

Postal Worker West

ISSUED BY
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REGIONAL COORDINATOR

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STILL MISSING IN ACTION– Western Area Vice-President ????

DENVER– Unlike his counterpart in the Pacific Area, the Western Area’s top postal official has yet to be on any telecom with union leadership or postal workers who are deemed essential but apparently not enough to be encouraged or thanked by the Postal Vice-President .

The Western Area was the first in the country to report a ‘positive’ COVID-19 case, and thus far, has been the least transparent, least communicative, and the least cooperative. “But what is new?,” quipped Regional Coordinator Omar Gonzalez. “We are in a constant fight with the Area HR Manager and seldom ever hear from the Area VP.” You would think these postal ‘leaders’ would be in the forefront openly communicating with postal workers demonstrating actual and real concern for the safety and health of their “essential employees.”

Poor Demonstration of Commitment

When questioned as to what requires the Vice-President to demonstrate such commitment to postal workers the Union’s Regional Coordinator responded...“You have to look no further than Section 4-3 of the USPS Executive & Manager’s Compliance Guide, the EL 802,” said Gonzalez. “But, we won’t let their lack of transparent commitment stop us from enforcing the contract and fighting to protect the employees we represent.”

“In the April 2nd issue of the VP’s “*Western Word*” he referenced essential services, his gratefulness and tied it into strength, courage and pride applied silently to the postal logo, but, his silence in directly addressing employee issues at work facing the deadly virus , speaks volumes about the commitment of top western area brass.” expounded Gonzalez.

Lack of Information Creates Concern

Western Area Labor Relations issues very limited amount of information when an employee is found to be positive. They refused to give the work site nor the last day the unfortunate employee was at work. The lack of information causes apprehension for fellow co-workers and undermines the Union’s ability to monitor the effectiveness of compliance with safety protocol. Issues have and will be elevated to HQ.



**IT IS ILLEGAL TO
RETALIATE AGAINST
WORKERS FOR
REPORTING UNSAFE
AND UNHEALTHFUL
WORKING
CONDITIONS DURING
THE PANDEMIC.**

If this occurs ‘after’ you
report an unsafe condition
to management call OSHA

1-800-321-6742

Postal Employees use the
PS1767 Form to report
unsafe conditions which
your manager is required to
respond to and correct
the condition under the
Employee & Labor Relations
Manual Section 824.61

STAY SAFE– PRACTICE DISTANCING

USE THE FORM PLEASE !



HAZARD PAY



Do postal workers deserve hazard pay? During this critical health hazard, postal workers have been deemed essential and help add a sense of normalcy and hope to communities. Social media groups, rank-and-file workers and Union representatives are calling for hazard pay during the current pandemic.

HAZARD PAY DEFINED??

What is hazard pay? The US Department of Labor (DOL) describes 'hazard pay' as additional pay for performing hazardous duty or work involving physical hardships. Other government agencies, such as the Office of Personnel Management (OPM), have references to, and stipulations for, hazard pay.

“There can be no doubt that serving the nation by providing postal services to the public during the current emergency is hazardous. And in no way is the demand for extra pay being greedy,” said Regional Coordinator Omar Gonzalez. News reports reveal that some companies are providing what is being called “coronavirus hazard pay” but not all companies are doing so. Petitions and protestations are calling for postal unions to mobilize members and demand from the Postal Service, and Congress, hazard pay and administrative leave.

MOBILIZING FOR PAY AND MORE

The Postal Unions have been mobilizing and recently issued a joint letter to the Speaker of the House. Hazard pay at this point and time is beyond negotiation, but not forgone. **It will take legislative action.** The Union is pushing for legislation that covers postal workers facing heightened exposure to risks associated with the virus. Postal workers must be ensured equal treatment in any legislation that authorizes and funds hazard pay for other front line workers.

Some non-postal government workers have filed law suits over exposure to the virus and their expectation of being paid hazard pay. Varied reports indicate that some law makers are calling for, as much as, \$13 an hour extra for essential workers. But postal unions are also fighting to ensure postal job security is protected and USPS viability and solvency is ensured.

A BALANCING ACT FOR SURVIVAL

The recent Stimulus Bill passed into law allowed USPS to ‘borrow’ money from the Federal Finance Bank. However, that law grants the Federal Bank the ability to force management to change postal operations which could include the privatization of certain postal services. The Treasury Department led White House Commission has called for cuts in mail processing, delivery and expansion of private sector ‘partnerships’ [e.g. privatization] which lends credibility to union concerns that some will use the health crisis to undermine the peoples’ Postal Service with restrictive borrowing or denial of assistance like the kind being offered to industries such as airlines (a reported \$29 billion).

USPS advised the House Oversight and Reform Committee it could run out of cash by the end of September. What some media outlets have called -financial illiquidity]. The Board of Governors has asked for a \$25 Billion grant for postal modernization, \$25 Billion of unrestricted borrowing plus more to have on hand in case it is needed.

Will postal workers receive ‘hazard pay’? Will USPS get the much needed funding and unrestricted borrowing authority? That depends on your prompt action to **TELL CONGRESS: DURING THIS PANDEMIC TO SUPPORT OUR POSTAL SERVICE AND PROPER FUNDING!**



DON'T MISPERCEIVE YOUR LEAVE

It is not unusual for supervisors to make rash or uninformed leave decisions. With the new Families First Coronavirus Response Act leave types misperceptions may escalate. Here is the USPS training on the FFCRA guidance: [comments in brackets]

USPS Guidance

Effective April 1, 2020, the FFCRA provides employees with two additional types of leave.

- Employees with a qualifying circumstance as defined by the FFCRA will be eligible for up to 80* hours of Emergency Paid Sick Leave.
- Employees who have a child whose school or place is closed will be eligible for leave under FMLA, a portion of which is paid leave.

These provisions will apply from April 1, 2020 to Dec.31,2020

This new leave is in ADDITION to leave employees are entitled to under the ELM [Handbook] and any applicable Memorandums of Understanding MOUs [signed with the Unions]

Failure to provide employees with Emergency Sick Leave or FMLA Leave for this additional qualifying reason is considered an FLSA [Fair Labor Standards Act] violation, and thus can result in significant liability for the Postal Service

Qualifying Reasons

1 Subject to a Federal, State or local quarantine or isolated order.

2.Has been advised by a health care provider to self-quarantine related to COVID-19

3.Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

4.is caring for an individual subject to an order described in 1 or self-quarantine as described in 2

5. Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons

[*PT employees receive hours equal to number scheduled during the 2 week period they take leave. Check the regs.!]]

Additional Documentation

1..given the essential nature of its mission, it is unlikely that Postal Service employees will be subject to such an order. <>

2. Name of the health care provider who advised the employee to self-quarantine <>

3.[seeking diagnosis] <>

4. Name of the government entity that issued the quarantine or isolation order; or the name of the health care provider who advised the individual being cared for to self quarantine <>

5.Name of Son or daughter being cared for, name of the school, place of care, or child care provider that has closed or become unavailable; and a representation no other suitable person will be caring for Son/Daughter during period taking Paid SL or Expanded FMLA.

UNION FFCRA GUIDANCE

Union represented employees, both career and non-career, are entitled to the leave provisions enacted by the FFCRA.

Two new types are now extended to postal employees.

- Up to 80 hours of *Emergency Paid Sick Leave* for specific qualifying reasons.
- *Public Health Emergency Leave*, which amends the FMLA, allowing employees to take up to 12 weeks of leave related to the closure of a minor child's school or place of care due to COVID-19.

The law went into effect April 1, 2020 and covers absences from that day forward. If you were out of work prior to April 1st, you cannot retroactively claim benefits under the new law. However, you can claim benefits for any qualifying absences from April 1 through December 31, 2020.

No matter the length of service or status as a career or non-career employee you are eligible for the *Emergency Paid Sick Leave*. If you meet one of these qualifying reasons:

You will be paid up to 80 hours at your regular rate of pay up to a maximum of \$551 per day (APWU represented employees do not go over this limit) if:

1. You are subject to a Federal, State or local quarantine or isolated order related to COVID-19. (state and local "shelter in place" or "stay at home" orders are not considered "quarantines")
2. You have been advised by a health care provider to self-quarantine related to COVID-19.
3. You are experiencing COVID-19 symptoms and are seeking a medical diagnosis.

The following reasons will allow you to receive **2/3 of your regular rate of pay, up to \$200 per day, for the following qualifying reasons:**

- 4.You are caring for an individual subject to an order described in numbers 1 and 2 above.
5. You are caring for your child under the age of 18 whose school or place of care is closed (or child care provider is unavailable) due to the COVID-19 related reasons.
6. You are experiencing any other substantially– similar condition specified by the US Department of Health and Human Services.

The Union MOUs Are Still In Effect

UNION Guidance

The Union expects the Postal Service to be constantly updating the processes that will need to be put into place to implement this leave. The Union continues to have regular discussions with the Postal Service on these new provisions and when the Union receives updated additional developments the Union will provide them.

FMLA is expanded if the employee meets qualifying condition five (5): [You are caring for your child under the age of 18 whose school or place of care is closed (or child care provider is unavailable due to COVID-19 related reasons.) The following regulations apply:

- An employee only needs 30 days of employment to qualify for expanded benefits.
- The usual 12-weeks of FMLA is not expanded
- The first two weeks are not paid; but you can use LWOP, sick or annual leave you have accrued to cover the two-week period. You may also use the 80 hours of Emergency Paid Sick Leave to cover the first two weeks; but if used here, it would not be able to be used for any other qualifying reason or combination of reasons.
- The remaining 10-weeks of FMLA for the indicated qualifying reason is paid leave-without charge to any contractual paid leave available to the employee; **but is paid at 2/3 the regular rate of pay with a cap of \$200 per day and \$12,000 for the ten weeks.**
- All of the regular FMLA rules and benefits remain unchanged when FMLA is taken for any reason other than qualifying reason # five above.

Employees who qualify and use these types of leave may not be removed, disciplined or discriminated against for lawfully exercising their rights to the emergency paid sick leave or the expanded family medical leave act.

The Union reached agreement with the USPS that using this type of leave cannot be considered when a new employee is to be separated during their 90-day probation (career employee) or first 120-calendar days of work or 90 days worked by PSEs. Anyone who believes this has happened should contact their local union stewards or officers.

FOR OFFICIAL UNION NEWS, MOUs, GUIDANCE ON VIRUS RELATED ISSUES GO TO apwu.org



USPS Guidance

If an employee meets one of the qualifying reasons, supervisors and managers are to grant the leave by accepting the completed PS 3971 and entering the time into TACS....

Same return-to-work clearance applies if an employee is out due to illness. Prior to returning to work a Postal Service physician or nurse will review the employee situation and make a final determination on the return-to-work request.

EMERGENCY FMLA EXPANSION

Qualifying Reasons

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to tele-work, because the employee:

- Is caring for his/her child whose school or place of care is closed (or child care provider is unavailable) due to the COVID-19 related reasons.

Note that this qualifying reason is the same as qualifying reason 5 of the Emergency Sick Leave.

Leave Eligibility

- All employees that have been employed for 30 days or longer are eligible for this benefit.
- The **first two weeks (usually 10 full days)** of the 12 week FMLA coverage will be **unpaid.** To receive paid leave, an employee can choose to use their own earned leave or may use the Emergency Sick Leave.
- The remaining 10 weeks of FMLA leave for this qualifying reason will be paid leave. This leave is required to be paid out at not less than 2/3 of employee's pay, but capped at \$200 a day and \$10,000 in the aggregate.



Bottom Line

IF YOU ARE SICK STAY AT HOME.

LEAVE DISPUTES FFCRA was enacted quickly and elements of the law fall under the jurisdiction of the US Department of Labor. Compounded by the fact that the Union is constantly fighting with management over violations of the Sick Leave program that have been incorporated into the contract and postal regulations for more than 41 years, means **there are bound to be disputes, differences, disagreements or complaints** over the USPS implementation of the FFCRA. In other words- grievances!

Which is why it is important that you understand the law, postal implementation procedures and union guidance. PLEASE READ ALL THE INFORMATION AVAILABLE. Just as important is how you **FILL OUT & SUBMIT your PS 3971.**

FOR: (1) You're being subject to a Federal, State, or local quarantine or isolated order related to COVID-19. (2) You have been advised by a health care provider to SELF-quarantine related to COVID-19. (3) You are experiencing COVID-19 symptoms and are seeking a medical diagnosis ON THE 3971 CHECK "OTHER" WRITE "077-19" ON THE TYPE BOX AND WRITE IN THE REMARKS COLUMN 'Emergency Sick Leave-Self'. Make sure you make a copy of the 3971. Make sure you are able to verify that you submitted the PS 3971. When you sign the 3971 make sure to date it and are able to verify submission.

FOR: (4) You are caring for an individual subject to an order described in (1) or self-quarantined as described in (2) above. (5) You are caring for your child whose school or place is closed (or child care provider is unavailable) due to COVID-19 related reasons. (6) You are experiencing any other substantially-similar condition specified by the US Dept. of Health and Human Services ON THE 3971 CHECK "OTHER" ON THE TYPE BOX WRITE "081-19" AND WRITE IN THE REMARKS COLUMN "Emergency Sick Leave-Other". Make sure to make a copy of the 3971. Make sure you are able to verify you submitted the PS 3971. When you sign the 3971 make sure to date it.

Currently if you call the 877 number the system will tell you that for FFCRA to contact your supervisor. The APP that can be used to track you likewise may tell you to contact your supervisor. **You may use email to communicate with your supervisor. If you text you should be careful what you say and what you record. If you do talk to a supervisor contact him/her again via email on your understanding of the conversation so you have a record of it all.**

CHECK LiteBlue to see if your leave is being input and you are being paid. Do not rely on your Supervisor. Make sure you request a copy of the "approved" PS 3971. Management is notorious for not issuing employees copies of their 3971 as required by postal regulations.



When to contact your Union

Many Stewards are going through what you are, and because of the quickness of the implementation of the regulations and evolving interpretations, stewards may not have instant responses to many of the varied caps, restrictions and government policy decisions being made and updated. Please be understanding if they have to check into issues and get back to you or refer you to a local union official, the Regional Union or to the National Union Headquarters.

IF: your leave is being denied, you are asked to resign, you're harassed for requesting leave; you are made to improperly document your absence, you are not being paid, your requests for information are being ignored by your supervisor, your 3971 has not been acted upon or a copy was not returned to you, or your supervisor refuses to accept your PS 3971 CONTACT YOUR STEWARD.

IF: you were misinformed about the new leave types, are being disciplined for using COVID-19 related leave between 2/29 thru 5/17/20 [or for ESL thru 12-31-20]; or your leave is being marked as "unscheduled" CONTACT YOUR STEWARD.



Stewards need to practice social distancing as much as possible

IF YOU DO NOT HAVE A SHOP STEWARD OR DON'T KNOW WHO YOUR SHOP STEWARD IS- CONTACT THE LOCAL, REGIONAL OR NATIONAL UNION !!!

BOTTOM LINE if you are sick stay at home and then fight the leave issues!

Pandemic Postal Points

- > Masks and gloves do not need to be signed for and are not limited to one mask or pair per tour of duty.
- > Custodians don't perform other crafts' vehicle cleaning
- > If an employee at work is visibly sick the supervisor is obligated to send that employee home & to seek medical attention. That should be Adm. Leave. If supervisor does not send the employee home file a PS 1767.
- >6' social distancing should be practiced at work when ever possible. Mgt. would have to show it is not feasible
- >Supervisors prohibited from making medical decisions
- > Safety Talks are required weekly. Mandatory Safety Talks are to be given to all crafts not just posted.
- >Supervisors can not force an employee to use a particular leave type for the qualifying reasons.
- >To use Expanded FMLA leave you only have to be employed for 30 days. [You can't simultaneously use both Emergency Sick Leave and paid FMLA Public Health Emergency Leave]
- >USPS is handling Expanded FMLA requests for new qualifying reason locally at this time.
- >Emergency Sick Leave and Expanded FMLA Paid Leave are extra leave types beyond your regular sick and annual leave and any MOUs negotiated by the Union.

ANY VIOLATIONS OF THE ABOVE OR ANY OTHER ISSUES SHOULD BE REPORTED TO THE UNION AND ELEVATED TO THE REGIONAL UNION IF NOT ABATED

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Insist on Sneeze Barriers At The Post Office

USPS is working on providing sneeze barriers at all retail post offices. While plexiglass barriers are ideal the use of shower curtains or heavy plastic can be used. However, some have raised concern that the curtains or plastic strips can not be easily cleaned and disinfected. An instruction from USPS was issued to the field on how to safely hang them but not how they are cleaned. Take precautions!



Courtesy of GSAL Pres. M. Umali

Members at the Seattle Burien Post Office practice social distancing & proper PPE behind the barriers , and patrons do the same in the lobby.

**TELL CONGRESS TO
SUPPORT USPS
IN THE NEXT
STIMULUS BILL!
SAVE THE PEOPLES'
POSTAL SERVICE
AND YOUR LIVELYHOOD!**

Go to apwu.org for contact info

