

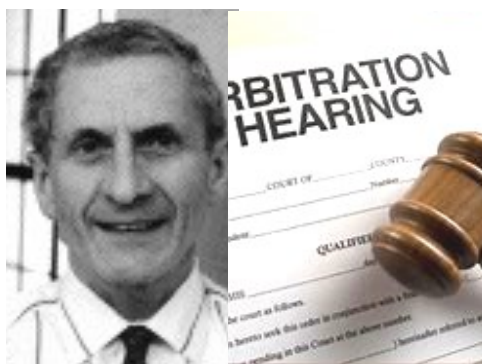
# ***Postal Worker West***

**ISSUED BY**

**OMAR M. GONZALEZ  
REGIONAL COORDINATOR**

**AUGUST 2019**

## **CONTRACT FIGHT HEATS UP IN D.C.!**



Arbitrator Stephen B. Goldberg is the impartial umpire for the contract interest arbitration

**WASHINGTON DC—** The Union and postal bosses are set to square off at hearing over the 2018 National Collective Bargaining Agreement on September 4th.

After failing to come to an agree-

ment in the Federal Mediation process, the parties haggled over the selection of a neutral chairperson of a three person arbitration panel that will determine what the contract will be between clerks, maintenance, and motor vehicle employees and their Employer the United States Postal Service.

### **Three Member Panel Set**

Under the Postal Reorganization Act the parties settle their inability to reach a contract in what is called "interest arbitration". Each party selects an arbitrator to represent their side and then a third arbitrator is jointly selected who is designated the "chair" of the 3 person panel.

The "Umpire", who will ultimately decide the provisions in the contract, is well known Arbitrator Stephen B. Goldberg. Goldberg is not new to the parties and has decided many disputes between the National Union and USPS over the years, including the 2000 CBA and 2015 CBA interest arbitrations.

Rounding off the three person panel (i.e. Tri-partite Panel) is the APWU's Negotiation Support Specialist, Phil Tabbita and the

Postal Service's usual Attorney, Robert Dufek. Prior to the announcement the National Executive Board was called into session to discuss the appointment, selection process and to review the status of contract arbitration preparedness.

### **Fired Up—Ready To Go !**

The National Union has been preparing for interest arbitration since mid July 2018. Although the effort to reach a Tentative Agreement in late 2018 failed, due to the rejection of the extension tentative agreement , the National Union had already prepared data, contentions, arguendo and evidence to support its positions during negotiations.

Since then, even during efforts to reach agreement in mediation, the National Union's Attorneys, Industrial Relations, Economists, IT Department, Crafts Officers and the entire internal structure of the National Union has been continually working on the Union's strategy, evidence and presentation.

The National Executive Board will meet in session and will be in attendance at the hearing. Regional Coordinator Omar Gonzalez has been summoned to D.C. and will represent the Western Region at the session and hearing. "Listen, these hearings will not be a piece of cake. We intend to and will show them our members deserve to maintain the rights and benefits they have already earned and also a decent pay raise and extended protections, said Omar Gonzalez. The hearings are expected to continue over several months.



As in the previous arbitration the Union will have craft employees testify regarding the services they provide to America.

**THE CONTRACT FIGHT IS NOT OVER- SUPPORT YOUR UNION !**

## All Politics Is Local

By Phil Warlick, Cal Legislative Dir.

The American political process offers citizens, and APWU members specifically, opportunities to advocate for our values and priorities.



Phil Warlick makes a political point at a SWCAL Local Meeting

While APWU rightly focuses on the House of Representatives and the Senate in Washington DC, elected officials at the city, county and state levels want to hear from our members as well. We are citizens of the community in which we live.

I represented the APWU recently, along with others from the AFL-CIO, at the National Conference of State Legislatures held in Nashville. This is a gathering of legislators and staff from the 50 states and the American territories.

I along with Brother Steve De Matteo were presenting our support for Postal Banking, Vote By Mail, and other postal related matters that not only will serve our communities but also bolster postal employment now and in the future.

We met and conversed with many officials representing people from all walks of life and parts of our country. What was particularly rewarding was discovering the high regard these officials have for APWU, postal workers and the service we provide.

Another thing I learned is that elected officials want our members to express our citizenship by actively engaging in politics. I cannot say how many times we were asked to have our members, YOU, to call their offices to give our views on the Postal Service and how we think services can be improved.

And just as encouraging what the signal I got from these local and state government officials is their readiness to want to help us in our issues. One example is their willingness to meet with us and the Congressional representatives of our states to advocate for Postal Banking. They acknowledge the harm that occurs to people who have to resort to "Payday Lenders" and the lack of banks in many of our communities.

So I urge you to take the word of these State and Local government officials and reach out to them about your job, your needs and the service you provide. It is true—"all politics is local."

Only in the Postal Service

## Management v. Management

A recent report issued by the National Association of Postal Supervisors (NAPS) reveals that management will often eat their own or at least try to.

The recent dispute seems to be over the Pay-for-Performance Pay system and the refusal of NAPS to be involved in the 2020 NPA development.

The article reveals that for years the current Pay-for-Performance system provides neither pay nor performance. The article goes so far as to state that the NPA goals are being manipulated to drive down EAS pay.

"This information was pretty enlightening," said Regional Coordinator Omar Gonzalez. "Supervisors deserve decent pay for sure, but the one thing I took exception to was that the NAPS article claimed that the Pay-for-Performance system may be an attempt by senior leadership (what the bosses call their bosses) to drive down supervisor pay and benefits compensation while their bosses and **craft employees** continue to receive regular pay increases, bonuses and COLAs. 'What pay increases?'. Regular clerk, maintenance and motor vehicle employees have not received a real pay increase (not COLA) since November 2017 and PSEs since May 2018.

Craft employees are fighting for a new contract, decent wages and retention of benefits with improved working conditions." said Regional Coordinator Omar Gonzalez

"The difference is we have collective bargaining and the bosses have "consultation" a hell of a difference," he quipped.

**REMINDER— THE  
DEADLINE FOR ADM.  
LEAVE IS SEPT. 30TH**

**President Bush Day of  
Mourning Observance Administrative Leave must be  
granted and taken by September 30, 2019. Use it or  
lose it! Please see your steward if there are issues !**





## LEAVE MY LEAVE ALONE BY OMAR M GONZALEZ , REGIONAL COORDINATOR

Management doesn't give you leave—You earn it. Sick leave protects you against a loss of pay if you are unable to work because of illness, injury, pregnancy or confinement. Also, you don't always have to be sick to use sick leave because under the rules (ELM 513.11) you can also use sick leave for medical examinations and treatments including optical and dental.

Are you required to be regular in attendance? Of course— we all are. But under our contract management does not have the right to set a specific number of absences by which they determine whether to discipline you . In fact, postal regulations do not define “regular attendance.” What the rules do say is- **“The General Administration Policy is to administer the leave program on an equitable basis for ALL employees, considering (a) the needs of the Postal Service (b) the welfare of the individual employee.”** Management tends to skip (b) and violate ELM 511.1 and therefore also violate Article 10 of our contract.

### DON'T LET THEM ABUSE YOUR LEAVE

The current crack down on leave usage has some wayward supervisors imposing harsh tactics to keep employees from using their earned leave. Yes, you should protect your leave balance to ensure pay when you are incapacitated for duty. However, if you are sick your illness should not be compounded by harassment from a boss trying to keep attendance at a certain per-centage and denying you your rights. Let me give you some highlights to help you fight back when they try to deny you leave or harass you for using your leave:

- **Approval v. Disapproval** of leave is to be done on a case-by-case basis. If the leave request is disapproved the supervisor **MUST** state a reason on the PS 3971. “Scheduled and Needed” may not constitute a legitimate reason. Everyone is scheduled and needed. Management has to also consider the welfare of the individual employee on an equitable basis.
  - **AWOL** is serious. It means the supervisor has determined that no kind of leave is granted. AWOL is a management decision. The Supervisor **MUST** state a reason for marking an absence as AWOL. All AWOL's should be challenged especially if based on unreasonable, arbitrary, capricious reasons. Disapproving a leave request and giving the reason as AWOL violates ELM 512.342;442
  - **Deems Desirable** is a demand for medical documentation or other acceptable evidence of incapacitation to protect the interests of the service. For absences of *more* than three (3) days employees are required to provide medical documentation or other acceptable evidence. **For absences of 3 days or less** such a demand must have legitimate business reason. It cannot be arbitrary, capricious or unreasonable. If the eRMS call in system automatically marks the 3971 as “Deems Desirable” and the absence period, the record, or you are not on the Restricted Sick Leave List this must be challenged and grieved.
  - **Multiple Days-One Absence** are often separated by managers to make the attendance record look worse than it truly is. In most instances when an employee calls in requesting Sick Leave and is incapacitated for a duration which consists of consecutive days, it should be charged as one (1) absence. The rules do not require daily calls by employees but do require an employee notify management “as soon as possible” of their illness and expected duration of the absence.
  - **Bad Record** used by management as a reason to deny leave is not legitimate. Each absence must be acted upon on a case-by-case basis. The Contract Interpretation Manual declares (Art 16.page2) there is no precise definition of a bad record. Reasonable judgement must be used. “No minimum sick leave balance is established below which the employee's sick leave record is automatically considered unsatisfactory.” (ELM 513.391c).
  - **Scheduled v Unscheduled** is a management determination. There is no definition of what is a “scheduled” absence however ELM 511.41 defines an “unscheduled” absence as “any absence from work that is not requested and approved in advance.” Of course the exception to the advance approval requirement is made for emergencies and unexpected illness or injuries. But notice and the expected duration of absence must be given to management. The key is to give as much notice as possible to give sufficient time to allow the supervisor to provide coverage. If eRMS call in system automatically marks the PS 3971 as unscheduled that should be challenged. Also, if an employee calls in for SL well in advance for a duration of two or more absences the first day “may” (depending on the circumstances) be unscheduled but the rest of the days can be argued to be “scheduled” absences because sufficient notice was given to management.
  - **3 Absences in 90 days rule** triggering discipline violates the contract . The Joint Contract Interpretation Manual is clear— “Any rule setting a fixed amount or percentage of sick leave usage which an employee will be...automatically disciplined is inconsistent with the National Agreement and applicable handbooks...” [JCIM 10 page 3].
- So please, use your SL as intended but do not let management abuse you when you do. FIGHT BACK !!! You earned leave make management respect that!**



**MACHINE STAFFING** continues to raise concerns throughout the country. "The issue is not just about money for the failure to have two employees on each machine," states Coordinator Omar Gonzalez. "The true issues are safety and staffing (i.e., more jobs)." There are OSHA technical reports that indicate proper staffing helps reduce risks evolving from feeder and sweeper tasks. So Article 3, 14 and 19 are factors in that ELM 8 covers ergonomics involving safety. The other issues is staffing. The exceptions to staffing normally two mail processors are in the JCIM. Unfortunately the August 2016 so called "settlement" did not materialize in establishing a task force to address specific safety/staffing issues. "Members must continue to challenge "lone operator" issues and not just settle for money but also posting of assignments and the ergonomic issues. There are available guides on these issues from the Region.

**MAINTAINING GOOD EMPLOYEE RELATIONS** is part of the USPS Safety Philosophy (EL 801; ELM 811.24b) The Postal Service guiding principles are that postal workers must be provided a safe and healthful workplace. (ELM 811.23). Postal regulations are clear harassment in the workplace is bad for employees and can result in serious emotional and psychological harm. **Report Abusive Supervisors And Inappropriate Behavior on PS 1767** and follow up with your steward. Resources are available from the Region.

**\$238,457** was the total amount robbed by a former postal supervisor from MVS Drivers in Los Angeles according to a report by Brian Sheehan. The crook pleaded guilty. As a result of repeated robberies at gun point the Union and management agreed to hire armored truck services. But the sentiments over the ill placed suspicions on the drivers are not easily forgotten or forgive for that matter.

**Monday Sept. 2nd is Labor Day, Lest We Forget Its Not Just BBQ!**

May God Bless  
The USA

and bring PEACE  
throughout the World!

Happy Labor Day My Friends

**It Is The Work That You Do. The Effort And Sacrifices You Make, That Brings A Difference To Our Workplace And Our World. We Are Blessed With A Job That Provides For Our Livelihood And That Of Our Families. May God Give Hope And Grace To Those Less Fortunate Than Us.**

**So On This Labor Day, On Behalf of The Western Region, I Thank You For All You Do And Wish You A Blessed Holiday. Omar M. Gonzalez, Coordinator**

**LABOR DAY**  
3¢  
U.S. POSTAGE

THIS LONG HOLIDAY WEEKEND HAS BEEN BROUGHT TO YOU BY THE BLOOD, SWEAT, AND TEARS OF THE LABOR MOVEMENT

**LET US REALIZE  
★ THAT THE ★  
PRIVILEGE TO WORK  
IS A GIFT,  
★ THAT THE ★  
POWER TO WORK  
IS A BLESSING,  
★ THAT ★  
LOVE OF WORK  
IS SUCCESS.**  
—DAVID O. MCKAY

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