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Western Arkansas Area Local

# The Paper

December 18, 2003

## The Presidents Report

Greetings,

Merry Christmas and Happy New Year.

The year 2003 has had its ups and downs. In 2003 we saw numerous OIC's and each of their numerous policies come and go. We saw managers at the stations, for whatever reason, play musical chairs. However it does now appear that the Postmaster position for Fort Smith will be permanently filled after the first of the year. This should bring some stability in policies and managers. Time will tell whether this is good news or bad news.

In 2003 we saw employees with many years of seniority excessed from their full time positions. It caused the service at these stations go to pot. Although it is evident to everyone in the bargaining unit that these full-time positions are still needed management sadly sees us as "numbers" and their numbers must be reduced in 2003. We saw the Postal Service go back on their promise to allow employees to volunteer for early retirement. In 2003 we saw, are still seeing, our PTF's hours being reduced in an effort to keep them from becoming full-time regulars.

That's enough bad news. Now on with the good news. In 2003 the Postal Service was finally forced to hear the arbitration case concerning our union sisters in Charleston. Our Local hosted one of the most successful and educational Tri-State Conventions ever with 200 members in attendance. We saw our local recognized as one the top ten organized Locals in the Nation. In 2003 the Clerk craft employees split \$650,000.

I have high hopes for 2004. The Clerk craft will start off the year splitting an additional \$50,000. Although our PTF's hours are being reduced I am very confident that these employees will soon be compensated for their loses I also am very confident

that our sisters in Charleston will again be made whole for the lost wages. And I hope that the withholding will finally end and our PTF's will become full-time regulars. I hope with everyone's help the last few non-members will see the light and pay dues like very one else. One final note. Since the first casual settlement



*(Continued on page 2)*

**C**ash your check and spend it fast.  
**O**r ... put it in a sack  
**P**onder the reason why you got it  
**A**nd give a little back

For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, The everlasting Father, The Prince of Peace.

## **Approved FMLA Leave Inappropriate Subject for Official Discussion**

by Greg Bell, APWU Director, Industrial Relations  
American Postal Worker Sept/Oct. 2003 pgs. 14-15)

A U. S. District Court has rejected the Postal Service's attempt to overturn a regional arbitration award that held that leave approved in accordance with the Family Medical Leave Act (FMLA) was an inappropriate topic for an official discussion under Article 16.2 of the National Agreement.

The arbitrator had ruled that such a discussion improperly suggested that the grievant has committed an offense when using leave for an FMLA-covered absence.

Most importantly, the court approved the arbitrator's conclusion that the National Agreement gives the APWU the right to challenge whether topics the Postal Service raises during official discussions are proper.

The Postal Service argued that the contractual provision that "discussions are not considered discipline and are not grievable" prevented the union from challenging any discussion given to an employee regardless of the topic. The union argues that Article 16.2 of the only applies if the topic for discussion is a "minor offense" and that the union had a right to challenge whether that prerequisite had been met by the Postal Service.

The union did not challenge discipline issued nor seek to have the discussion or verbal warning rescinded or expunged. Instead, it limited its challenge to whether approved FMLA unscheduled absences are a proper subject for a discussion. The Postal Service countered that the grievance was not arbitrable because Article 16.2 specifies that discussions are not considered discipline. Arbitrator Charlotte Gold rejected management's argument ruling that the union was not pursuing a "disciplinary grievance, but rather a contractual one." Moreover, the arbitrator determined that the union was "questioning whether a matter raised by a Supervisor in the course of an official discussion was an appropriate subject for consideration under the terms of the National Agreement.. That question involves an interpretation of the National Agreement and is ripe for consideration on its merits."

On April 14, 2003, the U.S. District Court for the Middle District of Florida rejected the USPS challenge and affirmed Arbitrator Gold's decision. Because the Postal Service did not appeal the federal court's decision within 60 days, this decision is final.

*(President's Report Continued from page 1)*

payment we have received a number check for COPA from current employees as well as our retirees.. If you have not turned in your \$25 (or more) to COPA please do so as soon as possible. We would like to send the checks to Washington by the end of this year.. **If our retirees think enough to send a check to COPA in order to save your job, shouldn't you do the same!**  
Again, Merry Christmas and Happy New Year

May God bless each of you.

Dennis Taff.

### **HOUSE CLEARS ANTI-SPAM BILL**

. Computer Weekly reports that the U.S. House of Representatives has approved an amended version of a bill that will allow penalties of up to \$6 million and five years in jail for sending some e-mail spam. The article said that Senate sources predict President Bush will sign the bill into law by the end of the year. About 13 billion pieces of unsolicited commercial e-mail are sent each day, which represents about half of all e-mail sent, according to the article.

## **Union Meeting**

**January 11, 2004**

**1:30 p.m.**

**Cavanaugh Pizza**

Opinions expressed by the writers of articles in this paper are those of the individuals and not necessarily those of *ThePaper*, APWU, or Local 1211.



## District Personnel Offices To Close by 2006

More than 1,300 personnel specialists and clerks will retire or move to other jobs by 2006 when the Postal Service closes its 80 district personnel offices. The offices will be consolidated into one central office in Eagan, Minn., that will manage personnel and benefits programs.

The Postal Service will start phasing out 1,250 EAS personnel specialists and 90 clerk positions in summer 2005 and will finish by fall of that year.

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## USPS exceeded FY 2003 financial plan

(Source USPS Link Online) USPS exceeded its financial plan for Fiscal Year 2003 by \$300 million — despite declining mail volume and an expanding delivery network — thanks to operational efficiencies employed during the year. **The Postal Service finished the year with a total net income of \$3.9 billion** when the recently enacted change to retirement funding is incorporated.

Speaking at the monthly Board of Governors meeting, Chief Financial Officer **Richard Strasser** said that **\$3.8 billion of the net income was used to pay down Postal Service debt.** "These financial results are important to the American consumer and American business," said Strasser. "They reinforce our confidence that we can hold current stamp prices unchanged until 2006."

### FEHB

(Federal Employee Health Benefits)

Due to the 2004 FEHB guides being printed and mailed late The Human Resources Office and PostalEASE will accept FEHB open season elections up to December 29, 2003 @ 5:00 P.M. CST

## Use FSAs for over-the-counter medicines

Open season ends 5 p.m. Central Time, Dec. 21.

Flexible Spending Accounts (FSAs) are use it or lose it — that's an IRS rule. But starting in January 2004, you'll have another way to use your contributions. At the **end of the year**, you'll be able to claim over-the-counter-drugs, medicines and medical care items. You can still claim whatever you spend on:

- \* Prescriptions
- \* Orthodontia and dentist visits.
- \* Vision exams, contacts, eyeglasses.
- \* Medical deductibles. Doctor visit co-pays.
- \* Nursery schools. Day care. Summer day camp.
- \* Day care for a dependent parent.

Questions? Call 800-842-2026. You can talk over exactly what you're planning to use your FSA for and how you can save on taxes, every paycheck. You also can ask questions about specific over-the-counter items and other expenses, and whether they can be covered.

Then, use PostalEASE to enroll. Call 877-477-3273, use the PostalEASE website on Blue the USPS internal web

### Officers

Dennis Taff	President
Chris Hagen	Vice-President
Randy Cope	Secretary-Treasurer
Corky Hunt	Editor

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<b>Thomas Henry</b>	484-6384
Maintenance T3	
<b>Kerry Botteicher</b>	484-6344
CFS	
<b>Bob Harp</b>	484-6425
Window/Customer Svc.	



## Judge Approves Postal Service Settlement

DENVER (AP)- A federal judge approved the settlement of a class-action lawsuit accusing the Postal Service of discriminating against injured employees — a deal that will cost the government millions of dollars, according to attorneys.

An estimated 25,000 postal employees who have been hurt on the job and reassigned since 1992 are eligible to apply for part of the settlement. It offers \$25,000 each to employees who can show they were discriminated against because of their rehabilitation status.

Most workers will get less than that according to payment schedules in the settlement approved Wednesday. But payments are expected to cost the government millions.

"Whether it is single-digit or double-digit, we won't really know until we see how many claims are filed," said Brad Seligman, an attorney with the nonprofit Impact Fund, which helped represent the plaintiffs.

Officials for the Postal Service in Denver and in Washington said they could not comment on the settlement, which includes no admission of wrongdoing.

The lawsuit was filed in 1992 by Chandler Glover, now 65, who said he was denied advancement opportunities by postal officials in Denver after he was injured on the job in 1991.

"I got to keep the same salary, but I was denied any promotions, any transfers or anything of that nature," said Glover, who retired in 1999. "I wasn't given those opportunities. I couldn't even apply for (them)."

The settlement also requires postal officials to ensure that managers do not discriminate against rehabilitating employees.

"After all the suffering I went through, knowing that 20,000-something people are going to be helped and some of the policies are going to be changed makes me feel real good," Glover said.

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# Coming Soon The Largest Ever City Wide Demonstration Of Labor Unity

Do you want Postal Management,  
and  
Your Senators and Representatives  
To Know what you think of  
Post Office Consolidation?

Then

## Let Your Voice Be Heard

The Western Arkansas Area Local 1211 of American Postal Workers Union will be holding another citywide demonstration. The exact Dates and Times are to be worked out in the near future and will be announced.