

# **POSTAL WORKER WEST**

ISSUED BY:

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REGIONAL COORDINATOR

**APRIL 2021**

**...MAY DAY.....MAY DAY....**

## **Contract Countdown Amidst PMG's Planned Cuts**

**Washington DC**– The National Union has initiated internal steps preparing to negotiate the largest union contract in the country covering hours, wages and working conditions.

The National Executive Board (NEB) appointed members to serve on the Rank-and-File Bargaining Advisory Committee which has veto power over any tentative contract agreed to.

The current contract expires September 20, 2021 with talks expected to begin in two months. The Union's Negotiating Team, field and resident officers have been meeting to discuss economics, staffing, productivity and working condition issues.

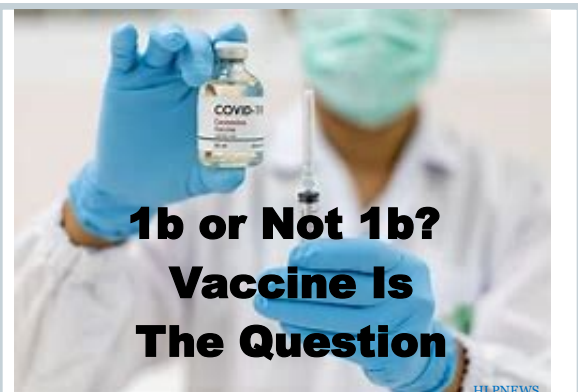
### **Restructuring and Consolidations**

The PMG has restructured USPS again, splitting mail processing and retail and eliminating some Areas and District Offices with hints of Reductions In Force and resumption of the consolidation of plants, closing post offices and forcible migration of employees.

In addition postal operations will be modified with literal and deliberate delays in mail service announced by top postal officials. Major work floor disruptions are expected.

"This isn't the first time a PMG comes in imposing a split in processing and retail management accountabilities. Nor is this the first time bosses impose delays in mail service," said Regional Coordinator Omar Gonzalez. "To consolidate operations, reduce the work force and cut jobs the mail delivery standards have to be changed. Those changes result in delayed mail which already plagues USPS," added Gonzalez.

"We are going to need each and every member to be proactive to ensure mail service to the country is not undermined and our postal employment is not decimated. We expect the restructuring to enter the final phases in May and be completed by summer, followed by forced staffing changes," said Omar. The National Union is mobilizing to face the anticipated consolidations and counter them with member, community and congressional action. (see page 5 and 6)



Postal workers, categorized as "essential workers" more than a year ago were exempted from Stay at Home orders by bosses and worked 24/7. The CDC recommended postal workers be categorized in the 1b vaccine group as frontline workers.

Thousands of postal workers have been stricken and continue to be infected. Postal bosses advised employees not to wait until USPS can secure its rightful place in line for the vaccine. Reports indicate USPS even sought to purchase and administer vaccine to employees. That effort was not successful.

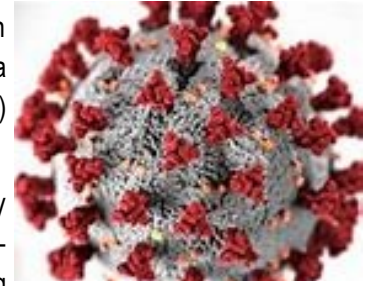
Nationally, vaccine roll out is escalating with states still determining who gets shots and when. Most states have begun administering shots for those of 16+ years of age.

Now the struggle is with bosses who are trying to limit leave usage to employees seeking vaccinations. The Emergency Federal Employee Leave provided by Biden's American Rescue Plan has been undermined by wayward bosses. (see page 3)

# USPS COVID PROTOCOLS



Postal management has been 'dealing' with COVID issues for over a year and still manages (pun intended) to screw things up.

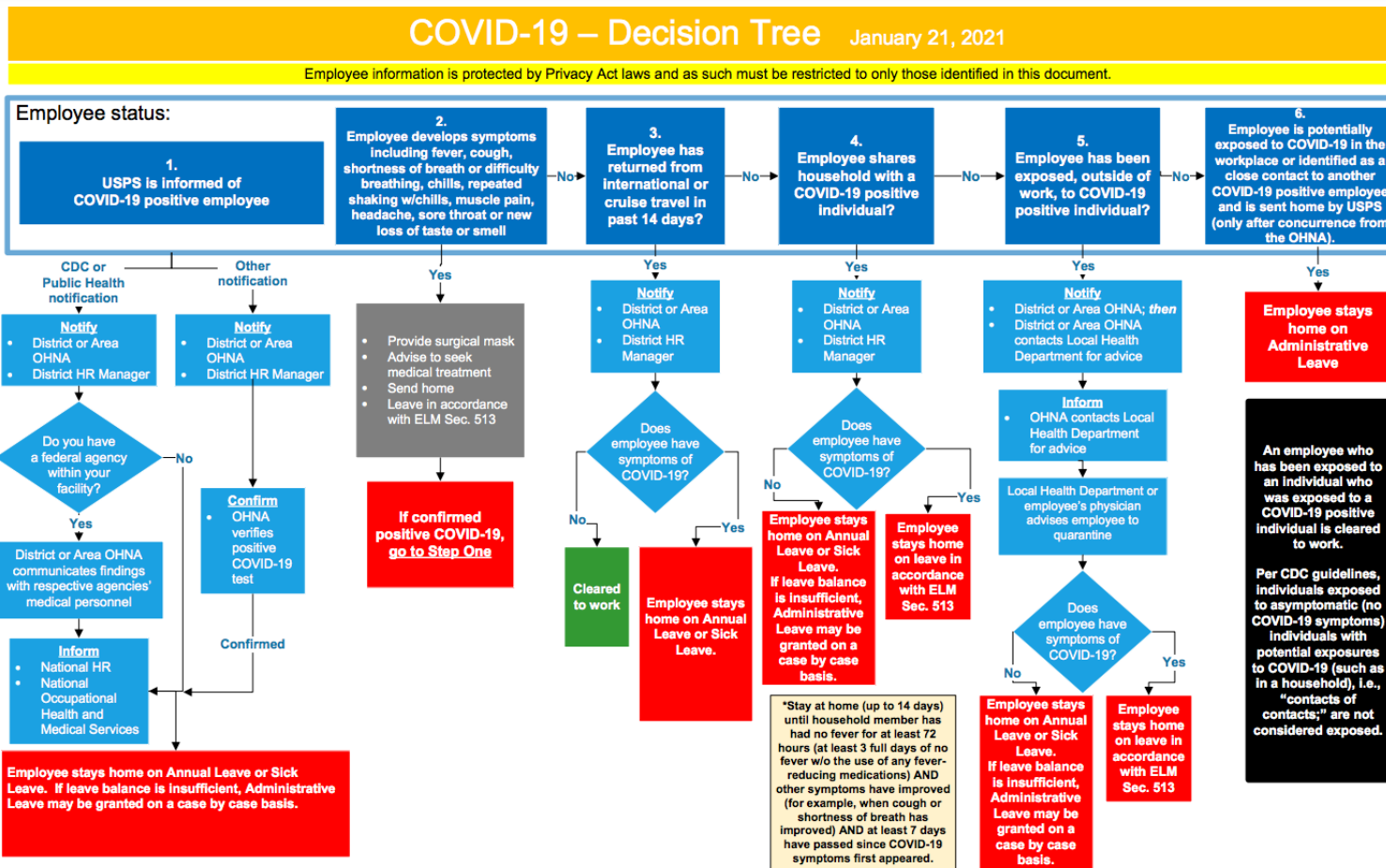


Initially responding to the rapidly spreading virus, USPS issued Management Instructions (MI) on identifying symptoms and requiring daily cleaning.

Soon after, USPS issued policies on 'mask mandates' that were as clear as a mud puddle causing work floor resentments and also open defiance

in some worksites. Managers began to sidestep required daily cleaning and scale down the mandatory extra cleaning of work areas after a 'positive COVID case was reported.

When the government established the Families First Corona Recovery Act, managers were forced to accept COVID related paid leave along with Union negotiated liberal leave policies. When FFCRA expired on December 31st, management began an intensified effort to deny leave, manipulate leave and through threats of no pay force employees to report to work sick or not, exposed or not. Likewise, managers imposed unreasonable, capricious and arbitrary demands on employees seeking Emergency Federal Employee Leave (EFEL) provided for in the American Rescue Plan. On April 14th USPS issued EFEL updates (see page 3&4) which clear up little if anything. Management has become lax in enforcing safety protocols and as their post FFCRA 'Decision Tree' (below) shows now grant too much discretion on COVID leave matters to managers who place productivity over safety.



## ***Leave It To Postal Bosses to Make You Come to Work Sick or With No Child Care....but not so fast !!***

With over 133,000 postal COVID cases and more than 150 deaths, too many managers are showing how heartless USPS can be to its essential employees.

Refusing to grant Administrative Leave unless employees can prove they contracted COVID at work. And refusing to approve (or even disapprove EFEL) has caused alarm among local and national union leaders.

“Under the *American Rescue Plan* postal workers are eligible for ‘Emergency Federal Employee Leave’ for eight qualifying reasons. True to form, postal bosses imposed stringent, unreasonable ‘interim’ requirements resulting in the inability to receive FEEL at some installations,” said Regional Coordinator Omar Gonzalez.



The law became effective March 12th and USPS issued interim “processes” although OPM (Office of Personnel Management) had advised against doing so. Those policies are interpreted or misinterpreted by work floor managers as a free for all to take no action on EFEL requests.

Employees need to report exposure to and symptoms of COVID 19 to management using the established policies and ask managers what the next step is to cover an absence. If bosses tell an employee not to report to work he/she needs to ask if Administrative Leave will be granted.

If it is decided an employee can not report to work and Adm Leave will not be granted the employee could request Emergency Federal Employee Leave (EFEL)

1. **The first thing an employee should do** is to request EFEL via a PS Form 3971 and state on the remarks column the qualifying reason (see page 4 for more info). A PS 3971 is the employee’s request and notification of absence. An employee should not solely rely on the use of eRMS IVR call in system, which may or may not, intake COVID related absences. Nor should employees use the USPS Leave App which allows management to track employees.

2. **Timekeepers are being instructed to** enter CODE 086 into the system and then verify the Administrative Leave is entered into the system. Employees need not enter any codes on the PS 3971 but should state the qualifying reason on the Remarks Box.

3. **Employees should monitor** their time and leave on *Lite Blue* and if there is a discrepancy or no leave is being input and paid or the leave request has not been acted on, the employee needs to contact both their manager and their Union Shop Steward.

“We became concerned management was deliberately not acting on EFEL requests in an effort for the funds all federal government employees are eligible for to run out,” said Coordinator Omar Gonzalez. EFEL expires in September or when the fund is depleted. Issues within the Region need to be elevated to the National Union for intervention. On April 14th, USPS issued updated guidance to the field (see page 4&5) which clarifies little if anything. “Whether local managers abide in good faith in the administration of EFEL remains to be seen,” said the concerned Coordinator. (continued on next page)

## Leave it to Postal Bosses

( continued from page 3)

Official Leave Regulations of the Postal Service requires that the administration of the leave program be on an equitable basis for all employees, considering the needs of the Postal Service **and** the welfare of the individual employee.

Therefore, when grievances are filed they have to be based on the fact circumstances of the particular situation and in light of all relevant evidence to show violations) of pertinent CBA provisions:

**Article 3**– requires USPS to manage the Postal Service in accordance with postal regulations, CBA provisions, MOUs and applicable laws.

**Article 5**– management is prohibited from taking any action affecting wages, hours and other terms of employment such as issuing unilateral Decision Trees.

**Article 10**– determinations on medical documentation, or other evidence of incapacitation may not be arbitrary, capricious or unreasonable.

Management cannot unilaterally make changes to leave regulations by forcing employees to use their own leave when management prevents employees from reporting to work because of COVID. Determinations should be made on a case-by-case basis.

**Article 14**— It is management's responsibility to provide safe working conditions.

**Article 19**— parts of handbooks, manuals and published regulations directly related to wages, hours or working conditions continue in effect and can't be changed without prior notice to the Union.

COVID-19 virus exposure or infection of an individual is a health issue. Reporting to work with an infection or direct exposure is a safety matter as well, triggering Article 14 protections.

Denying Administrative Leave or EFEL creates a situation that in effect encourages, if not urges, employees to not report COVID symptoms and jeopardize their and co-worker health by coming to work to avoid a loss of wages.



**Acts of God absence** postal regulations are covered in the ELM Chap 519. The term "Act of God" can have legal overtures. The National Union issued guidance to Local Unions on how to apply the regulations.

**Executive Order 13999**— issued by President Biden on 1-21-21 declares that essential workers are to have their health and safety protected from COVID-19.

**Guidance from the CDC** (that managers often use as an excuse not to do something) & OPM Q&As lend credence to the Union's position Administrative Leave should be granted to employees unable to report due to COVID.

**USPS Close Contact Tracing Program** issued in mid 2020 had language on granting Administrative Leave revised six (6) months later to a more permissive 'should grant' Administrative Leave.

### APRIL 14, 2021 USPS GUIDANCE ON EFEL

USPS issued the following from Chief HR Officer:

April 14, 2021

Subject: American Rescue Plan Act– Emergency Federal Employee Leave

This memorandum extends the interim process established by my March 18, 2021, memorandum regarding the American Rescue Plan Act (ARPA)- Emergency Federal Employee Leave (EFEL).

The Office of Personnel Management (OPM) has not yet issued its official guidance on EFEL. As previously noted, OPM administers the EFEL Fund...that will finance leave granted under the ARPA and, therefore, is required to issue guidance on how leave is to be administered by covered agencies, including the Postal Service. The Postal Service is limited in its ability to fully implement EFEL until OPM issues its official guidance. (emphasis added).

While we continue to expect that OPM will issue its guidance soon, I am **extending our interim process for an additional two weeks, through April 28, 2021, or until OPM finalizes its guidance on the Administration of EFEL** . The interim process will end when OPM issues its guidance, even if that is before April 28, 2021. (continued on page 6)



## ***Postal Re-organization a Web of Chaos***

PMG DeJoy's 're-organization' of the USPS structure has turned postal operations into a web of confusion and disorder with some long time postal officials losing their positions.

The confusion caused by the re-organization also tends to cloak some remaining bosses from accountability. DeJoy has been blamed for mail delays and is still under court order to ensure further delays

and cuts do not undermine the nation's postal services. However, it is the Board of Governors (BoG) that actually runs USPS which for years was running but not efficiently lacking a full quorum. President Biden's three potential Governors, at press time, have yet to be confirmed by the Senate. Once the BoG is complete and functional hopefully USPS will benefit.

### **Nuts to the Network**

The Postal Service can trace its formation all the way back to Benjamin Franklin who was appointed PMG by the 2nd Continental Congress in 1775. PMGs once served as cabinet members. In 1971 the quasi-government agency U.S. Postal Service was established and the PMG lost the cabinet seat. Instead a Board of Governors appointed by the President with Senate consent was instituted supposedly to take the politics out of postal administration. PMG DeJoy's appointment seemed to have reversed that intent. Critics have called for the PMG's removal.

"The government enterprise we work for has had changes to the structure, the most recent major one in 1992, but nothing like the mess we are under going with DeJoy," said Coordinator Omar Gonzalez. "He is not only changing the structure, he has changed the operations, realigned the chain of command and will come after our jobs in the near future," warns Gonzalez. DeJoy is on record indicating his plans include the delay of mail delivery.

### **Illogical Logistical Déjà vu ?**

Like the failure of the 1992 Restructure, the 2020-21 Restructure splits Retail (customer service) and Mail Processing operations into dual accountability. The 1992 split resulted in no one being in charge which had to be reversed in 1995. The split created a 'them vs. us' mentality. DeJoy, like Runyon, has changed the job titles of the bosses. Runyon changed Divisions into Regions and Districts, DeJoy is changing Areas into Regions with Districts(?) and Districts into Divisions (?).

Runyon's restructuring resulted in massive mail delays (sound familiar?). Runyon had to hire personnel and use a lot of OT (sound familiar too?), and lest someone claim email and other diversions did not hamper Runyon— yes *they did*. But the 1992 restructuring was not the only changes made to USPS. In 2002 the PMG changed USPS into 9 Areas and 80 Districts and two years after that changed to 8 Areas and 74 Districts with VP jobs cut from 42 to 22.

### **10 Years to Decimation**

The practice of "decimate" was to kill one out of every 10 soldiers. The USPS 2021 ten (10) year plan will kill many jobs and likely kill customer confidence in the USPS. PMG DeJoy's 10 year plan cloaks job losses, excessing, abolishments, four realignments in managerial speak such as "stabilize the workforce" and "Modernize the Processing Network". The deliberate delay of 30% of the nation's mail is cloaked by terms such as "Adjust Select Delivery Standards to improve efficiency." "Unlike DeJoy's reorganization, the 1992 Reorganization did not 'plan' mail delays. The 1993 Govt. Performance & Result Act requires USPS to issue strategic plans and issue reports," said Coordinator Gonzalez. "Time will tell real soon, the level of decimation to postal life and service DeJoy's plan will impose on America," added Omar.

## Why Is the New Postal Vehicle So Ugly?



Because management wants it designed that way. But, as in any case, beauty is in the eyes of the beholder. The Post Office used wagons for mail transportation in cities in 1895. And for the last 60 plus years the P.O. has only commissioned two specific vehicles– the Jeep and the LLV.

Management boasts the new vehicles will be reliable and efficient. The PO has used a variety of vehicles to ensure the nation's mail is delivered (like the beauty to the right) with the first new vehicles expected to be delivered in 2022



### ***EFEL USPS April 14 Update*** *continued from page 4*

[This excerpt of the USPS Update issued by Doug Tulino, Chief HR Officer, reminds managers of the interim process.]

Employees may submit requests to use EFEL, however supervisors/managers are only authorized to conditionally **approve such leave in increments of up to two weeks**: up to 80 hours for FT employees and a proportional amount for PTF and non-career employee who do not have a 40-hour per week schedule. This means an additional 80 hours or proportional equivalent in addition to the two previous bi-weekly installments under our interim process. (emphasis added)

Employees must meet one of the 8 qualifying reasons for the leave outlined in my March 12, 2021 , memorandum and must be unable to work (including telework) as a result of that qualifying reason.

**At this time, requests for leave based on the EFEL qualifying reasons for dates AFTER April 28, 2021, should NOT be approved OR denied** (emphasis added) because we hope OPM's final guidance will issue before that date. If you previously received an EFEL request covering dates from April 15 to April 28, 2021, you should now approve or deny those requests consistent with the guidance in this memorandum.

The guidance continues.....Employees seeking to use leave for one of the eight qualifying reasons should submit PS Form 3971 indicating the reason they must take leave, **and the employees must affirmatively state that they are unable to work because of the qualifying reason** (emphasis added). This leave should be managed and tracked within the eRMS. Timekeepers have been instructed to enter interim hour code 086-21 in eRMS for all employees and then verify the leave is entered in the appropriate timekeeping system using either code 086-21 for city or DACA code O for Rurals. ...Once OPM finalizes its guidance, we will update you on the official requirements for EFEL and the Postal Service's implementation of this leave.

/s/ Doug A. Tulino

**Editors Note:** This update clarifies little or nothing about unreasonable demands by local managers, or unilateral denials by bosses especially involving child care. Unreasonable demands, or no action on requests, or ignoring an employee's requests should be documented, presented to Local Union reps and if not resolved, elevated to the Western Regional Coordinator's Office by Locals.

## **“We Will Consolidate Our Network”**

This quote is directly from the USPS 2021 10 Year Plan. The specifics are not being provided. Reports from different parts of the Western Region (Santa Barbara, Phoenix, Seattle etc.) reveal local management is hinting consolidations and retail office closures are coming.

Some Installations, such as the San Francisco ISC, are closing soon due to lease expirations while the other ISC in Los Angeles is relocating. The majority of future consolidations will likely come from the list of plants that were slated for closure in 2015. How soon the consolidations will take place has also not been revealed. “The 10 yr. plan conceals their plan with managerial speak such as- ‘fully optimize surface & Air Transportation Network’ that requires “service standard adjustments.” said Regional Coordinator Omar Gonzalez. “But we better be ready for the fight,” he quipped. Gonzalez and the other four Regional Coordinators have been assigned to a special committee to prepare for the anticipated consolidation of plants and help coordinator the Union's National and Local actions.