national union office and for Retiree National Convention Delegate.

Incumbent officers are listed first, with "(I)" appearing after their name.

The Secretary-Treasurer cast one vote for candidates in uncontested races and the National Election Committee declared them elected, in accordance with the Constitution. Their names will not appear on the ballot.

General and Departments

President

Mark Dimondstein (I), Greater Greensboro SCF Area Local (NC)

Greg Bell, Philadelphia PA Area Local (PA)

John L. Marcotte, Gaylord Local (MI)

Tony D. McKinnon, Sr., Fayetteville Area Local (NC)

Executive Vice President

Debby Szeredy (I), Mid-Hudson New York Area Local (NY)

Sam Wood, Southwest Florida Area Local (FL)

Jonathan Smith, New York Metro Area Postal Union (NY)

Secretary-Treasurer

Elizabeth "Liz" Powell (I), Western Nassau Area Local (NY)

Jeane Gardiner, Houston Area Local (TX)

Industrial Relations Director

Vance Zimmerman (I), Greater Cincinnati Area Local (OH)

Scott M. Hoffman, Boston Metro Area Local (MA)

Legislative/Political Director

Judy Beard (I), Detroit District Area Local (MI)

Courtney Jenkins, Baltimore Francis St Filbey Area Local (MD)

Thomas Benson, Lake Geauga Area Local (OH)

Organization Director

Anna Smith (I), Providence Area Local (RI)

Doris Simmons, Atlanta Metro Area Local (GA)

Research and Education Director

Joyce B. Robinson (I), Richmond Area Local (VA)

Dena Briscoe, Nation's Capital Southern MD Area Local (MD)

Human Relations Director

Susan M. "Sue" Carney (I), South Jersey Area Local (NJ)

Nannette J. Corley, Montgomery County Area Local (MD)

Daleo Freeman, Cleveland Area Local (OH)

Health Plan Director

Robert Furbush, Houston Area Local (TX)

Sebrina E. Maynard, San Fernando Valley Area Local (CA)

Sarah Jane Rodriguez, Phoenix Metro Area Local (AZ)

Regional Coordinators

Central Region

Sharyn M. Stone (I), Indianapolis Area Local (IN)

Roscoe Woods, 480-481 Area Local (MI)

Eastern Region

William LaSalle, Philadelphia BMC Local (PA)

Gwendolyn Lane, Wilmington DE/Malcom T. Smith Area Local (DE)

AJ Jones, Eastern Montgomery County PA Area Local (PA)

Northeast Region

Scott Adams, Portland Area Local (ME)

Tiffany Foster, New York Metro Area Postal Union (NY)

Southern Region

Kennith L. Beasley (I), Atlanta Metro Area Local (GA)

Princella J. Edwards Vogel, Houston Area Local (TX)

Western Region

Omar M. Gonzalez (I), Greater Los Angeles Area Local (CA)

Dominic Davis, Greater Los Angeles Area Local (CA)

Clerk Division

Director

Clint Burelson (I), Olympia Local (WA)

Lamont A. Brooks, The Northern Virginia Area Local (VA)

Assistant Director (A)

Sam Lisenbe, Fort Worth Area Local (TX)

Michael Macho, Radcliff Local (KY)

Assistant Director, (B)

Lynn Pallas-Barber (I), 498-499 Area Local (MI)

Christine "Chris" Pruitt, Wichita Area Local (KS)

National Business Agents, Central Region

Chicago Region, (B)

Mike O'Hearn (I), Kankakee Area Local (IL)

Devendra Rathore "D", Fox Valley Local (IL)

Wichita Region, (A)

Ashley Cargill, Oklahoma Postal Workers Union (OK)

David W. Black, Sr., Omaha Area Local (NE)

NATIONAL OFFICERS

National Business Agents, Southern Region

Atlanta Region, (C)

Michael Sullivan (I), Suncoast Area Local (FL)
William G. Flanagan, Jr., Atlanta Metro Area Local (GA)

Dallas Region, (A)

Jack Crawford (I), Houston Area Local (TX)
Carlton Williams, Dallas Area Local (TX)

Dallas Region, (C)

Alex Aleman, San Antonio Alamo Area Local (TX)
Diann Scurlark, Houston Area Local (TX)
Ben Martinez, Fort Worth Area Local (TX)

National Business Agents, Western Region

San Francisco Region, (A)

Sonia E. Canchola (I), California Area Local (CA)
Ricardo "Rick" Ruiz, California Area Local (CA)

San Francisco Region, (C)

Eric A. Van Dyke, Greater Los Angeles Area Local (CA)
Terry L. Hood, San Diego Area Local (CA)

Maintenance Division

Director

Idowu Balogun (I), Greater Los Angeles Area Local (CA)
Sayed Moustafa, The Greater Hicksville Mid-Island Local (NY)

Assistant Director, (A)

Jimmie Waldon (I), Sacramento Area Local (CA)
Kenneth Wall, Columbia Area Local (SC)

Assistant Director, (B)

Terry B. Martinez (I), Dallas Area Local (TX)
Steven Duckworth, Trenton Metropolitan Area Local (NJ)

National Business Agents, Maintenance Division

Southern Region, (A)

John Gearhard (I), Jacksonville BMC Local (FL)
Michael Burris, New Orleans Local (LA)

Southern Region, (B)

Carlos Paz (I), Dallas Area Local (TX)
Kyle Powell, Houston Area Local (TX)

Western Region, (B)

Louis M. Kingsley (I), California Area Local (CA)
Caroline B. Federico, San Jose Area Local (CA)

Motor Vehicle Service Division

National Business Agents, Eastern Region

Kenneth (Ken) Prinz (I), Philadelphia PA Area Local (PA)
Michael "Mike" Strano, Trenton Metropolitan Area Local (NJ)

National Business Agents, Southern Region

Southeast Sub-Region

Bruce E. Amey (I), Atlanta Metro Area Local (GA)
Gregory Dixon, Tampa Area Local (FL)

Southwest Sub-Region

Dwight (D.D.) Johnson (I), Fort Worth Area Local (TX)
Dyrike Shaw, Dallas Area Local (TX)

Retirees Department

Director

Nancy E. Olumekor (I), Nation's Capital Southern MD Area Local (MD)
Jennifer D. Fulbright, Dallas Area Local Retiree Chapter (TX)

Retiree National Convention Delegates

Western Region

Patricia A. Williams (I), Greater Los Angeles Area Local (CA)
Patricia Mort, San Fernando Valley Area Local (CA)

Uncontested National Offices

Clerk Division

National Business Agents, Central Region

Chicago Region, (A)

Linda Turney (I), Schaumburg Local (IL)

Chicago Region, (C)

James Stevenson III (I), Detroit District Area Local (MI)

Cincinnati Region, (A)

Michael D. Schmid (I), Columbus Area Local (OH)

Cincinnati Region, (B)

Michael W. Funk, Jr. (I), Greater Cincinnati Ohio Area Local (OH)

Minneapolis Region, (A)

William "Willie" Mellen (I), Saint Paul Area Local (MN)

Minneapolis Region, (B)

Martin J. Mater (I), Madison WI Area Local (WI)

St. Louis Region, (A)

Robert D. Kessler (I), Greater Kansas City Metro Area Local (MO)

St. Louis Region, (B)

Daniel F. Skemp (I), Rapid Area Local (IA)

National Business Agents, Eastern Region,

Philadelphia Region, (A)

Robert Romanowski (I), New Jersey Shore Area Local (NJ)

Philadelphia Region, (B)

John Louis Jackson, Jr. (I), Philadelphia BMC Local (PA)

Philadelphia Region, (C)

Vince Tarducci (I), Philadelphia BMC Local (PA)

Washington DC Region, (A)

Rachel A. Walthall (I), Baltimore Francis "Stu" Filbey Area Local (MD)

Washington DC Region, (B)

Pamela Richardson (I), Lynchburg Area Local (VA)

(continued)

National Business Agents, Northeast Region

New England Region, (A)

Frank Rigiero (I), Central Massachusetts Area Local (MA)

New England Region, (B)

Stephen Lukosus (I), Boston Metro Area Local (MA)

New England Region, (C)

Thomas O'Brien (I), South Shore Area Local (MA)

New York Region, (A)

Peter "Pete" Coradi (I), Brooklyn Local (NY)

New York Region, (B)

Elizabeth "Liz" Swigert (I), Queens Area Local (NY)

New York Region, (C)

Bernard C. Timmerman (I), Central New York Area Local (NY)

National Business Agents, Southern Region

Atlanta Region, (A)

James "Jim" DeMauro (I), Tampa Area Local (FL)

Atlanta Region, (B)

Doris E. Orr-Richardson, Northeast Florida Area Local (FL)

Dallas Region, (B)

Charles Tillman, Dallas Area Local (TX)

Memphis Region, (A)

Billy Woods (I), Birmingham Area Local (AL)

Memphis Region, (B)

Pamela Smith, Birmingham Area Local (AL)

National Business Agents, Western Region

Denver Region, (A)

Vicki L. Carios (I), Colorado Springs Area Local (CO)

Denver Region, (B)

Stella "JoAnn" Gerhart (I), Phoenix Metro Area Local (AZ)

Northwest Region, (A)

Brian Dunsmore (I), Portland Oregon Area Local (OR)

Northwest Region, (B)

Brian Dunn (I), Portland Oregon Area Local (OR)

San Francisco Region, (B)

Shirley J. Taylor (I), East Bay Area Local (CA)

San Francisco Region, (D)

Chuck Locke (I), Sacramento Area Local (CA)

Maintenance Division

National Business Agents, Maintenance Division

Central Region, (A)

Craig Fisher (I), Tri-County Ohio Area Local (OH)

Central Region, (B)

Jeffrey S. Beaton (I), Greater Kansas City Area Local (MO)

Central Region, (C)

Curtis Walker (I), Flint Michigan Area Local (MI)

Eastern Region

Jason Treier (I), Lancaster Area Local (PA)

Northeast Region

Dave Sarnacki (I), Springfield Mass Area Local (MA)

Western Region, (A)

Hector Baez (I), San Diego Area Local (CA)

Motor Vehicle Service Division

Director

Michael O. Foster (I), Detroit District Area Local (MI)

Assistant Director

Javier E. Piñeres (I), San Jose Area Local (CA)

National Business Agents, Motor Vehicle Service Division

Central Region

William Wright (I), Indianapolis Area Local (IN)

Northeast Region

Joseph LaCapria (I), Western Nassau New York Area Local (NY)

Western Region

Jerome Pittman (I), San Francisco Local (CA)

Other National Business Agents

Alaskan Area

James M. Patarini (I), Midnight Sun Area Local (AK)

Caribbean Area

Daniel Soto (I), Puerto Rico Area Local (PR)

Pacific Area

Rufina Pagaduan (I), Honolulu Local (HI)

Support Services Division

Director

Stephen R. Brooks (I), Twin Cities PDC Local (MN)

Support Services Division, National Business Agent

Judy McCann (I), Twin Cities PDC Local (MN)

Retiree National Convention Delegates

Central Region

Paul Browning (I), Traverse City Area Local (MI)

Eastern Region

John P. Richards (I), Pittsburgh Metro Area Local Retiree Chapter (PA)

Northeast Region

Dolores Young (I), New York Metro Area Postal Union (NY)

Southern Region

Patricia McGriff, Northeast Florida Retiree Chapter (FL)

Candidate Statements and Mailing of Ballots

The candidate statements will be listed in a special election magazine and mailed with the ballots.

Ballots will be mailed by the American Arbitration Association on or after Tuesday, Sept. 10, 2019, but no later than 2 p.m. (EDT) on Sunday, Sept. 15, 2019.

Attacks on the Universal Service Obligation – A backdoor to privatization?

The mission statement of A Grand Alliance points to two fundamental characteristics of the United States Postal Service that make it our national treasure.

First, is the fact that USPS is owned by the people and that its core function is to fulfill a public mission. Second, and especially crucial at this moment, is that the Postal Service delivers universal, quality services to everyone across the country – no matter who they are, where they live or their wealth.

Ever since the 2006 Postal Accountability and Enhancement Act manufactured a financial crisis in the Postal Service with its unprecedented mandate to prefund retiree health benefits, there has been a relentless assault on the universal service that the Postal Service provides.

THE POSTAL SERVICE DELIVERS UNIVERSAL, QUALITY SERVICES TO EVERYONE ACROSS THE COUNTRY – NO MATTER WHO THEY ARE, WHERE THEY LIVE OR THEIR WEALTH.

First, it was management's own proposal to do away with Saturday delivery. Then came plant consolidations, post office closings and the infamous partnerships with retailers like Staples.

Fortunately for those who rely on robust, universal postal services, postal workers and allies in communities across the country took action and stopped many of those proposals. Nonetheless, those fights made clear that a struggle over the very nature of universal service will be a central battleground in debates about the future of the Postal Service. The Office of Management and Budget (OMB) report on restructuring government and the White House's postal Task Force only underscored that point. The OMB report pointed to the existing universal service obligation (USO) – alongside postal workers' compensation – as a source of “extremely high cost” that USPS “can no longer support.”

The Task Force report took an even harder view on the issue. Citing recommendations from the Government

Accountability Office (GAO) and analysis from the Postal Regulatory Commission (PRC), the Task Force introduced a truly dangerous approach in considering the USO – dividing the mail into “essential” and “not essential” products and services.

The Task Force's call to specifically define the USO may appear at first to be a commonsense responsibility for Congress, the PRC and the Postal Service. However, the stakes could not be higher. Except for the suggestion that the geographic scope of the USO continue to be broadly defined, the clear implication of the Task Force report is that the USO should be smaller, narrower and less costly for the Postal Service to meet.

What would that mean in practical terms? The mail would arrive slower, thousands of post offices could close, delivery days would disappear, and with all that, so would the jobs and livelihoods of thousands of postal workers of every craft.

And for the booming e-commerce segments, the Task Force's USO recommendations are even more dangerous. They would allow the PRC to rewrite pricing rules that could dramatically increase the cost of shipping with the Postal Service. That could push the USPS out of the e-commerce business that has been so crucial to its survival since 2006. The two big private shippers – UPS and FedEx – would be left free to jack up their rates, maximize profits, and hurt postal users who rely on e-commerce for everyday needs.

Postal workers and their allies in A Grand Alliance and beyond should remain vigilant in the months ahead, as postal reform continues to be debated in the halls of Congress.

In recent hearings on the Task Force report in both the Senate and the House of Representatives, members of both major parties seemed to embrace the notion of redefining the universal service obligation.

With a majority of representatives in both chambers opposing explicit postal privatization (see page 18), members of A Grand Alliance and other defenders of the public Postal Service must ensure Congress avoids making catastrophic changes to the people's Post Office with dangerous reforms, like changes to the USO. ■

A Grand Alliance to Save Our Public Postal Service is a broad coalition of national, state and local organizations including the NAACP, Vote Vets, Jobs with Justice, National Council of Churches and Rainbow PUSH. These groups have come together to take a stand against the unprecedented assaults on the Postal Service including efforts to dismantle and privatize it. To join A Grand Alliance, visit www.AGrandAlliance.org.



‘Why Should I Stand Up and Get Involved in Union Activities and Campaigns?’

EXECUTIVE VICE PRESIDENT DEBBY SZEREDY

Right now, you have a President of the United States who wants to take away your right to collective bargaining, something fought for and that we have had for almost 50 years: the right to negotiate wages, benefits and working conditions. He wants to sell off and privatize the Postal Service to the highest bidder, destroying living wage jobs for communities across this country. We all know this by now, but have you stepped up to stop him in his tracks?

Right now, our contract is heading for interest arbitration and you need to be involved – not just our stewards, and officers. We *all* want a better contract.

THE BATTLE FOR A BETTER WORK ENVIRONMENT WILL DEPEND ON HOW MUCH WE BUILD OUR LOCAL AND COMMUNITY POWER ACROSS THIS COUNTRY.

Right now, there is a bill H.R. 2382 in Congress that, if passed, will rid the Postal Service of the forced 2006 pre-funding mandate that has caused a financial burden on the USPS.

This is huge! At the time this issue goes to press, there are 148 cosponsors. We need at least 218, and the more cosponsors over 218 the better. It is in our hands to put pressure and educate our Congressional members to co-sponsor and help make this reform happen. That includes passing it in the House of Representatives and then the Senate (once a companion bill is introduced).

You can help make this happen by making the Congressional calls and visits. Have a community town hall on this issue all across this country now. This H.R. 2382 legislation can help prevent postal privatization, stop consolidations of plants and discontinuance of small post offices, and can help provide even greater arguments for a better union contract.

Tools are available to you: *Guide to Planning A Town Hall Meeting, Building Activism in Your Local and Your*

Community can be found on apwu.org under Executive Vice President's page under resources.

You can set up a local committee to help mobilize members and the community to get this legislation passed. Great media coverage is a must.

Go to *Congress.gov*, and type in 'HR 2382.' It tells you about the bill, click on "cosponsors" tab, it tells you who has signed on. Change the 'sort' to alphabetical by state so you can easily find out who in your state has signed on and whose name is missing from the cosponsor list. Target those representatives using member and community power.

We have over 220,000 active and retired union members. We can help get this passed together! It is a major piece of legislation that can help save our United States treasure, before service is taken further apart piece by piece.

The battle for a better work environment will depend on how much we build our local and community power across this country. Once you have that local power you can utilize that power to resolve lots of issues on the workroom floor and with the services we provide. Local media want to be on the side of the people and want to report on issues that are important to the community. You have the support of each other and the community we just need to educate and mobilize. Our communities love the postal workers and want better services.

VOLUNTEER TO MAKE A DIFFERENCE FOR YOUR FUTURE AND THE FUTURE OF OUR CHILDREN AND GRANDCHILDREN.

All members, take that step forward and get involved, your local needs your help, your activism. Volunteer to make a difference for your future and the future of our children and grandchildren. Keep our Postal Service into the future, and become active building power now. If you need help or further resources contact dszeredy@apwu.org or call 202-842-4250. ■

VICTORY!

Seattle Residents Win Replacement Post Office After Closure

On Jan. 12, the USPS closed the Seattle Central District's post office, giving up the space to real estate developers to redevelop the location. This closure left residents in the entire Central District – historically one of the most racially and ethnically diverse neighborhoods in the city – without a post office anywhere in the community.

That will soon change. After a strong community organizing effort, the Central District will get its post office back. The USPS, in a June 7 letter to Seattle Mayor Jenny Durkan, stated their plan to open a storefront in the district, in a space recently vacated by a bicycle shop across the street from the old location.

The effort to bring back the post office was a combination of a committed grassroots effort from community members and strong local community leadership. They saw the fight for the new post office as part of a greater battle against developers looking to push out the district's working-class community. Seattle City Councilwoman Kshama Sawant gathered 662 signatures on a petition demanding the re-opening of the post office and held a May 2 open meeting attended by nearly one hundred community members, including APWU members from the Greater Seattle Area Local.

"There were angry residents opposing the post office closure without their input. They know how important the post office is," said Greater Seattle Area Local President Myrna Umali, who handed out *US Mail: Not For Sale* flyers during the meeting. "Without the community support, we could not do this."

The meeting was not only made up of residents demanding Seattle Postmaster Trent McNeal address the lack of a post office in the community. It was also attended by the owner of a business called The Postman – a small-scale private mail



Seattle Central District community members at the May 2 open meeting

@AfricatownSEA, Twitter

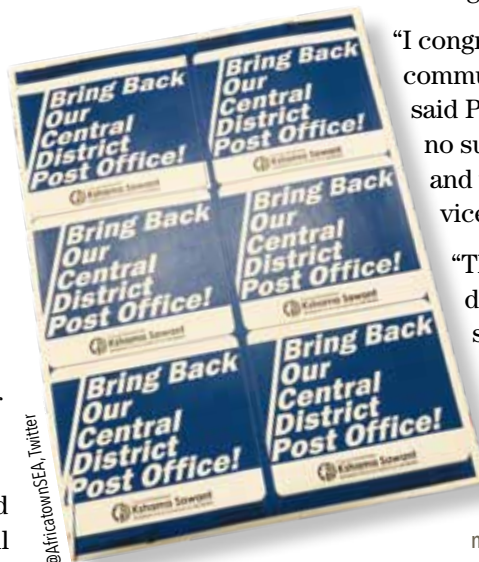
service created to take advantage of the USPS's lack of service in the community. Community residents, however, refused to see the private service as a solution to the lack of a public post office.

When the Postal Service announced their plans to re-open an office in the area, Councilwoman Sawant hailed the decision as a victory for the working-class community: "The community that needs the Post Office is the same one that is struggling for affordable housing and fighting economic eviction," Sawant said. "Our victory here, in winning back a new Post Office, is an important step in the right direction in the fight against gentrification."

"I congratulate the Seattle Central District community on their hard-earned victory," said President Mark Dimondstein. "There is no substitute for the people's Postal Service and the universal obligation to deliver service to every person in every community."

"This victory highlights what can be done through community solidarity," said Western Regional Coordinator Omar Gonzalez. "I applaud their work and dedication to the people's Post Office." ■

Stickers handed out to community members at the May 2 open meeting



@AfricatownSEA, Twitter



SECRETARY-TREASURER LIZ POWELL

Important Financial, DOL Reports

The primary financial officers of local and state unions – the President and Treasurer – have important legal and fiduciary responsibilities, but often when assuming office they have no prior experience handling local or state finances. Many elected local leaders are not aware of what is required by the Department of Labor (DOL).

This lack of training becomes problematic because these roles are responsible for ensuring all DOL Labor Management (LM) reports, IRS 990 reports, various tax forms and other requirements are completed and submitted timely.

Labor Management Reports

All labor unions are required to report to the DOL all revenue received for each year, as well as all expenditures for that same year. The DOL requires LM reports be filed 90 days after the end of the local's fiscal or accounting year.

Depending on annual receipts, local unions must file one of three different LM reports. Receipts are the income from dues rebates, interest on investments, rental income and sales of union gear received during the fiscal year. Do not compute savings and investments as receipts when determining which report you must file.

DOL requires all LM reports be filed electronically:

- LM-4: Annual receipts of less than \$10,000
- LM-3: Annual receipts of \$10,000 to \$249,999
- LM-2: Annual receipts of \$250,000 or more

Form 990

Treasurers are also required to file IRS form 990, 990-EZ or 990-N annually depending on the local's annual receipts. These forms must be filed every year by the 15th day of the 5th month after the end of the local's fiscal year.

- 990-N ePostcards: \$0-\$49,999 Annual receipts / \$0-\$199,999 in total assets (filed electronically)
- 990 EZ: \$50,000-\$199,999 Annual receipts / \$200,000-\$499,999 in total assets (penalty for late filing)
- 990: \$200,000 Annual receipts / more than \$500,000 in total assets (penalty for late filing)

Officers' Legal Duties

Fiduciary responsibility requires that the principal officers of the local are in compliance with the requirements of the Labor Management Recording Disclosure

Act (LMRDA). While all of the principles outlined in the LMRDA are important, one of particular importance local leaders are required to know and understand is they have a duty to manage the funds and property of the union solely for the benefit of the union and its members, in accordance with the union's constitution and bylaws.

Duties of treasurers include fiduciary responsibilities of the local payroll, taxes, travel, local bills and reimbursements. Treasurers are also responsible for maintaining records, minutes, local membership and mailing lists, and the local constitution & bylaws.

Training Available

To assist local and state officers in complying with LMRDA provisions and legal requirements, training sessions can be offered during the state and regional meetings where many local and state officials are in attendance. These training opportunities would accommodate locals who would not normally be able to afford to attend a national training seminar.

Local and state officers in charge of setting up the regional and state meetings are encouraged to contact the Secretary-Treasurer's office to schedule a training program.

Between the addition of state and regional seminars, webinar training is available to primary financial officers of local and state unions. All that is required to participate is a high speed internet connection, a speakerphone, and a comfortable place to view a computer monitor or projector screen. Web training sessions will last two hours or less.

Secretary-Treasurer Webinar Training Topics:

- Fiduciary Responsibilities of Union Officers
- New Officers' Training & Responsibilities
- LM Reporting
- Local Union Elections
- Department of Labor & IRS Requirements and Audits
- Travel & Expenses Policy
- Recording-Secretary Duties
- COPA Funds
- Trustee Training
- Renting vs. Owning
- Budgeting
- Tax-Exempt Status
- Local Constitutions
- Compensation for Union Officers and Members
- Union Policies and Procedures ■

APWU Members 'Geared Up' for Arbitration

While APWU prepares for interest arbitration, across the country Gear Day is still going strong! Keep wearing your union gear to show management we are united in the fight for a good contract. Post pictures online and tag #APWUUnited. Email them to nccc@apwu.org.



South Suburban Facility Local (IL)



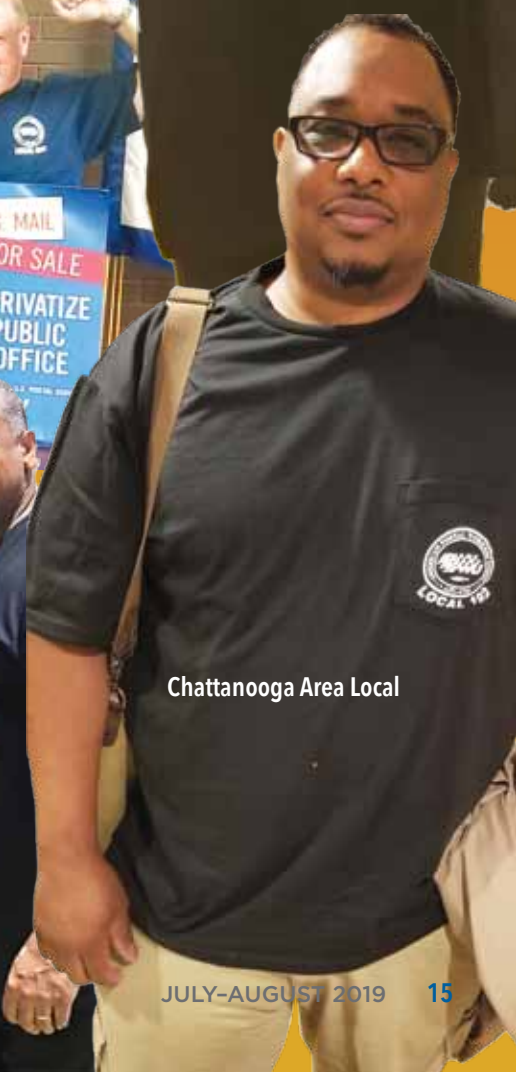
Toledo Area Local (OH)



Springfield Mass Area Local



Atlanta Metro Area Local



Chattanooga Area Local



The Role of Industrial Relations

INDUSTRIAL RELATIONS DIRECTOR VANCE ZIMMERMAN

You spend much of your time at work. You interact with co-workers, managers and the public. During the course of your employment, you build relations with those people, some of which transcend the workroom floor.

Relations are important. However, most members are not familiar with another kind of relations that affects them one way or another every day – *Industrial Relations*.

Our union's Industrial Relations Department is a far-reaching, multi-faceted network of officers and staff with both constitutional duties and labor employment responsibilities.

From the moment you get ready to clock in at work to the time you go to bed and start over again, the APWU's Industrial Relations Department is functioning to protect your interests.

Let me give you a few examples of these "industrial" relations:

- **Postal Pay Issues** – When major glitches occur (as they do from time to time) in the \$2 billion per pay period USPS payroll system, this Department troubleshoots with Postal Headquarters to detect the problem, input adjustments and monitor full compliance with labor law. We also ensure that the pay scales, step increases and promotional pay adjustments are accurate. Ensuring you get a 'Fair Day's Pay for a Fair Day's Work' is a 24/7 job!
- **Consumer Price Index** – Many employees take the Cost of Living Allowances (COLA) as a given. However, officers, staff and economists work to ensure the COLA formula of the contract is accurately tabulated.
- **Robberies, Assaults & Safety** – On a 24/7 basis – in conjunction with USPS Contract Administration and the U.S. Inspection Service Watch Desk – our Department receives, monitors and relays incidents of employee assault, suspicious mail and other emergencies. We also deal with major catastrophes like wildfires, inclement weather and manmade disasters. We work in conjunction with USPS Headquarters, our Regional Coordinators and other Department Heads to respond as needed.

- **Privacy Act & Veterans' Preference Act** – These laws restrict management's handling of your employment data and provide certain protections and benefits for our veterans. Our Department monitors postal compliance with the Privacy Act and the hundreds of regulations that cover close circuit televisions, wire communications, recordings, and electronic record keeping systems. Constant violations, once detected, are challenged and abated. On the Veterans' front, our Department monitors postal compliance with the federal law that grants preferences in employee hiring especially Vietnam War and post-Vietnam wars, campaigns and the changes to the Civil Service Reform Act. Protecting those who served our country is one of our priorities.

- **National Labor Relations Act** – Our Department deals with issues concerning employee rights to be free from coercion for union and grievance activity. You have a legal right to file grievances and management is prohibited from retaliating against you for exercising this right. We also handle Unfair Labor Practice charges that reach our level or that are filed at our level.

- **Occupational Safety & Health Act** – One of our primary efforts is enforcing our contract's safety and health provisions and ensuring management lives up to their responsibilities when it comes to your safety at work. This is a never-ending task, since many managers only pay lip service to safety. We strive to educate our members, stewards and officers on the safety issues that are critical on the work floor.

These are just a few highlights of the many responsibilities of the Industrial Relations Department, along with arbitration appeals, grievance tracking, contract administration, FMLA and much more. ■

Contract Update

At press time, we have completed our efforts to mediate a contract settlement with the Postal Service via the Federal government's Mediation & Conciliatory Services. We now move on to the arduous task of interest arbitration. **We shall have a contract! With your continued support we shall prevail! Learn more on page 5.**

What to Know About Pregnancy Discrimination

Pregnancy discrimination in the workplace is when an employer treats an employee or job applicant unfavorably because of pregnancy, childbirth, or related medical conditions. Policies or practices that exclude women from work because they could become pregnant also count as discrimination. Postal employees are protected from pregnancy discrimination by federal law, with rules and policies in the Employee Labor Management handbook (ELM) and the APWU/USPS Collective Bargaining Agreement (CBA) to enforce rights.

The Law Against Pregnancy Discrimination

The Pregnancy Discrimination Act (PDA) amended the Civil Rights Act of 1964, and states that pregnancy discrimination constitutes unlawful sex discrimination under Title VII. Women who are pregnant or have related conditions must be treated in the same manner as other applicants or employees who are similar in their ability or inability to work. A woman cannot be treated differently concerning hiring and working conditions, pregnancy and maternity leave, and pregnancy and temporary disability, and must retain equal access to benefits.

The Family and Medical Leave Act (FMLA) also gives eligible employees up to 12 weeks of unpaid, job-protected leave in a 12-month period for the birth or placement of a child for adoption or foster care, to bond with a child – if leave is taken within one year of the child's birth or placement. Leave does not need to be used in one block. It may be used intermittently or on a reduced

schedule when medically necessary or otherwise permitted. The FMLA also protects fathers.

There are also legal protections for a nursing mother. The Affordable Care Act amended Section 7 of the Fair Labor Standards Act (FLSA). The law now requires employers to allow reasonable break times for a nursing mother to express milk for her nursing child for one year after the child's birth. Employers are also required to provide a place, other than a bathroom, shielded from view and free from intrusion from co-workers and the public, for an employee to express milk.

Postal Regulations and the APWU Contract

The Postal Service has a number of policies to implement its legal obligations to protect pregnant and nursing employees. These policies are aligned with the processes in the union contract to ensure pregnant employees can access their legal rights. ELM section 513, 'Sick Leave Administration,' outlines postal policy on requesting and authorizing the use of sick leave to cover illness or injury when the employee is incapacitated for the performance of duties due to pregnancy. This includes when an absence is required for physical examinations or periods of incapacitation.

The Employee and Labor Relations Manual (ELM) section 515 outlines the postal regulations regarding FMLA implementation, including who is eligible for FMLA protection and how to request FMLA-protected leave. FMLA-protected leave is, under the law, unpaid, but the paid

leave provided under the APWU CBA can be used in conjunction with FMLA-protected leave.

A pregnant employee may be able to request a reasonable accommodation to her work or working conditions during her pregnancy. Postal employees qualify if a pregnancy-related condition causes a disability within the meaning of the law. USPS policy is to provide eligible bargaining unit employees who have demonstrated work restrictions resulting from their pregnancies with light duty work consistent with the terms of Article 13. Article 2 of the CBA is management's acknowledgement of employees' legal right to be free of discrimination at work, including pregnancy discrimination. All employees are entitled to protection against workplace discrimination regardless of their status. As the Postal Service acknowledges in the Joint Contract Interpretation Manual (JCIM), this means both career employees and PSEs will not be discriminated against by management.

Postal policy reflects the Postal Service's obligation under the law to protect PSEs from pregnancy discrimination with light duty assignments where appropriate.

Starting or growing your family should bring joy and happiness, not a fear of discrimination, reduction of hours and the possibility of losing your job. Any employee who feels they have been discriminated against by their manager or supervisor because of pregnancy, childbirth or medical conditions related to pregnancy or childbirth should contact their union steward. ■

Anti-Privatization Resolution Gains Majority Support in Senate



Central Jersey Area Local

Clarksburg WV Area Local

New York Metro Area
Postal Union

Members of the United States Senate have joined members of the House of Representatives in saying, “Don’t Sell Our Public Postal Service.” As this issue goes to press, S. Res 99, introduced by Gary Peters (D-MI), now has 53 cosponsors. The resolution expresses the sense that Congress should take all appropriate measures to ensure that the United States Postal Service remains an independent establishment of the Federal Government and is not subject to privatization.

H. Res 33, the companion resolution in the House, gained majority support in April. The resolution, introduced by Rep. Stephen Lynch (D-MA-8) on Jan. 9, now has 257 cosponsors.

“Postal Workers are leading this fight with the support of the AFL-CIO, many labor unions and A Grand Alliance to Save Our Postal Service. We appreciate the bipartisan support Congress has given us and will work to educate even more members of Congress,” said Legislative & Political Director Judy Beard. “This sends a strong message to Wall Street and the White House that the U.S. Mail Is Not For Sale!”

“The majority, bipartisan support for the resolutions in both houses shows how popular the public Postal Service is, regardless of political affiliation,” said President Mark Dimondstein. “The desire to maintain universal service to everyone in the country, regardless of income or zip-code, transcends party lines.”

APWU members are encouraged to reach out to their representatives and speak to them about the value of public, universal postal services. Members should ask their representatives to become a cosponsor; or thank them for their support if they have already signed on to their respective resolution. To connect to your Congressperson, call 202-224-3121. ■

Stay Up to Date!

For more updates on the fight against the White House's plan to privatize the Postal Service, visit usmailnotforsale.org.

Anti-Privatization Resolutions Passed

by AFL-CIO State Federations and Central Labor Councils

In 2019, APWU members are continuing to spread the word that the *U.S. Mail is Not for Sale*. As the White House maintains its attacks on the public Postal Service, members are bringing fellow union brothers and sisters into the fight and establishing labor solidarity to defend against the government attacks.

So far, multiple regional bodies of the AFL-CIO – Central Labor Councils (CLCs) and State Federations – have passed resolutions expressing support for keeping the Postal Service in the public's hands. Resolutions have been passed by:

- Alameda Labor Council (CA)
- Central Labor Council of Contra Costa County (CA)
- Cincinnati Labor Council (OH)
- Lehigh Valley Labor Council (PA)
- Northern Indiana Area Labor Federation
- New Jersey State AFL-CIO
- Pennsylvania AFL-CIO

Have you called?

On April 29, Congressman Peter DeFazio (D-OR-4), along with Representatives Tom Reed (R-NY-23), Brian Fitzpatrick (R-PA-1), and Xochitl Torres Small (D-NM-2), introduced H.R. 2382, titled the *USPS Fairness Act*. If passed, the bill would fully repeal the disastrous 2006 Postal Accountability and Reform Act that has caused the Postal Service's financial crisis. As this issue goes to press, the bill has 148 cosponsors, short of the 218 needed for majority support.

Call your member of Congress today and ask them to co-sponsor H.R. 2382! Dial our legislative hotline at **844-402-1001** to be connected, and let them know that this undue burden on the Postal Service must be lifted. Without action from Congress, the financial burden on the Postal Service leaves it more vulnerable to attacks from privatizers.



The New Jersey State AFL-CIO's resolution, entitled "No Postal Privatization," was passed on June 11. The text of the resolution is reprinted below:

WHEREAS, the United States Postal Service, created in 1792, is a constitutionally mandated service and remains a national treasure belonging to the people of this country; and

WHEREAS, the United States Postal Service is a self-sustaining, independent establishment that does not receive taxpayer funding and relies solely on revenue derived from the sale of postal services and products; and

WHEREAS, the United States Postal Service and its more than 500,000 employees are at the center of the \$1.4 trillion mailing industry, employing a total of 7.5 million Americans; and

WHEREAS, the United States Postal Service serves the needs of 157 million business and residential customers at least six days a week, maintains an affordable and universal network, and connects the country's rural, suburban, and urban communities; and

WHEREAS, the United States Postal Service is consistently the highest rated agency of the Federal Government in nonpartisan opinion polls as well as the Nation's second largest employer of military veterans; and

WHEREAS, privatization of the United States Postal Service would result in higher prices and reduced services for its customers, especially in rural communities; and

WHEREAS, privatization of the United States Postal Service would jeopardize the booming e-commerce sector and cripple a major part of the Nation's critical infrastructure; and

NOW THEREFORE BE IT RESOLVED, the New Jersey State AFL-CIO will actively engage in the fight to save the Postal Service by mounting a serious defense to this threat and encouraging our affiliates and community allies in concrete actions against privatization; and

BE IT FINALLY RESOLVED, the New Jersey State AFL-CIO will go on record unequivocally opposing the privatization of the Postal Service so it remains an independent establishment of the federal government.

Further support from AFL-CIO bodies around the country is pivotal in the campaign to keep the Postal Service a public good. APWU members are encouraged to bring resolutions to their area CLCs and state federations.

Members should contact communications@apwu.org for sample resolutions, materials, and any other assistance. ■



Activists Push for C

On May 30, postal workers in Cleveland, OH had a special delivery for Postmaster General (PMG) Megan Brennan. Joined by Representative Marcy Kaptur (D-OH-09) and a number of community allies, the postal workers delivered more than 1,500 petitions to the PMG calling for a postal banking pilot program in the Cleveland area.

Nationwide, approximately 25 percent of households are either unbanked or underbanked. In the Cleveland area, that figure reaches nearly 30 percent. People in these homes regularly fall victim to predatory payday lenders to meet unexpected expenses, or face abusive check cashing counters in the process of acquiring access to their own money.

With more than 35,000 post offices across the country, postal financial services could help narrow the gap between excluded communities and the fully banked.

“We’re trying to get the post offices empowered to offer limited financial services in neighborhoods that have no financial services that are fair right now,” Kaptur told local news station *WKSU*. “This would be a great place for the Postal Service to test the concept.”

**WITH MORE THAN 35,000 POST OFFICES
ACROSS THE COUNTRY, POSTAL FINANCIAL
SERVICES COULD HELP NARROW THE GAP
BETWEEN EXCLUDED COMMUNITIES
AND THE FULLY BANKED.**

Communities in Northeast Ohio particularly understand the difference between having access to affordable financial services and not. Since the financial crisis began in 2007, more than 6,000 bank branches in the area have closed – many of them in working class communities.

Postal workers and allies, led by the Cleveland chapter of Jobs with Justice, organized support for postal financial services across their region. City councils in Cleveland, Fairview Park, Brook Park and Lakewood adopted resolutions calling on USPS to pilot postal financial services in the region.

The Campaign for Postal Banking demanded that postal management exercise the authority it already has under the law to expand the offering of financial services at post



Rep. Marcy Kaptur and other allies delivered more than 1,500 petitions from members of the community, calling on Postmaster General Brennan to pilot expanded postal banking services in the Cleveland area.

offices. A 2014 report of the Postal Service’s Inspector General found that paycheck cashing, installing ATMs, establishing a bill payment system, and expanded wire transfer systems are all within the Postal Service’s authority.

“The Postal Service can introduce these financial services tomorrow – there’s no need to change the law,” said APWU Cleveland Area Local President Daleo Freeman. “Postal workers, government and local community leaders are all united in our call on the Postmaster General to bring postal banking to Cleveland.” Last fall, postal workers and allies in the Bronx delivered a similar petition calling for postal banking pilots there. Representative José Serrano (D-NY-15) and other New York representatives joined campaigners and continue to urge postal management in Washington to implement the pilot programs.

Postal workers can request paper petitions from the Campaign at info@campaignforpostalbanking.org or can organize their co-workers and communities onto the national digital petition at <http://www.campaignforpostalbanking.org/petition-to-pmg/>.

“We’re going to keep campaigning until the PMG and postal management get the message,” said APWU President Mark Dimondstein. “The people of the country need an alternative to the payday lenders and the big Wall Street banks. Postal workers are ready, willing and eager to step up for the public we’re proud to serve.”

Cleveland Pilot Program

President Dimondstein Speaks about Postal Banking on *The Working Life Podcast*

President Mark Dimondstein appeared on the June 26 episode of writer and labor strategist Jonathan Tasini's *The Working Life Podcast*, discussing the Campaign for Postal Banking.

In the episode, titled "Episode 136: Dump Citibank for the Post Office; Stopping Violence & Harassment at Work," President Dimondstein discussed the need for pilot tests for services such as payroll check cashing, low-fee and no-fee debit cards, ATMs, bill payments, and electronic money transfers – all of which the Postal Service has a right to offer under the law. He also touched on the need for these services in unbanked and underbanked rural communities.

"Postal banking, and all sorts of other enhanced services, should be part of any business plan the Postal Service does come up with," President Dimondstein said. "As we have pointed out, it's not called the United States Postal Business. It's called the United States Postal Service."

Tasini also spoke with Rep. Kaptur about the benefits of postal banking and her efforts to bring pilot tests of financial services to post offices in the Northeast Ohio area.

To listen to the podcast, visit apwu.org/working-life. The episode is also available on Spotify, Apple Podcasts, Stitcher, and SoundCloud.

House of Representatives Advances Bipartisan Postal Banking Amendment

On June 25, the House of Representatives adopted an amendment backing the Postal Service's expanding its offering of postal financial services.

Introduced to a federal appropriations bill, the amendment expresses the House's support for the Postal Service exercising its existing statutory authority to offer a wider range of postal financial services. The Postal Service could, without a change in law, expand its money order services, allow customers to cash checks and pay bills at the post office, install ATMs, and expand and enhance wire transfer services. These services, which are a feature of other postal systems around the world, would greatly reduce the harm faced by nearly 90 million people across the country that lack adequate financial services today.

The amendment was moved by a bipartisan group of lawmakers, Democrats Bill Pascrell (NJ-9) and Ayanna Pressley (MA-7) and Republican Mark Amodei (NV-2).

Introducing the amendment on the House floor, Pascrell emphasized the reason for bipartisan agreement for expanded postal financial services: "Ninety percent of zip codes lacking a bank or credit union are in rural areas. Bank branches are also sparse in low income urban areas. Approximately 46 percent of Latino and 49 percent of African American households are underbanked," Rep. Pascrell said. "Think about that. Democrats and Republicans alike could derive enormous benefit for their constituents. Talk about uniting America!"

The Campaign for Postal Banking has worked closely with a number of congressional allies to build support on Capitol Hill for these services. Postal workers and other coalition allies have been organizing community support and petitioning the Postal Service to pilot expanded financial services. The amendment comes just weeks after northern Ohio residents, joined by their Congresswoman, Marcy Kaptur, called on the Postmaster General to pilot expanded services in their region (story to the left). And it also comes just a year after the Campaign successfully defeated an appropriations amendment that would have prevented the Postal Service from piloting these projects.

The Campaign will continue to work with congressional allies to build support in Washington for expanded financial services and will also continue organizing in communities to educate and mobilize the public around postal banking. ■

The Campaign for Postal Banking is a coalition of consumer, worker, financial reform, economic justice, community, civic, and faith-based organizations calling for low-cost, consumer-driven financial services via the Postal Service. Products and services could include check cashing, bill payment, savings accounts and small-dollar loans. Postal Banking will benefit consumers without access to traditional banks as well as those who want a public option. The expansion of services would also strengthen our public Postal Service. To learn more, visit www.CampaignforPostalBanking.org.

Our Advantage is in Our Numbers – Let's Use It



Assistant Director Lynn Pallas-Barber, Director Clint Burelson and Assistant Director Lamont Brooks

Negotiation Goals

The Clerk Craft's goals during contract negotiations include steps towards starting all employees as career, and/or an automatic conversion provision after a specific amount of years.

Another important goal is preventing management from performing craft work in the Level 18 offices, which would give more hours to Part-Time Flexibles (PTFs), and make it easier to convert PTFs to full time.

Eliminating chronic understaffing, increasing wages and improving benefits are other negotiation priorities.

Preparing for Interest Arbitration

The Postal Reorganization Act states:

As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

The Clerk Craft is preparing for interest arbitration by showing that the USPS is not adhering to providing "worthwhile and satisfying careers in the service of the United States." Twenty percent of the Clerk Craft are not even career employees.

We also plan to demonstrate that Clerk Craft jobs are unique and not comparable to the low paid, non-union, private sector jobs the Postal Service would like to compare us to. In order to prove this, we set up a program where postal workers conducted interviews with their fellow workers to gather a comprehensive analysis of all duties clerks perform in service of the USPS.

The Value of Power in Influencing Decision Makers

Despite heading towards interest arbitration, we still have the ability to reach a negotiated settlement for a new contract with the Postal Service. At this juncture, it is helpful

to recall that it was pressure from postal workers, and their friends and allies, that ultimately forced Staples and the USPS to end their secret deal that took work away from the Clerk Craft.

Similarly, such pressure from postal workers has an influence on the interest arbitrator who will decide our contract. Arbitrators are significantly influenced by the power each side has. That power is often more important than any rules being applied.

Whether management will agree to a new contract or whether an interest arbitrator will award us a favorable decision will be influenced by the power of the APWU relative to the USPS.

Imagine two different scenarios:

Scenario 1 – Postal Workers as Spectators

The USPS and large mailers continue to falsely paint the Postal Service as failing and requiring service cuts to the public and wage cuts to employees. The Koch brothers and friends step up their proxy articles saying postal workers are paid too much and the USPS should be privatized. APWU members thinking they no longer have a role to play, because the contract is in the hands of an arbitrator, sit on the sidelines as spectators.

Scenario 2 – Postal Workers as Powerful Participants

The large mailers continue their efforts to shape the narrative regarding the Postal Service as described above. However, instead of sitting on the sidelines, postal workers step up and participate in their contract action teams, hold rallies, educate their communities, collect petitions in front of their post offices to address the chronic understaffing. They also increase requests to discuss contract violations with their steward, and otherwise engage in the field of public opinion and workplace as active participants.

What scenario favors the APWU? How serious are we all in wanting better wages, benefits and working conditions? Are we willing to stand up together in the workplace and in the street for a better work life?

If so, we have to work for it together. Our advantage is in our numbers. Let's use it. ■

OIG Agrees with APWU, Postal Service Building Maintenance is Unsatisfactory



Assistant Director Terry Martinez, Director Idowu Balogun and Assistant Director Jimmie Waldon

The Postal Service is adamant in their attempts to reduce the maintenance of postal buildings and building equipment across the country. On May 6, the Office of Inspector General (OIG), following a year-long investigation of Postal Service's nationwide assets – that included input from the APWU – published their report, Facility Condition Reviews – Mail Processing Facilities. The report details the widespread deficiencies in these facilities.

Below is a summary of the report (reprinted). You can read it in its entirety in the online version of this column on apwu.org.

Background

In FY 2018, the U.S. Postal Service had 286 mail processing facilities with over 70 million interior square feet. Between October 2010 and February 2018, mail processing facilities generated more than 46,000 maintenance requests and incurred over \$876 million in maintenance costs.

The Postal Service is obligated, by both internal policies and federal regulations, to maintain facilities in accordance with prescribed standards to provide a safe and healthy workplace for its employees.

Our objective was to determine if Postal Service management adhered to building safety, maintenance, and security standards at mail processing facilities. Our scope included 32 statistically selected mail processing facilities nationwide.

What the OIG Found

Postal Service mail processing facilities did not consistently meet prescribed building safety, maintenance, or security standards. We identified 282 deficiencies at the 32 facilities, which ranged from minor oversight infractions to more serious fineable violations.

For the 282 deficiencies identified:

- One hundred forty-five (51 percent) deficiencies at 27 facilities related to safety, to include blocked fire extinguishers and/or blocked fire alarm pull stations;
- Sixty-eight (24 percent) deficiencies at 24 facilities related to maintenance, to include severely damaged roofing, ceilings, and infrastructure; and,
- Sixty-nine (25 percent) deficiencies at 27 facilities related to security, to include unsecure vehicles, non-functioning security cameras, and unsecure perimeter fences.

At one facility, building safety deficiencies were so severe that we escalated the issues to Postal Service leadership while on-site. Subsequently, the Postal Service contracted with an engineering firm to complete a structural evaluation. In a February 2019 report, the engineering firm recommended that the Postal Service complete permanent repairs to structural concrete slabs. The report also recommended that management perform site observations and a structural review of floor slab construction subjected to forklift traffic.



Photos courtesy of the Office of Inspector General – U.S. Postal Service

The reasons for the deficiencies related to building safety, maintenance, and security included facility personnel not conducting required safety reviews and housekeeping inspections, and facilities not having the authorized complement of maintenance employees on the rolls.

When corrective actions are not implemented, or are implemented but inadequate, issues may continue to exist, increasing the Postal Service's exposure to Occupational Safety and Health Administration (OSHA) fines, and the risk of injury to employees and customers. At the 32 facilities we visited, 116 of the 215 safety and security deficiencies identified were potential OSHA violations subject to fines.

What the OIG Recommended

We recommended management develop and implement an action plan to address deficiencies identified during our audit, including the engineering firm report, to include a timeline for completing items; and, hire additional maintenance staff at locations where appropriate. ■



Assistant Director Javier Piñeres and Director Michael Foster

Self-Driving Trucks Pilot Tests

Autonomous technology and self-driving trucks have been on the front page of many news and social media sites lately.

The primary reason for the news is the Postal Service's pilot test of an autonomous truck between the Dallas and Phoenix Processing and Distribution Centers (P&DCs).

The Postal Service informed the APWU it was contracting with TU Simple, a San Diego-based autonomous truck technology company, to provide and operate the autonomous truck during the test.

The test was conducted from May 21 through May 30. TU Simple was to run five round trips, of approximately 1000 miles each way, carrying live mail between the facilities.

In the notice to the union, the Postal Service also said that while the truck drives autonomously, all test trips would have both a driver with a Commercial Driver's License and a safety engineer in the cab. The driver would take over manual control of the truck before it entered Postal Service property and would operate the truck manually while it remained on Postal Service property.

Reporting on the beginning of the trial, *Reuters* said, "If successful, it would mark an achievement for the autonomous driving industry and a possible solution to the driver shortage and regulatory constraints faced by freight haulers across the country."

In a May 20 *Trucks.com* article, the Postal Service said it is considering "new technology to accommodate a diverse mail mix, enhance safety, improve service, reduce emissions and produce operational savings."

As indicated, the initial pilot is geared for long-haul routes with short turnaround times, which appear to make the most of highway driving. However, as indicated by the Postal Service's notice, a driver will be operating the truck manually while on postal property. The trick will be to back that tractor-trailer autonomously to the back in the limited spaces most postal facilities have for maneuvering. As more information becomes available, we will keep you informed about the potential impact to APWU members.

Common Fleet Case Decided

In a decision issued on April 15, 2019, National Panel Arbitrator Goldberg rejected the APWU's argument that the Postal Service violates the National Agreement and the Postal Operations Manual when it permits HCR contractors to operate postal-leased trailers. The union's argument relied on Postal Operations Manual (POM) language that defines PVS trailers as those that "are operated by USPS personnel."

In rejecting the union's argument, Goldberg reasoned that the APWU seemed to be trying to add the word "solely" to the definition found in the POM, Section 713.1.

The Arbitrator also rejected the union's argument that the Postal Service was violating the requirements in Article 32.2 that the Postal Service give due consideration to cost and to the availability of equipment.

On the issue of cost, the USPS admitted that it "factors out" trailer costs when it permits HCR contractors to operate postal-leased trailers without charging them. It is undisputed that trailer costs are approximately 6-8 percent of trucking operation costs. Goldberg ruled that the Postal Service is giving due consideration to these costs by "factoring them out" of its considerations when comparing the cost of PVS to the cost of HCR contracts. The union had argued that ignoring costs by "factoring them out" of HCR to PVS comparisons is not the same as giving them due consideration as required by the contract.

Arbitrator Goldberg also ruled that it does not violate the due consideration requirement of Article 32.2 for management to refuse to consider whether or not it could make better use of excess PVS equipment if it were to reconfigure an HCR contract.

Neither the parties' MOU on *Contracting or Insourcing of Contracted Services* nor the parties' MOU on *Motor Vehicle Craft Jobs* was at issue in the case. The Common Fleet decision can be found on apwu.org. ■

As the magazine was going to press, we were saddened to learn of the passing of former MVS Director Robert. C. Pritchard. Please look in the September/October issue of the *American Postal Worker* for a special "In Memorial" article.



Director Steve Brooks

It's Time for the Postal Service to Respect Their Workers

The APWU and the Postal Service were not able to come to a negotiated contract despite going through regular negotiation sessions and a mediation process; the parties remain too far apart on the issues.

The Postal Service has made it clear that they do not value the men and women who work hard every day providing a valued service to the public. Postal Service employees take pride in our work, and expect a fair day's wage for a fair day's work. The proposals put forth by the Postal Service are demeaning to every postal worker covered under the USPS/APWU Collective Bargaining Agreement.

**POSTAL SERVICE EMPLOYEES TAKE
PRIDE IN OUR WORK, AND EXPECT A FAIR
DAY'S WAGE FOR A FAIR DAY'S WORK.**

National Postal Professional Nurses Contract Negotiation

While all of this negotiating has been going on for the APWU's main agreement, the Support Services Division has also been attempting to reach an agreement on two other expired postal contracts. The National Postal Professional Nurses (NPPN) contract expired on August 18, 2018. The parties have been negotiating to reach a new collective bargaining agreement. For this particular negotiation, the parties came to a tentative agreement on the non-economic conditions, but we are still apart on the economic structure.

As is true with the APWU's main agreement, the Postal Service is showing no respect for the work that postal nurses provide. In comparison to private sector nurses, our postal nurses are considerably underpaid. The Postal Service's economic offer does not provide for any type of gradual steps to increase salaries near comparability of private sector nurses or even meet the cost of inflation. The parties may also end up in interest arbitration for this collective bargaining agreement if the Postal Service does not want to show these employees the respect they deserve.

Information Technology and Accounting Services Contract Negotiation

We are also in negotiations with the Postal Service for the Information Technology and Accounting Services (IT/AS). This contract expired on January 20, 2019. The parties attempted to come together on non-economic conditions for this bargaining unit, but it has been a slow process. Again, the APWU is demanding that these members be treated with dignity and respect for the service they provide.

We are having serious discussions regarding the disparity between a Postal Computer Programmer/Developer and similar jobs in the private sector. Our programmers are vital to the Postal Service, as they provide the necessary programming for every system the Postal Service uses. Programming is necessary for efficient operation of retail machines, transportation, financial accountability, internal HR systems, postal payroll, digital devices, scanners, delivery sequencing, and every other system you can think of.

All we ask is that the Postal Service recognize the value of these employees and compensate them accordingly. By law the Postal Service is required to compensate employees in accordance with their job titles, with duties and responsibilities within those job descriptions comparative to those in the private sector.

IT'S A COMMON THEME WITH THE POSTAL SERVICE: SHOWING NO RESPECT FOR THE EMPLOYEES WHO TAKE PRIDE IN THE WORK AND SERVICE THEY PROVIDE FOR THE USPS, THEIR FELLOW EMPLOYEES, AND THE PEOPLE OF THIS COUNTRY.

Given the fact that the Postal Service is moving at the speed of a tortoise to get these contracts done, I fear we may also have to enter into the interest arbitration process for this agreement.

It's a common theme with the Postal Service: showing no respect for the employees who take pride in the work and service they provide for the USPS, their fellow employees, and the people of this country. ■



Sharyn M. Stone, Central Region Coordinator

Knowledge, Awareness, and Vigilance

While our leaders continue fighting for a fair contract, we must continue enforcing the current language still in effect. The *Local Memorandum of Understanding (LMOU) For Offices Without a Local Union Structure* applies to USPS offices where there is no local union structure, or state/district wide LMOU, and there are APWU represented employees. It contains provisions and 12 sections that cover various employee rights, from the formulation of the local leave program, to seniority, reassignments and postings. The timeline of the agreement is the same as our current CBA. If you work in one of these offices, be aware of these rights or at least know where to find them.

Section 11, *Seniority, Reassignments, and Posting*, states: “When it is necessary to change, abolish and/or revert a duty assignment, the installation head/designee shall notify the APWU Regional Coordinator/designee, in writing of this determination.”

Management notifies me when reverting a position in offices without local representatives. I would say rarely, but the truth is management never provides any documentation to support why a position is eliminated – usually providing only a one-line explanation. Normally the job is vacant, so they want to revert it, case closed. There are time limits management must meet when submitting a request to revert that differ based on the craft.

When I receive a notice to revert, I reach out to that office’s representative to get all necessary documentation and input prior to making a decision. Usually after our discussion, there is no agreement. Then I notify the appropriate APWU representative to file a timely grievance. I also keep the National Business Agent in the loop.

Excessing/Article 12

When management violates Article 12 of the CBA by improperly notifying employees directly that their duty assignments, within a section/installation will be abolished and they may be subject to excessing within the installation, prior to any notification to the local union, we cannot ignore the notification.

Notifying the employee directly violates Article 12.5.A.4 and 12.5.B.3. Once the local is aware procedure was not followed, management should be contacted immediately, notify them of the error and the correct procedure. A meeting at the local should be scheduled. We shouldn’t wait until the employee is actually moved/excessed from the section. The most important issue is stopping the process and forcing management to follow the contract.

I received a call from a local where management has expressed their intent to separate and off-site a facility from the existing installation and create a new installation. This facility has clerk and maintenance employees in duty assignments there. I had received no such notification, which is required, along with several other provisions.

There is a section of the CBA, Article 12.5.C.3.a, titled: *Transfer of a Classified Station or Classified Branch to the Jurisdiction of Another Installation or Made an Independent Installation*. This section lists several requirements. It is not a simple process.

Management is already wrong because they didn’t contact me first. Since I have worked with management on several occasions implementing Article 12, I am painfully aware how they make mistakes and our people pay the price. I knew forewarning was necessary, and contacted my Article 12 counterpart with my concerns. She was not aware and contacted her people to investigate. ■

It’s So Hard to Say Goodbye

Let me take this opportunity to personally thank John Dirzius and Mike Gallagher for their many years of APWU dedication and service.

It has been an honor and a pleasure to learn from your years of knowledge and experience, and to serve with you for several years on our National Executive Board. I know my fellow Coordinators – Kenneth Beasley, Omar Gonzalez, and Ron Suslak – join me in wishing you all the best in the future. Friends forever.

“Live Long and Prosper.”



FROM the FIELD

Below are quotes from various APWU local and state publications throughout the country.
All the publications listed are part of the Postal Press Association.

"Our facilities are no way in better shape than they were before the Custodian Team Cleaning (CTC) roll-out. Offices are not getting the products they need; some are forced to use other products because management will not order their supposed standard chemicals that everyone is supposed to use. They can't get the rags cleaned that they use because of nonexistent cleaning contracts that are supposed to be in place. They are running out of paper towels, toilet tissue and trash bags all of the time which is totally unacceptable. I have seen offices that have only one custodian and when that custodian takes a week of vacation come into the office in complete chaos and trash overrunning in the lobby."

– Shanda King, Central Arkansas Area Local Maintenance Craft
Director, *Local Items*

"I am of the view that we cannot have too many union activists whether officers, shop stewards or educated members. If you have a notion of becoming more involved in your union, please pursue it. Our local is not apprehensive about sending members to union functions that provide training and exposure to the union. ... Whether a member returns from a union function with intentions to be an officer, shop steward or just the union's 'eyes and ears' on the shop floor, the fact remains that the more involvement by the membership, the stronger our local will become. With the retirement of long-term officers, shop stewards and activists, there is without doubt a loss of institutional knowledge that only can be replaced by new blood. ... Please become more educated and involved in your union – your work life depends on it."

– J.N. "Jim" Alexander, Southern Oregon Area Local
President, *Southern Oregon Area Review*

"Look brothers and sisters we have rights under the Collective Bargaining Agreement that a lot of other workers do not have. And we take them for granted. Wake up people. If we do not protect our rights, we are going to look around one day and they are going to be gone. As members we need to be vigilant. Keep up with union information. Check the APWU website. Keep up with legislative news, local and national. Attend your local membership meetings. And let's be on one accord and stand united as we fight to protect our rights!"

– James Parker Jr., Raleigh Cosmopolitan
Area Local Editor, *The Rank and Filer*

"If you see a coworker being abused by a supervisor, please, consider writing a statement to support them... Would a supervisor be as quick to harass someone if she knew the whole tour would turn against her? If you've got my back when she attacks me, know that I've got your back if she does the same to you."

– Andy Kubat, Lehigh Valley Area Local (PA)
President, *Lehigh Valley Visions*

"The clerk craft is continually being threatened with job reductions while clerks are working vast amounts of overtime... It's exhausting dealing with the continual and nonsensical attempts by management to reduce full-time jobs when the truth is, we need more. They keep saying they need the right people in the right place at the right time, then attempt to alter start times and change bids. Don't you think after all the years we have been processing mail, by now they would have figured out the best staffing plan? Oh yeah, the computer made me do it! Among many other things, the clerk craft team will strive to get management back to reality and win more full-time positions and in turn convert more temporary PSEs to career status."

– Brad Sandberg, Minneapolis Area Local President, *The Northern Light*

Argentinian Trade Unions Call Successful One-Day General Strike

On May 29, the three main Argentinian affiliates of the International Trade Union Confederation (ITUC) called a general strike to protest the financial policies of the country's ruling government. The policies, including cuts to government spending and large foreign loans, have led to massive inflation, reaching as high as 55 percent.

Strike organizers demanded an end to the policies, as well as salary increases to match inflation rates and reductions in tax burdens.

The strike, attended by thousands of workers, was a massive success. Argentina's airports were forced to ground flights, and work at grain ports ground to a halt. In the

capital city of Buenos Aires, the main site of the strike, workers flooded the streets, and many offices, schools and banks closed for the day. According to *Reuters*, the full-day general strike cost the economy more than 40 billion pesos – around \$900 million.

For many Argentinian workers, the strike sent a needed message to wealthy politicians, who gain from their own financial policies at the expense of workers.

"It's tough to make those who have never wanted for anything understand the needs of the people," trucking union leader Hugo Moyano said at a press conference during the strike.

20,000 Nevada State Employees to Gain Collective Bargaining Rights



AFSCME Local 4041 President Harry Schiffman speaks at a rally in support of SB 135 on May 14.

Until this year, state employees in Nevada were the only public service workers in the state who did not have the legal right to collectively bargain. However, on June 2, the Nevada legislature passed Senate Bill 135, granting state employees the right to collectively negotiate for wages, paid leave, improved safety, and other issues. Nevada Governor Steve Sisolak (D) signed the bill into law on June 12.

The bill's imminent passage is due to the hard work of the members of AFSCME, the union representing state employees in Nevada. AFSCME Local 4041 members

have campaigned for multiple years, including its largest political action ever during the 2018 election cycle, for collective bargaining rights. As a result, the state emerged from the election with a strong pro-worker majority and a pro-worker governor in Sisolak.

"At AFSCME, we've been able to win some salary increases and make some changes in the workplace, but with collective bargaining we can do so much more to make sure our working conditions allow us to provide great services to our communities," said Lora McCarty, a family support specialist in Reno.

National Labor Relations Board Orders Palms Casino Resort to Bargain with Union Employees

On May 13, the National Labor Relations Board (NLRB) declared the Las Vegas Palms Casino Resort in violation of national labor law. The three-member NLRB panel said that The Palms – owned by Station Casinos, Nevada’s third-largest private employer – is acting unlawfully by refusing to recognize and bargain with around 900 of its employees organized under the Culinary Workers Union Local 226 and Bartenders Union Local 165, both Nevada affiliates of UNITE HERE.

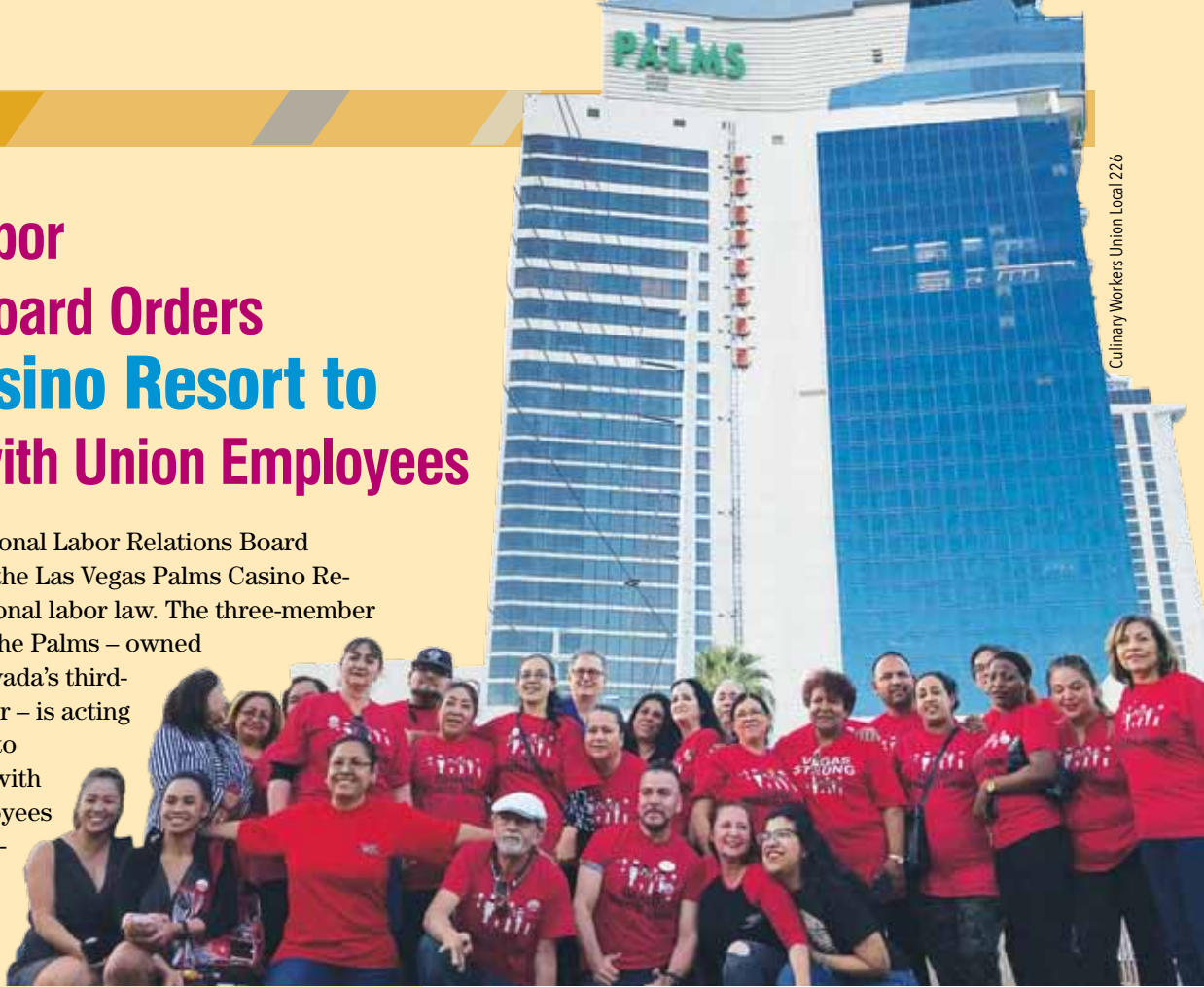
Palms workers officially unionized following an NLRB election in April 2018, with over 84 percent of workers voting ‘yes.’ However, instead of immediately beginning contract negotiations, Station Casinos engaged in anti-union retaliation – including the unlawful discharging and disciplining of employees – and has refused to negotiate for over a year.

After the NLRB issued a cease and desist to the company, Station Casinos filed a petition with the U.S. Court of Appeals in yet another attempt to evade the mandate to bargain in good faith.

In March, the Culinary Union engaged in picketing actions targeting celebrity chefs with restaurants in Palms properties across the country. UNITE HERE affiliates showed strong solidarity with their fellow union brothers and sisters, picketing in San Francisco, Washington D.C., Hawaii, New York, Cleveland, Philadelphia and other cities.

“We voted to unionize because we want the same standard as unionized [Las Vegas] Strip workers – fair wages, job security, great health benefits,” said Eduardo Truebas Martinez, a cook at the Las Vegas Palms. “It’s time for the company to do the right thing and negotiate.”

Culinary Workers Union Local 226 members at the Las Vegas Palms Casino Resort



Culinary Workers Union Local 226

CUPW ARBITRATION UPDATE

As previously reported in the January/February 2019 issue of the *American Postal Worker*, our postal brothers and sisters in the Canadian Union of Postal Workers (CUPW) were forced to halt their 37-day rolling strike in November after the Canadian government passed an unconstitutional back-to-work bill. Canada Post, the country’s primary mail operator, refused to address rising workplace injuries and negotiate for fair wages and benefits in good faith after a year at the bargaining table. The two sides began arbitration in January.

As this issue goes to press, CUPW has presented 19 days of testimony, with Canada Post yet to present their argument. Currently, the last scheduled date of testimony is October 30, 2019 after which arbitrator Elizabeth MacPherson will deliver two new contracts – one for the Urban unit and another for the Rural and Suburban Mail Carriers unit. So far, the two sides have signed Memorandums of Understanding on some issues, but remain without a full contract.

The two sides will continue the arbitration process until full collective agreements are agreed to in negotiations or awarded by the arbitrator.



ATU Local 689 members at Alexandria City Hall on April 25

Alexandria DASH Bus Operators Win New Contract Following Strike Authorization

On May 22, operators of DASH buses, the public bus system for the city of Alexandria, VA, unanimously voted to approve a new four-year contract. The contract is historic. It will be the first union contract ever for DASH workers, who unionized under Amalgamated Transit Union, Local 689, in November 2018.

Following unionization, DASH workers faced a difficult collective bargaining process with the transit company's administrators, who refused to budge from their terms in the first months of negotiations. On May 3, DASH workers unanimously voted to approve union negotiators to authorize a strike action during the summer. The action was significant, currently DASH buses are a major service alternative for Alexandria residents as the Washington Metropolitan Area Transit Authority (WMATA) stations in the city are shut down for repairs through August.

The solidarity of the workers and strike authorization proved a powerful tool in the bargaining process. Three days before the WMATA shutdown began, DASH workers emerged with a new contract that massively improved operator wages and provided sick leave, vacation time, and holiday pay for all full-time and regular part-time workers.

The previous pay scales maxed out operator salaries at \$3 to \$10 less per hour than WMATA operators, and required workers to complete 20 years of service before reaching the top hourly pay scale. Workers will now be able to reach the new contract's top pay scale of \$34.72 per hour after only five years of service, and will receive pay increases in 2020, 2021 and 2022.

"This contract will go a long way towards giving these workers what they deserve: respect on the job and fair pay," said ATU Local 689 President Raymond Jackson. "Because of this union contract, more of these workers will actually be able to live in the community in which they serve."

Southwest Airlines Mechanics Approve New Contract After Seven-Year Negotiation

On May 21, Southwest Airlines' mechanics approved a new five-year contract, finally bringing a negotiation process that lasted for almost seven years to an end. The approximately 2,500 mechanics, organized under the Aircraft Mechanics Fraternal Association, voted to ratify the agreement with over 90 percent approving.

The new contract immediately increases mechanics' salaries by 20 percent, along with 3 percent annual raises over the course of the five years. It also includes a total of \$160 million in back pay for the workers, covering the nearly seven-year period since the last contract ended in August 2012. The contract mandates minimum aircraft-to-mechanic ratios and provides full furlough protection for workers.

Solidarity Works!

Following a letter-writing campaign from the International Labor Rights Forum (ILRF) and Fair World Project, wholesale grocery store Costco announced that it would no longer source melons from Honduran fruit company Fyffes.

According to ILRF, the campaign - launched in solidarity with farmworkers union STAS - began after years of intense unionbusting tactics from the company, including repression of union rights, wage theft, and exposure to toxic chemicals on the company's farms.



911

Everyone Has the Right To Make the Call!!!

In an emergency, you should call 911 for fire, police, or emergency medical assistance.



- ▶ **ASM 273.133 – Emergency Actions In emergencies, employees are to take the following necessary actions:**
 - ▶ a. Call for fire or police assistance.
 - ▶ b. Use fire extinguishing equipment.
 - ▶ c. Assist with the injured.
 - ▶ d. Protect postal assets and mail if there is no risk to employee safety.
- ▶ **ELM 866.3 – Emergency Procedures: The recommended procedures for handling medical emergencies on postal premises are as follows:**
 - ▶ a. immediately contact 911.
 - ▶ b. After a 911 call is initiated or attempted, the Postal Police and any onsite health services professionals should be immediately notified. This notification should include specific information as to where the ill/injured employee is located (floor, unit, column, or room number, etc.) and the nature of the illness or injury, if known.
 - ▶ c. Notify onsite management.

**FOR MORE INFORMATION ON THE
POSTAL SERVICE 911 POLICY, PLEASE CONTACT
Your Regional Coordinator
Your Regional Safety Rep**

UPDATE: APWU Hatch Act Dispute

In Nov. 2017, the APWU filed a dispute over the Postal Service's unilateral implementation of changes to Leave Without Pay (LWOP) rules for bargaining unit employees, in reaction to Postal Service managers' criticism about Hatch Act violations. The Hatch Act restricts federal employees from engaging in partisan political activity. The rule changes were an over-reaction to mistakes by managers that tried to shift responsibility to bargaining unit employees.

The NPMHU and the NALC joined the APWU's dispute last year, in which we successfully litigated that the Postal Service could not make mid-term unilateral changes to the leave rules without following the contract. After we won the arbitration and the Postal Service was ordered by the arbitrator to rescind the changes, the Postal Service went silent as the Congressional mid-term elections came and went. Then, six months after the Award was issued and three months after the mid-terms, the Postal Service hurriedly served the APWU with a lawsuit to vacate the arbitration award.

The Postal Service had quietly filed the lawsuit with the court three months earlier, but never served it or raised it with the APWU, even as it claimed in its pleadings that the absence of the rule changes meant the Postal Service was constantly violating the Hatch Act. However, as the APWU pointed out to the federal court in DC, the lawsuit was served several months late because the Postal Service was obligated by the law to both file and serve the suit to vacate the award within 90 days, which it did not do. The APWU's motion to dismiss the Postal Service's procedurally defective lawsuit is pending before the court.

The hypocrisy evident in this system was noted by Special Counsel Henry Kerner, who criticized the difference in punishment of postal employees and White House officials, including staffer Kellyanne Conway, found to have violated the Hatch Act: "In interview after interview, [Conway] uses her official capacity to disparage announced candidates, which is not allowed," Kerner said (published in the *Washington Post*). "What kind of example does that send to the federal workforce? If you're high enough up in the White House, you can break the law, but if you're a postal carrier or a regular federal worker, you lose your job?" ■



NALC's 'Stamp Out Hunger' Food Drive a Success

On Saturday, May 11, the National Association of Letter Carriers (NALC) held their 27th Stamp Out Hunger Food Drive. The event, already the largest single-day food drive in the country, was a massive success: NALC carriers collected more than 76.1 million pounds of food, the third-largest amount in the history of the event.

The drive, annually occurring on the second Saturday of May, is a major provider of food and non-perishables for pantries across the country, a major necessity as many food banks reach the end of their supply by the end of the spring. The event re-stocks these pantries in the critical summer months, when children in need do not have access to free and reduced-price school lunches while schools are out of session.

This year's figure brings the total amount of food collected since the first drive in 1993 to about 1.75 billion pounds.

APWU Youngstown Area Local President Jim Varner (right) with NALC Branch 385 Trustee Helen Hancock during the 2019 Stamp Out Hunger Food Drive on May 11

"This is a labor of love for letter carriers, and we are proud to see how it has grown in impact over the years," said NALC President Fredric Rolando. "It's an honor to be able to help people in need all across the country – and to do so in a way that brings out the best in so many Americans." ■





Judy Beard, Director

From PSE to Full-Time Career: Retirement Buy Back

On May 2, the *Federal Retirement Fairness Act* was introduced by Rep. Derek Kilmer (D-WA-06) and Rep. Tom Cole (R-OK-04). If signed into law, H.R. 2478 would allow postal and federal employees who moved from a temporary (Postal Support Employees) to a career position to “buy back time” towards their retirement. This legislation would ensure that former, temporary employees would have access to full retirement benefits and would not be forced to work extra years to make up for the time they were not able to contribute.

The buy-back would work by employees making a deposit of 1.3 percent of base pay for each year as a temporary employee, the corresponding interest rate, and the government’s contribution (as calculated by the Office of Personnel Management).

This legislation would affect more than 60,000 APWU members who converted from temporary to career positions. I am asking every active and retired APWU member, and our auxiliary members, to support their brothers and sisters by contacting your member of Congress and asking them to cosponsor H.R. 2478.

Call the Capitol Switchboard at 202-224-3121 to be connected to your representative.

Attack on Seniors’ Benefits (Chained CPI) is back on the White House Agenda

Recently, the White House directed the Office of Management and Budget (OMB) to look into changing the inflation rate, affecting how the Federal Poverty Line is determined. The White House wants to measure inflation using the Chained Consumer Price Index. This would underestimate inflation because it does not take seniors’ spending habits into consideration, and would affect the already low Cost of Living Adjustment (COLA) seniors receive.

This attack by the White House will devastate low-income families by denying them access to critical food and health programs because, with the new poverty line, they will ‘make too much’ to qualify.

This will also have a direct impact on lowering postal/federal retiree COLAs.

The APWU will fight back against this attack, and will push for legislation that instead increases the COLAs of those who worked and fought for retirement security.

We believe that COLAs should be calculated using the Consumer Price Index for the Elderly (CPI-E). This formula would have a positive effect because it more accurately reflects the spending habits of seniors on health care and housing.

We support legislation in the House of Representatives and Senate that not only advocates for the CPI-E formula, but also expands Social Security benefits. Please contact your Representative and Senators (202-224-3121) and tell them to co-sponsor the Social Security Expansion Act (H.R. 1170 in the House and S. 478 in the Senate).

APWU takes the Anti-Privatization Fight to Our Labor Allies

The APWU has been spreading the word of our *US Mail: Not for Sale* campaign to stop postal privatization to union members across the country. Together with the NALC, we made presentations on our anti-privatization campaign at each of the six AFL-CIO district meetings.

These presentations highlighted our vision for the future of the Postal Service, the attacks we are facing, and how working families can help us fight back. After the presentation, attendees discussed the importance of these types of campaigns and the role the attendees can play to help preserve the public Postal Service. Approximately 3,000 union members attended these meetings. ■

Join us for the Legislative and Political Conference on Sunday, October 27 in Las Vegas!

Workshops Include:

- One-on-Ones with Your State Representatives and Congressional Officials
- The Interlinking of Congress and the Postal Service
- Make Digital Media Part of Your Political Strategy
- Reshaping Democracy at the State and Local Level: Changing Laws to Win Economic Power
- How to Write an Op-ed/Letter to the Editor
- Stopping Postal Privatization

Regional breakouts and a general session will also be held.

Register today at apwu.org/events/legislative-political-conference.



Anna Smith, Director

What Does It Take?

Most postal workers come to work, clock-in and do their fair day's work. In return the Postal Service pays them for their efforts every other week. Many postal workers do have a pretty satisfying postal career, retire and move on to their golden years.

A vast majority of those postal workers spend their entire federal service belonging to their union – paying dues and, for the most part, being supportive. However, far too many do not know what the union is. Sadly, some see “the union” as a 3rd party kind of legal aid.

WHAT DOES IT TAKE TO BECOME
FULLY AWARE THAT THE UNION BAND
OF BROTHERS AND SISTERS IS IN
CONSTANT NEED OF HELP? WE RELY ON
VOLUNTEERS TO BE STEWARDS...IT TAKES
A SPECIAL KIND OF POSTAL WORKER TO
BE A GOOD STEWARD.

What does it take to understand that the union is the workers banding together to stand up to their employer and demanding certain working conditions and a certain rate of pay?

What does it take to realize that this band of brothers and sisters, once formed, has legal standing under the federal labor laws of this country? The collectiveness of our joining together gives us legal recognition under the National Labor Relations Act to bargain – yes bargain and all of the word's synonyms: barter, negotiate, haggle, deal, discuss terms, understanding, etc. – with our employer.

What does it take to comprehend that banding together and voluntarily paying a stipend, “dues,” allows us to face off against a \$69 billion-dollar, nationwide government agency? Our measly \$20+ given every two weeks allows us to collectively match the corporate bosses who claim to run the Postal Service.

What does it take to have everyone grasp that the vacation leave, sick leave, health care benefits, decent salary, step increases, life insurance, seniority protections, lay off protections, work hour guarantees, wash-up time and

overtime are not given to us by a benevolent boss? All these are ours because together we bargained for them through the APWU!

What does it take to be our brothers' and our sisters' keeper? We, the union, have to look out for the future career employees currently called Postal Support Employees (PSEs). Remember we started our postal careers as part-timers, substitutes of sorts, transitional employees, maybe even casuals. Yes, there were some co-workers who walked into a Full Time Regular position but even then, all were newbies. Don't fault the union when efforts are made to enhance the careers of PSEs – instead embrace these brothers and sisters of ours. And PSEs realize that your union brothers and sisters are truly looking out for you and one day when you are seniors you will need to look after those that follow in your steps.

What does it take to become fully aware that the union band of brothers and sisters is in constant need of help? We rely on volunteers to be stewards. It is not easy to be a steward and it takes a special kind of postal worker to be a good steward. Are you that special person? When we are attacked, we need to rally around our cause. We cannot rally if you don't show up. We rely on volunteers to step up and become leaders of the union, be it on the work floor or in a union hall. We are all we have.

WHAT DOES IT TAKE TO BECOME AWARE
THAT WHEN SOMEONE BAD MOUTHS THE
APWU THEY ARE BAD MOUTHING YOU,
AND ME, AND EVERYONE ELSE IN THIS
BAND OF OURS?

What does it take to become aware that when someone bad mouths the APWU they are bad mouthing you, and me, and everyone else in this band of ours? Bad mouthing does not build up strength – activism does. Yes, our union can always improve. We do this by communicating with one another, studying and applying our contract with the employer; standing up for each other, and yes, by full participation in all our union activities and events.

WHAT DOES IT TAKE? It takes YOU and ME Brother, YOU and ME Sister – THAT is what it takes! ■



Joyce B. Robinson, Director

Shop Steward's Training Flash Drive

The 'Shop Steward's Training Flash Drive' is a comprehensive collection of educational material produced by the Research and Education Department designed to assist officers and shop stewards with filing and winning grievances. It consists of the Collective Bargaining Agreement (CBA), Joint Contract Interpretation Manual (JCIM) and the Shop Steward's Training Manual.

The manual covers: Certification and Duties of Shop Stewards; Violating the Duty of Fair Representation; Shop Steward's Rights and Special Immunity; and the Proper Order to Place Documents in the Grievance File.

Other documents included are: Grievance Appeal (Steps 1, 2, 3, Step 2 Appeal to Arbitration); Grievant or Witness Statement; Information Request; Grievance Chronology Sheet; Extending Time Limits Request; Receipt of Exchange Documents; Addition Facts, Evidence, and/or Contentions Submitted at Step 2 Meeting; Statement of Corrections and/or Additions, and an Exhibit Sheet.

Proper Documentation of Grievances

This section covers the Documentation Needed, Tips for the Steward, and the Appropriate Remedy to Request for the following contract violations:

Absent without Approved Leave (AWOL); Administrative Leave/Act of God; Advance Sick Leave; Consecutive Off Days; Crossing Crafts or Occupational Groups; Denied Annual Leave; Denial Family and Medical Leave (FMLA); Denial of Holiday Pay; Denied Information Request; Denied Light Duty Request; Denied Sick Leave; Denied Steward Duty Time; Discipline; Holiday Scheduling; Improper or Untimely Reversion of Duty Assignment; Letter of Demand; Maximization of Part-Time Flexibles to Full Time in Post Offices Level 20 or Below; Overtime Violation; Postal Support Employees (PSEs) Used in Lieu of Part-Time Flexibles (PTFs); PSEs Working Past the 8 Hours Violation; PSEs Working on the Window Demonstrating the Need for Additional Duty Assignment(s); PSEs Working on the Window Exceeding the Negotiated Percentages; Restricted Sick Leave; Supervisors Performing Bargaining Unit Work; Interrogation By Postal Inspectors and/or Office of Inspector General (OIG) Agents; Weingarten Rights (Employee's Right to Union Representation); Miranda Rights (Your Right to Remain Silent); Garrity Rights/Warning (Ensures that public sector

employees cannot be coerced to testify by threatening them with discharge in a criminal trial); Kalkines Warning (Right to Know if Information Obtained Will be Used Against You); Denial of a Steward During an Interrogation, and Steward's Right to Refuse to Disclose Information Received During an Interview with the Employee.

USPS Handbooks and Manual

The flash drive offers *Postal Bulletins* and many series of *USPS Handbooks and Manuals*, including the Employee Labor Relations Manual (ELM) – which outlines rules and regulations governing the USPS and its employees, the Administrative Support Manual and the Postal Operations Manual.

USPS Publications offered are:

Glossary of Postal Terms; Achieving a Violence-Free Workplace Together - Workplace Violence Prevention Program; Hazardous, Restricted, and Perishable Mail; Threat Assessment Team Guide; Safety Talks; Guide to Contract Postal Units for Postal Service Employees; Compensation, Relocation Benefits, and Reinstatement Policies for Career Employees in Transition: Q's and A's; Response Checklist for Suspicious Mail and Unknown Powders or Substances; Directives and Forms Catalog; Postal Employee Crime Prevention; Manager's Guide to Reasonable Accommodation; Window Services Crime Prevention Booklet; Supervisor's Guide Employee Assistance Program; Employee Assistance Program (EAP) Information and Services; Manager's Guide to Understanding, Investigating, and Preventing Harassment, and Employee's Guide to Understanding, Preventing, and Reporting Harassment.

Reference Material

The flash drive contains a wealth of reference material:

APWU Collective Bargaining Reports (CBRs) Special Issues; Family and Medical Leave Act (FMLA); Large Office Issues, Protecting Clerk Work in Small Offices; Window Training Guide; PSEs Issues; Defense Against Discipline; Disabled Veterans Benefits, and Disability Retirement.

As we are unable to verify each employee's classification and several management officials have requested a copy of the flash drive, **local or state presidents only** can order the flash drive by sending a request to:

Joyce B. Robinson, Director Research and Education
1300 L Street, NW, Washington, DC 20005 ■



Sue Carney, Director

Stress Claims

If you are feeling stressed, you are not alone. It is estimated that 8 in 10 Americans feel stress in their daily lives. Numerous studies indicate job stress is the greatest source of stress for adults in the U.S.

Stress is associated with increased rates of heart attacks, hypertension and other physical conditions. It can trigger insomnia, anxiety, depression, panic attacks and other debilitating mental disorders that can lead to lost time from work, and cause sufferers to face unfair scrutiny due to the baseless stigma attached to mental and emotional illness. When work factors cause or aggravate a preexisting mental or emotional condition, postal employees have the right to receive benefits under the Federal Employees Compensation Act (FECA).

Establishing a stress claim can be a bit more difficult than the typical injury and disease claims filed with the Office of Workers Compensation Programs (OWCP). Knowing how to meet the requirements and understanding what qualifies as compensable work factors help achieve claim approval. All claims, including stress, must meet

KNOWING HOW TO MEET THE REQUIREMENTS AND UNDERSTANDING WHAT QUALIFIES AS COMPENSABLE WORK FACTORS HELP ACHIEVE CLAIM APPROVAL.

five basic elements to achieve claim approval. Claims must be timely filed by a civilian employee. There must be a fact of injury which consists of two components – a workplace event, and a resulting medical diagnosis. The claimant must be in performance of duty within their scope of employment, and a causal relationship between the injury and the workplace must be established by a physician, generally a psychiatrist or clinical psychologist for stress claims. The doctor's medical narrative should contain medical reasoning explaining how the work environment or physicality used in performing duties caused or worsened an existing condition. Simply stating work caused the condition lacks medical reasoning, and will likely cause claim denial.

Stress claims can be particularly difficult because not all work factors are considered “compensable.” The Employees Compensation Appeals Board (ECAB) has held that directing employees is an administrative function and within the realm of managerial authority. For an action to be compensable the claimant must prove the employing agency erred or abused their discretionary authority beyond the employee's perception (see *Marlon Vera*, 54 ECAB 834 (2003)).

The Cutler concept holds that compensation law does not apply to every illness that is somehow related to employment. It does, however, provide that disabilities arising from an emotional reaction, including fear and anxiety stemming from a perceived inability to carry out assigned duties or imposed job requirements, fall within FECA coverage. On the other hand, disabilities that originate from frustration or disagreement over not being permitted to work in a particular location or position are not covered. These circumstances are considered self-generated except where error is proven (*Lillian Cutler*, 28 ECAB 125 (1976)). The ECAB also concluded that a detail assignment to another city satisfied the Cutler criteria rendering the emotional disability covered (*Brenda Getz*, 39 ECAB 245 (1987)).

Harassment, teasing and being called derogatory names are also compensable factors of employment provided the reasons behind the behavior is not imported into work from the employee's personal life (*Abe E. Scott*, 45 ECAB 164 (1993)). The ECAB follows the “friction and strain doctrine” which considers individual characteristics and interaction between employees making some claims compensable when conflict arises over non-work issues (Larson, *The Law of Workmen's Compensation*, §11.16[a]).

Proving error or abuse requires evidence. Statements from the claimant, coworkers and other witnesses, as well as investigative memorandums, contract provisions with an explanation of the error, or other rulings finding error or abuse can all prove beneficial.

Once the offense is established to be in performance of duty, medical documentation will be evaluated to whether the causality for the claimed disability has been established. To learn more, visit <https://bit.ly/2WUipVg> to access PM Chapter 2 Claims, Sections 801 – 805; more specifically 804.12 and 804.17. ■

Blue Water

In June, the *Blue Water Veterans Act* unanimously passed in the Senate. If signed by President Trump, the law will take effect at the start of 2020.

The measure affects about 90,000 veterans who served on ships during Vietnam but never stepped foot in-country. If enacted, these veterans will be presumed exposed to toxic defoliant chemicals, like Agent Orange, while serving off the southern coast of Vietnam and entitled to benefits for service-connected disabilities.

Depending on their level of disability, 'blue water' veterans would receive \$1,200 to \$1,700 in monthly compensation from the Department of Veterans Affairs (VA). The Act also would entitle their widows and surviving dependents to Dependency Indemnity Compensation (DIC). The Congressional Budget Office estimates the benefits will cost about \$1.1 billion over 10 years, but VA officials insist the total is closer to \$5.5 billion.

IN JANUARY, 'BLUE WATER' VETERANS FINALLY SECURED A LONG-SOUGHT VICTORY WHEN A FEDERAL APPELLATE COURT RULED 9-2 IN FAVOR OF THE VETERANS WHO SERVED ON SHIPS WITHIN THE 12-MILE TERRITORIAL SEA OF THE REPUBLIC OF VIETNAM.

This has been yet another long, hard battle for veterans and their families – having to fight to get the benefits they rightfully deserve. Until the passage of the *Agent Orange Act of 1991*, our government only linked a skin condition called chloracne to the exposure. It was otherwise hopelessly impossible for most veterans serving in Vietnam and Korea to produce evidence that would entitle them to VA benefits for their service-connected ailments. But even with its passage, only a few conditions were initially considered presumed – leaving the vast majority of veterans, their spouses and children suffering from the effects of the deadly toxins without access to benefits that were rightfully theirs.

Over the years, the VA has expanded its list of presumptive conditions connected to exposure, giving them fast track status, but in 2002, VA officials ruled that presumptive status did not apply to the 'blue water' veterans. As a result, these veterans had to conclusively prove their iden-

tial illnesses were a result of toxic exposure and *not* conditions that occurred after their military service – so their battle raged on.

In January, 'blue water' veterans finally secured a long-sought victory when a federal appellate court ruled 9-2 in favor of the veterans who served on ships within the 12-mile territorial sea of the Republic of Vietnam. The ruling overturned a contrary 2008 decision in *Haas v. Peake*.

The *Procopio* decision codifies that the *Agent Orange Act of 1991* was intended to include 'blue water' veterans, stating the VA improperly interpreted the law in denying their claims. After being rejected by the Federal Circuit to put the decision on hold, the VA and the Department of Justice finally laid down its arms against veterans and opted not to appeal the decision to the Supreme Court.

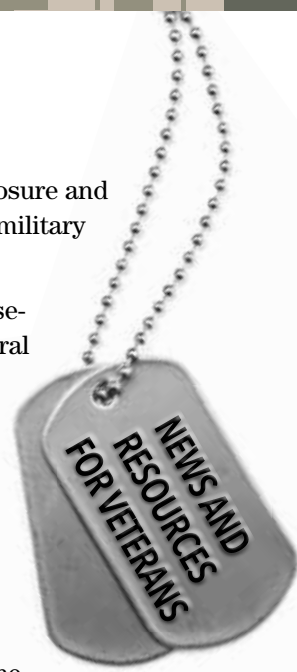
But not everyone is happy with the impending law. Lawyers representing the 'blue water' veterans and their veterans' associations argue that if enacted, thousands of veterans will be denied benefits.

The bill uses geographic coordinates to draw a line in the ocean around Vietnam. If a U.S. ship operated within that line, then the veterans aboard that ship would be eligible for disability benefits from the VA. However, there are 20,000-50,000 additional veterans who served on ships beyond the line that would not be eligible based on the new law's criteria. John Wells, an attorney representing the veterans, argued that under *Procopio*, all 'blue water' veterans on both sides of the line had been granted coverage. Wells emphasized that the bill does not add coverage to a single veteran and proclaimed it will bring harm to veterans it was intended to help.

As this issue goes to press, it is unclear if President Trump plans to sign the bill. Reports indicate the White House has not responded to a request for comment, but one thing remains without question: our veterans should not have to battle their country to receive the benefits they have earned.

Thank you for your service. ■

– Human Relations Department





Nancy Olumekor, Director

APWU Retirees Still Fighting for Justice

The APWU Retirees Department is mourning the sudden loss of Elizabeth “Beth” Bobo (Cramer), Southern APWU Retiree Delegate to the National Convention.

Beth served as the Southern Region Retiree Delegate to the APWU National Convention since 1999. Beth, a Navy veteran, retired on disability from the USPS over 20 years ago at the age of 40. For many years, Beth worked at the Schaumburg, IL Post Office before relocating to Florida. In Florida, Beth was an officer and active member of the Southwest Florida Area Local for many years.



On April 16 and 17, Beth attended the Florida State Retirees Spring Seminar, where she shared her stories of leafletting during the 2019 National Tax Day of Action and encouraged her neighbors to support postal worker issues. She requested additional tax day flyers to continue spreading the word.

Beth could be seen and heard at every APWU National Convention speaking at the microphones. She loved the APWU and she loved being a voice for retirees and anyone who needed a voice.

Beth’s many years of hard work and dedication to APWU and the APWU Retirees Department is recognized, acknowledged and appreciated by all who knew her. We will miss her voice, and evidence of her work and her spirit will be remembered by all whom she touched.

Her family has requested that if you wish to make any donation, please make it to the American Heart Association in memory of Elizabeth “Beth” Bobo. ■

Tell Congress to Pass the Social Security Fairness Act and Social Security Expansion Act NOW!

During this 116th session of Congress, The Social Security Fairness Act (H.R. 141 and S. 521), along with the Social Security Expansion Act (S. 478 and H.R. 1170) must be passed by both houses of Congress.

The Social Security Fairness Act would repeal the Windfall Elimination Provisions (WEP) and the Government Pension Offset (GPO). The Windfall Elimination Provision (WEP) adversely affects those receiving a Civil Service Retirement System (CSRS) pension while also qualifying for Social Security benefits from other employment. The Government Pension Offset (GPO) reduces Social Security benefits to our dependents, including spouses or widows, by two-thirds if they are currently receiving a retirement or disability pension based on our prior government employment, during which we did not pay into Social Security.

There are still millions of CSRS annuitants watching and waiting for Congress to pass legislation to repeal the WEP and GPO in order to provide us with a fair return on our

investment in the Social Security system. Many CSRS annuitants worked other jobs in order to increase their Social Security benefits.

The Social Security Expansion Act, S. 478 and H.R. 1170, as reported by the Legislative Department, would lift the earnings cap on Social Security taxes currently in place for all incomes over \$250,000. Lifting the cap would result in extending the solvency of Social Security. In addition, low-income earners would see an increase in their Social Security benefits by \$1,300/year.

Cost-of-Living Adjustments (COLAs) would be calculated by using the Consumer Price Index for the Elderly (CPI-E), which would yield a fairer cost of living increase than the current way of calculation. ■

Continue to write letters or postcards and call Capitol Hill at **1-202-224-3121** to speak to your member of Congress!





John Marcotte, Director

Organizing with the APWU Health Plan

We have been engaged in an effort to assist our locals and states with organizing by using the APWU Health Plan as an organizing tool.

Our PSEs are eligible for the wonderful union-negotiated benefit of being able to be enrolled in the highly-rated APWUHP Consumer Driven Option (CDO). This plan is chosen by tens of thousands of career federal and postal employees and the improvement in benefits for our members and their families when choosing the APWUHP is dramatic.

The APWU Health Plan sends a letter from the director to every PSE as they become eligible for APWUHP CDO (PSEs become eligible when they are reappointed after a 360-day appointment with no more than a five day break). If they are a union member, I congratulate and inform them that this benefit is yet another benefit of their union membership. If they are not a union member, I inform them of this wonderful union-negotiated benefit and ask

them to join the APWU so they can receive it and include a 1187. This letter is signed by myself and the Organization Director.

After we complete the monthly mailing, we have the mailing list placed under the "Members Only" section of the website. The list can be accessed by your local President or Secretary-Treasurer with their dues check-off list information.

To get a brief idea of how much better the APWUHP CDO is than the USPS Health Insurance Plan please see the information below.

To answer your questions on Federal Employee Health Benefits program, come to the 2019 APWUHP Open Season Seminar. It will be held this year in beautiful downtown Portland, Oregon! This informative, motivating seminar will be from October 26-28 and all meals are provided. Together Better Health! ■

Comparing APWU CDO TO USPS Plan

	USPS PLAN	APWU CDO
Deductible:		
Self	\$2,000	\$2,000 PCA pays first \$1,200 w/ rollover
Self Plus One	\$4,000	\$4,000 PCA pays first \$2,400 w/ rollover
Family	\$4,000	\$4,000 PCA pays first \$2,400 w/ rollover
Co Insurance:	You pay 30%	You pay 15%
Out of Network:	You pay 100%	You pay 40%
Catastrophic limit:		
Self	\$6,600.00	\$5,000.00
Self Plus One	\$13,200.00	\$10,000.00
Family	\$13,200	\$10,000.00

Your FREE Vision Discount Program brings affordable vision care into focus.



Voluntary Benefits Plan® Vision Discount Program

As a valued member of the **American Postal Workers Union**, you have access to your Vision Discount Program, an absolutely free discount vision care program. This program, brought to you by the **Voluntary Benefits Plan** and Careington International Corporation, offers you savings on a variety of vision care services. Enjoy 20% to 40% discounts on eyewear, \$50 eye exams, 15% off the standard price of LASIK surgery and much more.

Members Receive:

- Access to discounts through a trusted, private-practice VSP doctor
- 15% savings on contact lens exams*
- Special pricing on complete pairs of glasses and sunglasses
- Unlimited use of materials throughout the year
- Exclusive Member Extras and special offers

*Applies only to contact lens exams, not materials. You're responsible for 100% of the contact lens material cost.

Members have immediate access to the EyeMed Vision Care and LasikPlus products. However, in order to access the VSP vision discount product, you must register for a permanent ID card online at **www.myvbpvision.com**.

This is a completely free and simple process. If you need any assistance or if you prefer to register by phone, please call us at **(855) 552-6735**.

Careington
SOLUTIONS SIMPLIFIED