

Postal Worker West

ISSUED BY
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REGIONAL COORDINATOR

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Failures In Advance Notice Process and Required Meeting Criteria Sparks Action

REGION INITIATES AREA LEVEL APPEAL

PACIFIC AREA- The mad rush by Area to jump when the PMG says jump sparked a challenge from the Regional Coordinator.

Impacted employees can only be involuntarily reassigned throughout the Area once each 90 days, so Pacific Area bosses issued multiple Impact Statements and Withholding notices in a matter of three days insisting on meeting one day later with the Region.

CBA principles of seniority and reassignment require advance notice to the union, as much as six months if possible, but the Pacific Area was giving one-two days notice. The Regional Coordinator challenged the inadequate notice. Yet, the Area persisted and unilaterally proclaimed it had met the advance notice criteria despite the fact Area bosses unilaterally decided not to issue the studies/reports supporting the decision to reassign employees outside the installation.

APPEAL FILED

The Area's declaration their two day notice met their obligation to meet 90 days prior to excessing coupled with the failure of the AVP to respond led to the initiation of an Area Wide Step 3 Grievance over the change in policy and guidelines.

However, because the Area is likely to dispute the utilization of Art.15.Section 2 Step 3(f) the Regional Coordinator issued a call to action to impacted locals requesting they initiate individual grievances and proffered templates for the utilization of local appeals.

WESTERN AREA DIFFERS

The Western Area on the other hand appears to be giving more than six months notice in some cases but is failing to adhere to the criteria required when meeting. The Western Area believes a one time Area/Regional call with little



The Regional Coordinator issued a CALL TO ACTION to impacted locals

or no real information or residuals lists suffices. "It does not", declared Coordinator Gonzalez.

"It appears the Area is reacting to the PMG's accelerated AMPs. But if it continues on a area wide basis a similar challenge will be made with Denver," he said.

The San Francisco NBAs have pledged to place the appeal on top of docket when the grievance reaches the JASS arbitration level. Coordinator Gonzalez thanked them for their cooperation.

Upstream Without A Paddle

transportation and mail processing "**upstream postal activities**" including retail services.

The proposal referred to as "Thought-Leader Concept" retains downstream operations of collections and delivery- the so called "last mile."

The report claimed that USPS already did \$13-\$17 billion or so annual contracting out of services so pushing the Thought-Leader

Concept has some sort of credence. The panel of "Fellows" concluded, although they could not endorse it the concept merits serious consideration. The fellows suggested more study.

The report is based on a January 2013 "white paper" entitled *Restructuring the US Postal Service* authored by so called "thought leaders" two of which

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Union's Leaders Meet In Executive Session

New Orleans LA- The entire National Executive Council, with exception of MVS, is meeting in session to discuss issues the Administration deems critical for the union.

The NEC, made up of all elected national officers both at HQ and in the field, is discussing topics ranging from the eminent retirement of some craft officers to the effectiveness of the "new" Arbitration process.

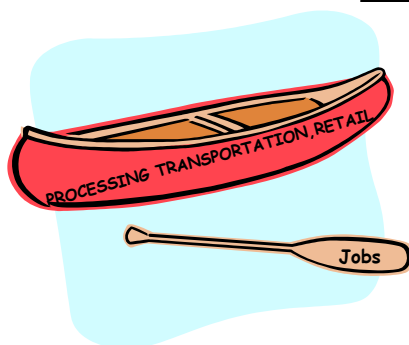
The three day assembly will likely put into practice the new provisions of the union's constitution on filling or not filling vacated officer positions in light of the exodus of 20,000 or so members in late January.

How's Dat JASS Working Out For Ya?

The pilot which is actually policy called Joint Arbitration Scheduling System (JASS) is the only way grievances are now scheduled for arbitration in the regions.

While the system has been criticized in some pockets of the Union in others it is acclaimed. Several flaws lie in the fact settlements are often not input into management's and union's tracking systems. In some areas the parties don't respond to each other timely. Sometimes the system itself stops the process.

Adjustments are suppose to improve JASS which grants full control of the scheduling of cases to NBAs. When quizzed on JASS Regional Coordinator Omar Gonzalez responded "from time I receive calls from members irate over inordinate delays of appeals but, no locals have raised any actual concerns to my level".



A recent report issued by "Fellows" from a congressional charted "think tank" expressed views on the **privatization** of all

Carrier Assistants Can't Take PSE Work Away

The assignment by wayward Postmasters of City Carrier Assistants (CCAs) to perform clerical duties violates the APWU's contract.

In the Western Region the issue was first raised in Las Vegas when a CS Manager responded to the Local's challenge on the use of CCAs performing clerical duties resulting in the elimination of Postal Support Employees (PSEs) at the station.

"...I received your grievance today. I have attached a copy of the CCA's job description. It clearly states they can perform clerical duties," wrote the Spring Valley Manager.

The Local VP contacted the Regional Coordinator for advise. In turn Coordinator Omar Gonzalez sent an inquiry to HQ on the issue. The preliminary response revealed the issue was first raised in the Eastern Region but the HQ position, that such deployment of CCAs to perform clerical duties and be required to pass

examination on scheme of city primary distribution would violate the PSE MOU was not fully promulgated.

Eventually HQ fully responded and informed that:

"The language referenced in the non-career CCA position is the same language that is in the career letter carrier position now and has been there for many years. Letter carriers may perform tertiary (emphasis added) distribution only. Boxing mail is clearly clerk work as well as the other duties described..[spreading flats, DPS, and all other clerk duties]."

In addition, the PSE MOU clearly states on page 279 that PSEs are the ONLY non-career employees who may work within our bargaining unit."

The clarification made it clear the locals would have to police these violations of Art. 7.2 and PSE MOUs as opposed to a Nat'l level appeal.



DO NOT LET CCAs STEAL CLERK WORK

Manager's cite item 13 of the new CCA duties and responsibilities description:

13. May as a CCA, perform clerical duties and be required to pass examinations on scheme of city primary distribution." to give them clerk work.

Local's are advised to police issues of manager's reducing clerk hours by using CCAs on clerical duties and initiate Article 7.2 grievances for eventual appear to regional arbitration.

NOTE: the term "tertiary" was not explained in the HQ communiqué. The dictionary defines it as "of third rank, importance or value."

MVS "Win" Translates Into More Intense Work and Effort

There can be no doubt the recent March 4, 2013 Arbitration Award issued by Impartial Arbitrator Stephen Goldberg was a MAJOR win for the Union's membership. But, the fact is it was not total victory over management's quest to contract out craft work.

Goldberg's award **"...the postal service can no longer justify contracting out work that would be less expensive to keep in house on the ground that it has given due consideration to cost as well as the other Article 31.1 or 32.2 factors. To be sure each of those factors must be considered, but if factors other than cost do not rule out keeping work in house, and the cost of keeping work in house would be less than contracting out, both the text and the bargaining history of the Contracting MOU require that the work be kept in house."** is a powerful ruling but still requires all other Article 32.1 and 32.2 factors to be considered.

After six days of intense hearings

the arbitrator ruled:

1. Article 32.1.B applies to the proposed California mode conversion. Accordingly, the Postal Service must comply with Article 32.1.B **BEFORE** making a final decision on whether or not California PVS work will be contracted out.
2. Article 32.2 does apply to the California mode conversion.
3. The Memorandum of Understanding regarding Contracting or In sourcing of Contracted Services applies to all contracting out of highway transportation work, including that controlled by Article 32.2.
4. The "fair comparison of all reasonable costs" called for by the MOU Regarding Contracting or In sourcing of Contracted Services is to be made at the times called by Article 32. in an Article 32.1.B proceeding at the time the Comparative Analysis report is being developed; in an Article 32.2 proceeding within 45 days of the Postal Service furnishing the Union with the information called for by Article 32.2.C.

Evidence showed that in 2011, USPS had 17,000 contracts, of which 7,500 were Highway Contract Routes (HCR). Mode conversions (when the entire PVS operation is outsourced) is not new but stopped in 2009 as a result of a

maligned "Work Rules Pilot MOU' Most members do not know the history of Article 32 and its evolution in our CBAs. Also most members have no idea what is actually involved when the union challenges contracting out.

More Hard Work Ahead

"Look, I applaud all the efforts of so many in securing this MVS win," says Regional Coordinator Omar Gonzalez. "But the arbitrator ruled that USPS must comply with Article 32.1.B **"prior"** to making a final decision on whether or not CAL PVS work will be contracted out. This requires "intensive and time-consuming analysis in developing Comparative Analysis reports." Also five factors must be given due consideration—public interest, cost, efficiency, availability of equipment and qualification of employees.

"Also critical to all this is what costs are to be compared—estimated or actual? So the Union has a considerable burden in showing it is less expensive to keep MVS work in house then contracting out. This is made difficult when we have to rely on USPS generated incomplete data," said Gonzalez.

"The fact is the war to ensure job security truly begins," Omar said. This fact has led to the extra ordinary meeting of the MVS leadership in Kentucky to decipher, correlate and analyze critical data necessary to protect the other 60+ targeted PVS Sites and California.



President Obama is expected to sign legislation approved by the House of Representatives and the Senate that will protect full 6 day mail delivery at least through September 30th. The PMG has claimed eliminating Saturday mail delivery would save \$2 billion a year. *NOTE:* The January issue of PWW had a typo the saving were projected to be \$23 billion. The actual supposed saving claimed by the PMG is \$2 billion.

Congressman Darrell Issa supports the elimination of 6 day mail delivery and claims that the spending measure called *Continuing Resolution* still permits the PMG to alter what products will be delivered on Saturdays.

The US Government Accountability Office meanwhile issued a 5 page legal opinion responding to ranking Member Congressman Gerald Connolly basically declaring that the absent specific legislative language, a continuing resolution maintains the status quo But the GAO was quick to state that in this



What's Up On The Hill ?

opinion ,GAO considered only whether USPS continues to be bound by the provision in the 2012 Appropriations Act and not whether the planned service changes USPS announced would comport with the provision.

APWU supports new legislation (HR 630 and S.316) that will restore financial health to USPS. The proposed laws have gained support of 12 US Senators and 71 Congressional Representatives. But much more support is critically needed if the laws are to be enacted and foes of quality postal service like Issa are to be defeated.

GET THE FACTS ON HR 630/S.316

go to apwu.org > Short Cuts > Contact your legislator link.

YOUR ACTION IS NEEDED TODAY it takes a few minutes on your smart phone, lap top, tablet, pc to contact your Congressional

Representative

Click > Current Legislation link

Click > Find Elected Leaders link

Click > Write your legislator link. The link allows you to send an email or print a letter for you to mail. **OR**

CALL 202-224-3121 and talk to them

Maintenance Excessing Case Impacts All Crafts

WASHINGTON DC– Management's quest to involuntarily reassign (excess) employees into positions for which they do not meet the minimum qualifications finally leads to a National Level Appeal.

Central to the disputed issues is the requirement of employees to establish they meet the minimum qualifications prior to actual reassignment. Also, in certain situations, as in the maintenance craft (Level 5 and above) in order to "withhold" assignments impacted employees identified for involuntary reassignment had to meet the minimum qualifications.

In the current dispute the bosses take the position they have "changed when" the

determination is made on employees meeting the minimum qualification.

"This is one of those critical Article 12 issues that needs to be addressed and enforced, especially with all the forced migrations involved in the PMG's Network Rationalization," said Regional Coordinator Omar Gonzalez.

The Union's appeal makes it clear that the application of the various contract provisions is that the employees must meet the minimum qualifications **first**.

USPS HQ claims the union has failed to demonstrate any violations have actually occurred. "Give me a break,"

quipped Omar.

Interestingly, USPS is using the recent MOU on Reassignment of Injured employees to claim that the sole criteria for determining the involuntary reassignment of employees, is pay level and seniority. They also claim there are no CBA provisions that support the Union's position in the dispute. "We shall see," retorted Coordinator Gonzalez.

"This is one of those critical Article 12 issues that needs to be addressed."

Without Paddle continued from pg 1

are the former legislative and political director of the NALC and a former DPMG. The paper advocates last mile postal reform to make USPS a so called "feet on the street" entity.

The new postal model would " remain a substantial organization with more than 200,000 letter carriers..." claims the paper. All other postal work and services would be contracted out to private companies.

The result "would eliminate the jobs of hundreds of thousands of clerks, maintenance

and motor vehicle employees," said Regional Coordinator Gonzalez.

The report has been criticized by most postal labor leaders who point out much of the funding was provided by *Pitney Bowles* a private company involved to a great degree in the mailing industry and who stands to gain big money in a privatized postal service.

"Most postal workers are not aware of the big picture involved in work floor disruptions, excessing and abolishments. But the mailing industry is big time money, \$1 trillion plus. And the drive to privatize has been going on for

years," said Regional Coordinator Gonzalez.

Gonzalez points out that the AMPs, excessing and forced migrations are all a snap shot of the big picture. "In this 1st quarter USPS actually made a \$100 million profit. It is a \$65 billion dollar quasi-government corporation," said Omar. "USPS is already a corporation but we can't let them privatize our services and take our work. What helps the privatizers is the apathy of our members. Turning a blind eye to the big picture while blaming the Union for the crap bosses do, helps those who would destroy USPS," said Coordinator Gonzalez

Management To Workers....

"TRUST US"

District bosses boast in Area newsletters that they get employees to submit VOEs based on "trust."

Imagine "trusting management" ? Trust them in their supposed effort to "shrink to survive". Trust them when they cut almost 11% of postal worker jobs while increasing USPS HQ staff by almost 8%. (A ratio of 161 top managers to 1 employee). Trust them to excess workers while they do craft work at a higher rate of pay!

TRUST THEM AT YOUR OWN PERIL

WEB SITE MAKEOVER PLANNED

The National Union's web site is slated for total revision sometime this fall.

The last site revision occurred eight or so years ago. Coordinator Omar Gonzalez, in addition to mailing, posts the Western Region's Excessing and Reassignment Impacts Statements and related data on the Regional page of the site. Data goes back to 2004 to current. The new site will likely alter the format and scope of this type of critical information. Currently the Excessing Information can be found at:

<http://www.apwu.org/dept/reg-coor/west/pacificarea/impact-pacificarea.htm>

AND

<http://www.apwu.org/dept/reg-coor/west/westernarea/impact-westernarea.htm>

Coordinator Gonzalez is also currently working on a updated revision to the Regional Excessing Guidebook.



Locals Struggle to Balance Worker Rights

THE PSE IS NOT THE ENEMY

The PMG's forced network rationalization and disruption of job security throughout the USA has exploded varied emotions at post offices.

Too often career employees turn their rage against the very union working to enforce the contract. Lately, the maligned rage has turned towards the Postal Support Employees (PSEs)

Members need to realize PSEs:

- **Do Not hire themselves** and deploy themselves in offices at times beyond the cap.
- **Do Not pay themselves!** They often are cheated proper pay and are under fear of dismissal if they challenge it.
- **Do Not have full range of protections against improper discipline** despite recent attempts to secure more protection.
- **Do Not often get proper five day breaks** which impact their health insurance coverage.
- **Do Not falsify their work records.** Management manipulates records to cheat them out of full time career status. And when they are separated they are often cheated of their terminal pay by being terminated on Thursdays.
- **Do Not enjoy full seniority and employment rights.** Including full health insurance coverage. They have to earn enough to pay for their part of the coverage. Management often does not issue them proper notice or guidance. Separation of not more than 1 yr should not impact their seniority yet management often

cheats them of their seniority.

- **Do Not get automatic conversion to career status.** Despite the fact that PSE status is the only path to actual career employment very few if any are getting hired for a postal career. Even in situations where management has worked PSEs beyond the contractual caps there will be struggles to secure career hires.
- **Do Not get regular Overtime pay.** They get it after working 40 hours. But often fights over OT pits OTDL careers vs PSEs. PSEs do not schedule themselves!
- **Do Not have full work time guarantees!** They are often treated worse than casuals were.
- **Do Not have Excessing Rights.** PSEs are subject to separation when excessing occurs if their work hours equates to a full time assignment(s). But, PSEs do not deploy themselves. They may opt to work residual jobs left vacant but they do not control their utilization by crazed bosses.

Despite all these employment short comings in too many cases PSEs are looked upon with scorn, malice and in some cases even envy by career employees.

PSEs are struggling to survive like most working Americans. Local Unions likewise struggle to represent PSEs and also

*Have A Great Spring!
Happy Easter And All the
Best From The West!*



balance the rights and concerns of career employees who are under attack by the PMG's so called "Network Rationalization" and local management's constant abolishments, reversions and tour alignments.

Postal history reveals there has always been some sort of *supplemental* temporary workers (Subs, Postal Assistants, Seasonal Substitutes, Christmas Assistants, NTE Casuals, Transitionals, etc.)

In 2010 these temporary workers evolved into the Postal Support Employees. The Union negotiated certain contract provisions to extend workplace protections to supplemental workers. Also, the Union balanced current career work protections by imposing limits.

PSEs are our union brothers and sisters. They are part of our postal family. We MUST NOT look at them with scorn. It is management that twists and manipulates PSE deployments.

Future Work Force

"As USPS downsizes and Congress prepares to "reform" the postal service the PSEs are set to be a large part of the current and future postal workforce," said Regional Coordinator Omar Gonzalez.

PSEs are hired with the understanding their employment is temporary, subject to breaks and recall depending on work availability.

Local Unions must monitor the caps, monitor their deployment and ensure that the **real enemy - management** violations of the CBA, are aggressively challenged and appeal fully developed grievances. In 23 short months the Union will be back at the negotiation table where the struggles **will get even worse !!**

To access PSE cap reports go to: [apwu.org](http://www.apwu.org) > Industrial Relations Page > USPS Reports link