



The Hi-Lites



The official publication of Milwaukee, WI Area Local APWU, AFL-CIO

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DELIVERING FOR AMERI

Our vision and ten-year plan to achieve financial sustainability and service excellence

Our plan establishes clear strategies to quickly achieve financial stability and service excellence. Our plan will generate enough revenue to cover our operating costs, enable investments in our people, infrastructure and technology, and simultaneously provide our customers and the American people with the excellent service they expect and deserve.

By implementing the totality of the strategies identified in the Delivering for America ten-year plan – and doing so in a timely manner – **we will operate with a positive net income beginning in FY2023 or FY2024** and reverse a projected \$160 billion in losses over the next ten years.

KEY CAPITAL INVESTMENTS

This plan includes over **\$40 billion in capital investments over the next ten years** which is over \$15 billion more than in our base capital plan.

- ✓ **\$20 billion** towards our mail and package processing network, including USPS facility space upgrades and procurement of new processing equipment.
- ✓ **\$19 billion** towards our retail and delivery network, including upgrades to retail lobby spaces and acquisition of a Next Generation Delivery Vehicle fleet.
- ✓ **\$2 billion** in technology upgrades, including upgrades to major IT systems.

These investments will enable us to modernize the Postal Service, ensure that we can adapt to the changing needs of our customers, provide excellent services for both our mail and package products, and achieve our universal service mission today and for generations to come. Only through these investments will we achieve financial sustainability, grow our business, and achieve service excellence over the coming decade.

Our balanced approach to revitalizing the Postal Service

TRANSFORMA

- 1 A strengthened mission including mail and pa
- 2 Service standa service excell on time reliabi
- 3 A bold approach innovation and relevance - \$2 revenue
- 4 With congressi electric delive later than 203!
- 5 Best-in-class m processing an operations
- 6 A modern, tran network of Po designed as go
- 7 A fully optimiz air transporta
- 8 A stable and er workforce inclu non-career wc turnover by 50
- 9 An organization support effect
- 10 A supportive I administrative
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Milwaukee Wisconsin Area Local

Big Bend Brookfield Burlington Butler Cedarburg Cudahy Darien
 Delafield Delavan East Troy Elkhorn Elm Grove Franklin Fredonia
 Germantown Grafton Greendale Hales Corners Hartford Hartland
 Jackson Kewaskum Lomira Milwaukee Menomonee Falls Mequon-Thiensville
 Muskego Mukwonago New Berlin Oak Creek Oconomowoc Oakfield
 Okauchee Pewaukee Plymouth Port Washington Salem Slinger S. Milwaukee
 Sussex Wales Walworth Waterford Watertown Waukesha Whitewater



**Glenn Griggs
President**

Hello to all my Union Brothers and Sisters. I hope everyone is staying safe and enjoying their summer. Although we have made some significant progress...the challenging times we face as postal employees continues.

**Some of the challenges we
continue to face**

- ✓ Management trying to revert jobs even though we are already short staffed in a lot of areas.
- ✓ Protecting all APWU bargaining unit work from being outsourced or taken over by other unions.

I continue to hear about carriers and supervisors doing bargaining unit clerk work throughout the City Stations and Associate Offices.

Although we are filing grievances and are successful in most cases when notified, it is very important for all our members to not turn down any work that you are asked to perform unless you have some safety concerns.

The APWU has always declared that all work is clerk/APWU work.

The Time To Get Involved Is Now

"...with your participation, we are willing and ready to fight."

However, it is not all doom and gloom. These challenges can be met with force. It's called members participation. For your union reps to put together the best defense possible as to why we think it's ridiculous to cut jobs, change start times, not staff the stations properly, fight against 204-b's on higher level, etc, etc. We are going to need all of our union brothers and sisters to stand as one.

You may ask, What does that mean? Let me tell you. Make sure you make all your basic punches. When you move from one section to another, take the time to move into the correct operation so you can get credit for that work. Notify your union reps when anyone besides clerks are performing clerk work.

When other crafts/supervisors perform our work, and it goes unreported, we are not getting credit for that work performed. If we are not getting the credit, it makes it seem to upper management that the work is getting done with already short staffed. We believe that the data that management uses for calculating staffing is flawed. Why cut our own throats and help cut jobs by not making our four basic punches?

The side deals must stop. I believe the system works better for everyone when the contract is followed by management and union members. In fact, the JCIM which stands for (Joint Contract Interpretation

Manual) mandates the contract to be followed and any issues or disputes that are listed in the JCIM to be resolved. This is not the game show, "Deal or No Deal." We have a negotiated contract that we all must follow. These steps alone won't guarantee that we will be successful at stopping all the changes and challenges we face, but it will give us a great start.

Some of these challenges we are going to face won't be won in the grievance procedure. These challenges will have to be accomplished by contacting your state, and federal representatives. We also must start voting for politicians who have our best interest at heart. Our job is our livelihood and should be at the top of the list when deciding on a candidate to vote for whether it's a state or a federal official.

Although we face these challenges, with your participation, we are willing and ready to fight. We will not sit idly by and watch the destruction of the Postal Service, and the continued delaying of the mail. We are hoping each and every one of you join the good fight. Divided we fall, together we stand strong. Like my title says. The time to get involved is now.

We have an upcoming general membership meeting on September 27, 2023 @ 7:00pm. I hope to see new faces and new members that are looking to get involved with your union.

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Even if you are not ready to step up and get involved. I hope more new faces along with the current ones show up on a regular occasion and to continue to come to meetings to be informed. This is your union, and you should know what goes on in it. It is very important that our young members start getting more involved. You are and can be the future reps for the American Postal Workers Union Local #3. We look forward to more young members' involvement.

Payout

Some of you may have noticed a large sum of money on your checks or mailed to your home. Just recently our national union finalized an implementation agreement with the postal service relating to the national level award from Arbitrator Stephen Goldberg. Goldberg ruled that the postal Service violated the Clerk Craft Jobs MOU by delaying the creation of certain jobs. He ordered a make-whole remedy for those employees who were eventually awarded the affected Training Technician and HR Clerk duty assignments. Payments to the affected employees were mailed if you were a former postal employee, or on your check if you are still on the rolls. Unfortunately, there were only about 20 people from our local that qualified to be part of this settlement. Unfortunately, I wasn't one of them. To view the full agreement, visit apwu.org/clerk-division. If you still have questions regarding this agreement, feel free to contact me. Thanks

I want to thank all our union brothers and sisters for being dedicated union members, and those that take the time out to write us statements to process possible grievance violations. Keep doing what you are doing. That has helped us more than you know.

Lastly always remember, our members involvement is the key to whether we will have a fighting chance and stopping or minimizing whatever changes we may face. No more sitting on the sidelines. The future for our customers, our livelihood as well as our families livelihood is at stake. You cannot get much higher stakes than that.

Let's get to work!!!

Economy Better in 2023 Than 2019 Pre-Pandemic

| Variable* | Trump 2019 Annual Average | 2023 |
|---|------------------------------|-----------|
| Unemployment rate | 3.7% | 3.7% |
| Job creation rate per month (000s) | 163 | 163 |
| Real GDP per capita | \$57,595 | \$60,000 |
| Employment to Population Ratio Age 25-54 | 80.0% | 80.0% |
| Real Wage, Production & Non-Supervisory Workers (2023 \$) | \$27.98 | \$27.98 |
| Real Net Worth Per Household for Bottom 50% (2023 \$) | \$36,438 | \$50,000 |
| Real Net Worth Per Household For 50 th to 90 th Pct. (2023 \$) | \$712,804 | \$700,000 |



Chris Czubakowski
Local Business Agent

LiteBlue has had many technical issues this past year. Some of these issues led to Direct Deposit/Net to Bank being deactivated on several occasions. These deactivations were due to the Postal Service identifying patterns where certain applications were logging on through anonymous VPN connections and making changes to direct deposit and net to bank.

After investigation, the Postal Service found that the employees who were affected by this had voluntarily granted these apps access to make these changes by giving them their EINs, passwords, MFA information, etc. The apps that were identified (as the apps making these changes) were "CashApp" and "Albert". As such, The Postal Service is now blocking all connections that use an anonymous VPN connection. If you are using an anonymous VPN you will not be able to login to *LiteBlue*. You will need to turn the anonymous VPN off in order to login.

Here is some additional messaging from the Postal Service on connecting to *LiteBlue*:

Due to elevated security threats, we implemented additional device and location security policies in *LiteBlue* in March 2023.

LiteBlue Issues

"The letter typically arrives within 5-7 days."

These policies monitor user log in activity to detect anomalies associated with known security threats, such as phishing, account takeover, etc.

Specifically, the additional security policies monitor IP addresses, locations, devices, and time between attempted logins.

Ultimately, these policies are designed to safeguard employee account information by blocking attempted logins from unrecognized devices or locations.

As of the printing of this article Direct Deposit/Net to Bank has been reactivated. In order to perform this and other transactions (like bidding, payroll, etc.) you will need to access *PostalEase*. Remember, however, in order to enter *LiteBlue* you will need to have set up Multifactor authentication and use the correct password and EIN.

Password Problems/Locked Out

Many members have been contacting the union regarding being "locked" out of *LiteBlue* and/or forgetting their password. If you are locked out of *LiteBlue* due to 6 unsuccessful login attempts, you will be locked out (of *LiteBlue*) for ONE HOUR. After ONE HOUR you will be able to reattempt your login (if you remembered your password) or reset your password by selecting "password recovery". Once "password recovery" is selected, HRSSC will send you a new pass-

word in the mail. The letter typically arrives within 5-7 days.

Make sure that you carefully check all of your mail at your mail box. There have been some instances in the past where members have not checked their mail and/or threw out the letter containing their new password. Once opened, your new password will be listed in the upper right hand corner of the letter.

Unknown Device Location

Some members have stated they are getting an "Unknown device or location" error message when they attempt to log in to *LiteBlue*. Once again, due to recent security updates within *LiteBlue*, login attempts from unrecognized devices or locations are being blocked. If you receive an "Unknown device or location" message and cannot advance past the initial *LiteBlue* login screen, please take the following steps:

First, try logging in to *LiteBlue* from a device previously used to access the website since setting up your MFA preferences (on or after January 15, 2023).

If you do not have access to that device, but have an ACE ID, try logging in to *LiteBlue* on the postal network.

If neither of these options work, you will need to reach out to the IT help desk at 1 - 800 - 877 - 7435. They generally are able to fix this within 7 to 10 days.

They Don't Have the Right

Omar M. Gonzalez, APWU Western Regional Coordinator

We often hear that 'management has the right to mismanage.' **NO THEY DON'T!** Laws require that USPS be run efficiently, including managing the workforce. Postal regulations, statutes and our contract outline what management cannot do. When we fight management, we must use all three resources. Postal life would be less hectic if only all parties followed the union contract. Regulations related to your working conditions, hours and wages are subject to the contract. Management does not own the Postal Service, they operate it.

They don't have the unilateral right to do our work unless permitted by Article 1 Section 6a and b. In level 18 offices they can do only 15 hours of craft work per week. In larger offices they have to meet one of the five exceptions, otherwise they have to pay the employee who would have performed the work.

They don't have the right to just make anyone a 204b unless a PS 1723 is issued to the union *in advance* and restricted the use of the 204b before an individual forfeits their bid.

They don't have the right to unilaterally change established past practices in your office even when new bosses take over. Article 5 and the law prohibits unilateral changes to the CBA or past practice, unless negotiated with the union after notice is given.

They don't have the right to make cross craft assignments unless they meet certain conditions reasonably unforeseeable or unavoidable per Article 7. Intentional understaffing is not one of those.

They don't have the right to impose overtime without penalties which include additional premiums for exceeding the 12-hour daily/60 hours weekly limits. Nor can they schedule overtime (OT) willy-nilly without penalty. CBA Article 8 has 2.5 pages of rules and the JCIM has 13 pages on OT rules.

They don't have the right to change your work hours unless they comply with federal law, their own out-of-schedule premium rules and Article 8 contract restrictions. Nor can they change your rest days without complying with the work week and craft articles.

They don't have the right to demand medical documentation for sick leave absence of 3 or less days unless they can show a legitimate business reason do it. It is not just on their demand; they must also consider your welfare – equitably on a case by case basis – per Articles 10, 16, 19.

They don't have the right to reassign you at will. They must comply with seniority rules, bid rights, section identifications, skill requirements, higher level pay rules and other contract restrictions.

They don't have the right to treat PSEs as servants or casuals, these employees have specific contract rights. Being a "Postal Support Employee" is not a green light for mistreatment. PSEs have their own CBA sections covering their employment and their conversion to career status.

They don't have the right to unilaterally deny light duty to injured workers, they are obligated to make every effort to find work that employee can perform. Being denied work is not automatic. There are strong protections in Article 13.

They don't have the right to work you in a dirty, unsafe place nor abuse you in any way. Many regulations, laws and Article 14 offer strong protections. Federal law imposes penalties for unsafe conditions.

They don't have the right to impose discipline at will and must *prove* "just cause" exists by following six distinct rules. In discipline cases, management has the burden of proof and must comply with due process procedures.

The contract has 392 pages agreed upon work rules that have no value unless they are enforced by us all. You have a right to grieve violations. Access the CBA/JCIM and then fight to enforce it. Please stand with me, our Coordinators and the entire APWU like never before. You cannot spell UNION without U and I.



John Miceli
Treasurer

FEDweek.com

FERS investors should structure their investments so that they can continue investing at least 5 percent of salary, the amount that produces the maximum government contribution. This point of the year is a good time for FERS employees who invest in the TSP at high rates to make sure they won't lose government contributions to their accounts due to hitting the annual investment dollar limit too early.

The standard "elective deferral" limit this year is \$22,500 (a combined limit for both traditional pre-tax TSP

FERS Employees Could Hit Investment Limit, Miss Matching Contributions

"The 2023 Thrift Savings Plan contribution limit is \$22,500..."

investing and after-tax Roth investing, for those making both types). For those age 50 or older—or who will turn 50 by year's end—an additional \$7,500 in "catch-up contributions" is allowed.

FERS investors should take care to structure their investments so that they can continue investing at least 5 percent of salary, the amount that produces the maximum government contribution, through every pay period of the year. Some employees invest at high rates early in the year in order to get money in the TSP sooner and take advantage of potential tax-advantaged growth for longer periods—that is, "front-loading" their investments. Especially those FERS employees who have been doing so might want to examine their situation around now.

If FERS investors hit the dollar cap before the last pay period of the year, their own investments will shut off until next year and so will government matching contributions worth up to 4 percent of salary (although the automatic 1 percent of salary government contribution would continue). Once lost, matching contributions can't be recouped. To prevent that from happening, investors might need to make a new investment allocation. They might wish to discuss the situation with their payroll offices, to determine how many pay distribution dates (not pay period ending dates, which are different) will remain in the year by the time they make a change, in order to set up their TSP withholding to their best benefit. There is no similar consideration for CSRS investors, who get no government contributions.

Farewell My Friend ! PPA President, Tony Carobine Is Retiring



I want to thank you for your years of service to all of the editors under your tutelage. It's hard enough for all of us editors to provide the proper context for our Union members to educate themselves in our struggle to fight the good fight! Your friendship and kindness has always been second to none. Always available to provide guidance and clarity in any situation. We applaud your decision and hope it's everything you dreamed of. It has been an enjoyable experience knowing you and Cathy over the years. Thank you from the bottom of our hearts!

John, Sandy & Chris

(There is always a Stogie & Bourbon waiting for you here!)



Regulator Shuts Down USPS' Request To Implement DeJoy's Overhaul Without Additional Oversight

govexec.com

The U.S. Postal Service will be subjected to additional scrutiny as it implements key aspects of its vision to transform the agency, with the agency's regulator rejecting management's bid to deny certain oversight of its business plan. USPS petitioned the Postal Regulatory Commission to withdraw its new pathway for stakeholders to learn more about the proposals from Postmaster General Louis DeJoy, but the oversight body last week rebuffed that request. The changes—as laid out in DeJoy's 10-year Delivering for America plan—could have dramatic impacts on “every aspect of the postal environment” and therefore, PRC said, it must maintain some level of review.

DeJoy has frequently voiced his distaste for his regulators—calling them an obstacle to progress—but the tension came to a head last month when PRC announced it was launching an ongoing review of the Postal Service's plans to consolidate and otherwise reorient its processing and delivery network. The postmaster general sees the reforms as a key part of his 10-year business plan and his goal to eliminate USPS' debts and deficits and has called on all stakeholders to get on board. USPS quickly petitioned PRC to reverse course. Congress never intended to give the regulators “unfettered oversight” in every management action, the Postal Service said, and instead authorized only “discrete areas” for inspection. For its part, the commission said it was responding to stakeholders who reported they lack a forum to voice concerns about the network changes. PRC added it would boost transparency to learn more about these strategic plan initiatives that may have a significant impact on the postal community. Large-scale mailing groups have implored the commission not to waver from its request, saying PRC was acting well within its authority and the Postal Service should not “shield itself from scrutiny.”

In the past, PRC said in its recent denial of postal management's request, the commission has frequently opened dockets on a wide range of matters of importance to the postal community. “Initiatives related to the DFA Plan, with its emphasis on dramatic change to every aspect of the postal environment, should be no different,” the commission said. It suggested the Postal Service misunderstood PRC's intentions and it was not seeking to delay any USPS initiative, nor a “comprehensive review” of all of DeJoy's reforms. The new docket would allow stakeholders to seek additional information on upcoming changes, such as the creation of more regional “sorting and delivery centers” and the larger “mega-centers.” Large-scale mailing groups had asked PRC to rule against USPS, citing the potential impacts on costs, service and productivity. Additionally, they said, the Postal Service has stood up some sorting and delivery centers but cost and service impacts “remain mysteries to stakeholders.” USPS has opened six S&DCs and is currently evaluating locations for 100 more. It plans to open four of the mega-centers in 2023.

PRC noted it has the authority to take any action it deems necessary to carry out its obligations. The regulators criticized USPS for not keeping them in the loop, noting it has at times learned of new facility launches in the media. Management's public comments have occasionally contradicted each other, they said. Such instances “underscore the importance of the commission acting proactively.” At a House hearing last month, DeJoy said PRC had overstepped its authority. “The Postal Regulatory Commission sat over and watched the destruction of the organization over the last 15 years and [was] actively participating in the destruction of the organization the last 15 years,” DeJoy said, adding he, on the other hand, was trying to save the agency. “What goes on and why they do the things they do, I have never figured out. And I'm a pretty smart guy.”

Michale Kubayanda, the PRC chairman, meanwhile, has countered that claim by suggesting the commission requires more staff and resources to keep pace with the changes underway at USPS. Despite DeJoy's objections, PRC said in its ruling that it may go further in its oversight of the postmaster general's reforms. “These changes may already be impacting the postal community,” the commission wrote. “Further, it is unclear how these changes would impact costs or services, or if they implicate the Postal Service's compliance with certain statutory provisions such as those relating to service performance or the requirement to seek an advisory opinion.”



Kenni Liggan
Customer Service
Director

Some City Station managers are having city carriers come in early on overtime to perform clerk duties.

It is NOT OKAY !!!

We cannot allow carriers to perform our work! Too many times clerks are letting this issue slide for one reason or another by allowing carriers to do our work. We cannot risk the fact that clerk jobs at the stations could and would be lost. Any time you are

aware of carriers performing clerk work, PLEASE contact your union steward immediately. We will investigate to determine if a grievance needs to be filed.

Management is constantly trying to eliminate clerk positions at the city stations. Let's not give management the ammunition to eliminate clerk positions. Remember this! The job that could be eliminated... could be your own!

Additionally, maintenance at the city stations is a big concern. I am encouraging all of our clerks to notify the Union if you feel your station is not being serviced or cleaned on a regular basis.

It Is NOT Okay

"Remember this! The job that could be eliminated... could be your own!"

- ✓ Is the station cleaned on a regular basis?
- ✓ Are the A/C units and furnaces being checked on a regular basis?

You can fill out a 1767 (Report of Hazard, Unsafe Conditions or Practice) Please take the time to fill out the 1767 and hand it in to a manager.

Depending on when you turn it in, management has until the end of the tour to address your concerns. This includes how they plan on correcting that issue.

If that doesn't happen, please contact your union representative / steward immediately.

Supreme Court Rejects USPS Bid To Require Employees To Work On Sundays

The Postal Service may still prevail in lower court, but the high court has created a new precedent USPS must now follow in providing religious accommodations. The Supreme Court on Thursday ruled against the U.S. Postal Service in its attempts to require any employee to work on Sundays, even when it conflicted with their religious observances. In a unanimous decision, the top court reversed decades of precedent in determining that employers like USPS have to demonstrate more than a de minimis burden to avoid their otherwise mandated obligations to provide reasonable religious accommodations. The justices sent the case back to a lower court to determine whether, given the specifics of the case, the Postal Service could come up with other means to keep a letter carrier on the payroll without requiring him to work on Sundays.

The litigation was brought by Gerald Groff, a USPS letter carrier who sued after being asked to work on Sundays on the grounds the requirement violated his religious liberty. After originally avoiding those shifts by taking on other work during the week, Groff's supervisor mandated he work on Sundays during the peak holiday season. The 1964 Civil Rights Act requires employers to accommodate their workers' religious observance so long as it does not create an undue hardship on the business. In the 1977 case *Trans World Airlines v. Hardison*, the Supreme Court found that forcing an employer to operate shorthanded amounted to such a hardship. It also established the de minimis threshold an employer had

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to meet to prove an undue hardship, which Groff argued was too low. Only his colleagues were inconvenienced by his not working Sundays, whereas USPS still fulfilled its contractual obligations with Amazon.

The Justice Department, arguing on behalf of the Postal Service, agreed a true *de minimis* standard was insufficient to prove undue hardship on an employer, but suggested the federal circuit and Equal Employment Opportunity Commission have long relied on a higher threshold. The government also noted the local postmaster at Groff's facility said his absences created a "tense atmosphere" in the workplace and led to "resentment toward management" because the remaining employees had to take on more work. The Biden administration further said the initial accommodation of Groff directly impacted USPS business by forcing the agency to operate with insufficient staff and lose employees who quit or transferred.

In its *Groff v. DeJoy* ruling, the Supreme Court formally ended the *de minimis* test, with Justice Samuel Alito writing in the majority opinion that a literal interpretation of that precedent would suggest "even a pittance might be too much for an employer to be forced to endure." He added employers like USPS cannot simply show that other employees are impacted by an accommodation to prove it would create an undue hardship. Instead, it must demonstrate a practical effect on the conduct of the business. In a concurring opinion, Justice Sonia Sotomayor noted that in some cases labor is the most important factor in the conduct of a business and therefore an impact on the workforce, in some cases, would prove a sufficient burden.

The court also clarified USPS would not be able to suggest an accommodation was overly burdensome because its employees were biased against the religion being accommodated. Finally, the court said employers cannot simply say that one particular accommodation created an undue burden, but must consider additional recourses. "Faced with an accommodation request like Groff's, an employer must do more than [sic] conclude that forcing other employees to work overtime would constitute an undue hardship," Alito wrote. "Consideration of other options would also be necessary." In kicking the case to the lower court, the justices suggested USPS could consider incentive pay or coordinating with nearby post offices to identify more employees who could cover Groff's Sunday shifts. USPS must consider options such as voluntary shift swapping before it could conclude it was facing an undue hardship.

Alito noted the decision was not "foreclosing the possibility that USPS will prevail," but it was "appropriate to leave it to the lower courts to apply our clarified context-specific standard." A district court originally ruled against Groff and an appeals court affirmed that decision before the Supreme Court took the case. Felicia Lott, a USPS spokesperson, praised the decision and said the agency expects to win when the case reaches its conclusion. "We agree with the Supreme Court's clarification, which accepts the arguments we made before the court, and which is fully consistent with the standard we apply.

DeJoy's 10-Year Plan Could Gut The USPS He Doesn't Want You To Know The Details

In response, The Save the Post Office Coalition, wrote to the secretary of the USPS Board of Governors to ensure the board was made aware of emails from 160,000 postal customers across the country urging them to stop the disastrous elements of DeJoy's plan before it's too late. Among the several thousands of personalized messages highlighted, a handful is noted:

- ◆ "The USPS provides a *service* to the *public*. It was never intended to be a profit-making business. I'm disappointed & ashamed at where politics seem to be taking us."
- ◆ "As a former United States Postal Service employee and as someone who regularly uses the USPS, I ask you to do something about DeJoy, who continues to degrade everything about the postal service — especially the service part of it."
- ◆ "It is important for seniors like me to be able to count on a dependable means of getting medications without having a further drain on our resources."
- ◆ "I believe that a well supported and functioning post office is a hallmark of a healthy, advanced nation. Stop DeJoy's undemocratic plan now before it's too late."
- ◆ "We senior citizens depend on USPS. Please help keep it viable."
- ◆ "Our postal service should be about serving us rather than serving businesses that give it money."



Larry Brown Jr
Vice President

Come To The Union For Your Answers

*"You need to know your rights as an employee.
That requires you to ask questions."*

Talk to your stewards. A very simple introduction to this article that cannot be stressed enough. Too many times, my first meeting with someone involves them explaining to me how they didn't know that something was a grievance. When I ask them why they never talked to a Union representative, the number one answer that I get is, "I didn't know I could talk to you about that." This article will explain a couple of things that you can talk to a Union steward about, with a brief description of why you should be talking to us about these things.

First and foremost, I have heard of incidents where supervisors, allegedly, told new employees not to talk to the union and to go straight to management if they have any issues. Article 1 of our Collective Bargaining Agreement (CBA) is Union recognition. It recognizes the APWU as the exclusive bargaining representative of all employees in the clerk craft, along with maintenance and motor vehicles. The moment a supervisor tells you not to talk to the Union, they are in violation of Article 1 and this needs to be addressed immediately.

The APWU being the exclusive bargaining unit means exactly what it says. If management wants to know

how their employees are feeling about anything concerning their employment within the USPS, they should be coming to the Union for those answers.

If you see a supervisor working your mail, talk to your steward. There are only a few instances in the contract that allow for a supervisor to perform bargaining unit work. One comment that has always annoyed me, when it comes to a supervisor working our mail is, "I have respect for supervisor _____ (fill in the blank) because when the work gets heavy, they'll get on the machines and help you." **That is your work.** That work is the reason why you are employed. Except in some small offices, where postmasters are allowed to do a couple hours of work, you should never allow a supervisor or manager to work your mail without talking to a steward.

I get it we are human, it's easier to give that supervisor a "pat on the back" for rolling up his sleeves and getting dirty than it is to do the additional work, especially on heavy days, but that work is yours not theirs. They should be making sure that someone is there to do that work.

Management can staff these areas appropriately, if they wanted to. So if they aren't properly staffed it's because management didn't want it to be. Bottom line... I don't care about the amount of call-ins or zero

hours management claims to have on the books. There are processes in place to get people to work, if those processes are not being utilized, that falls on management.

Article 3 is management's rights. Whenever a supervisor wants you to do something outside the realm of the CBA you will hear them say Article 3. We just had a supervisor on the FSM 100s that was notorious for giving instructions and every time they were questioned they said Article 3. I had to have a nice talk with them. Article 3 gives management the right to abide by the contract as bargained. That is it. So, if you get a supervisor that is constantly screaming Article 3,

I can pretty much guarantee a contract violation is occurring. Good supervisors don't have to constantly remind their employees of their right to supervise. Talk to a steward and make sure your rights aren't being violated.

If you are ever asked to work outside your craft, you should be requesting a steward. Article 7 of our CBA discusses the certain conditions that need to be met before staffing across craft lines. The same with being sent home! As an employee of the USPS, you are guaranteed work hours. Regulars are guaranteed 8, and PSEs are guaranteed 4.

If you are ever sent home early and you didn't request to leave, you should be requesting a steward. Man-

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agement, in that past, has told employees that they can leave because they didn't have any mail to work, only to not pay the employee for their guaranteed hours. Management's argument....the employee asked to go home.

You need to know your rights as an employee. That requires you to ask questions. I don't have to answer to many questions about pay and benefits. Everyone seems to know when they are getting a raise and how much money they make. For some reason PSEs think they get paid for every holiday, as the most common complaint I get from them is, "why didn't I get holiday pay on my check?" Do you even know the rules behind receiving holiday pay? You must be in a pay status the last hour before or the first hour after a holiday to even be eligible to receive holiday pay. I've argued with senior employees over the rule that if you are scheduled to work a holiday and don't report you will not be able to receive holiday pay.

Do you know how to request light duty if you are injured. Management says that PSEs aren't covered by Article 13, Assignment of Ill and Injured Regular Workforce Employees, but the PSE memorandum clearly states that it does not prohibit the assignment of PSEs to light duty. This should be considered on a case by case basis and if you are ever told that you can't work in light duty because you are a PSE, a steward needs to be alerted immediately.

I would hope that I wouldn't have to ask anyone to report an unsafe practice at work. That is the reason we file grievances on working one to a machine. One person to a machine started off as a safety grievance. These machines are known to hurt people and although Postal Management promised OSHA that they would take all of the steps needed to make sure they followed all rules, and safety concerns, concerning the DBCS, we still ended up working alone on the machines. What do you think the first rule to prevent injury on the machines was? If you guessed, do not have people working by themselves, you guessed right. So much for managements promises.

Do you know that we can't strike? UPS workers just threatened UPS with a strike where they won a considerable amount in negotiations. Immediately, people started saying we should do that. Unfortunately, we gave up our right to strike. We gave up that right for binding arbitration awards. Take the no lunch issue for instance, we have settlements regarding this issue, but since we have a fairly new Plant Manager and she has completely disregarded Article 5, Unilateral Action, we are waiting an arbitrators ruling.

My last Article I wrote was a reprint entitled, 'Don't Sweat the Warning' that was just a small look at the beginning stages of discipline. Whenever the Union files a grievance, that is the 1st step of the Grievance Arbitration procedure. Whenever management disciplines you they must prove that you did whatever they write you up for. This is called just cause. Whenever the Union files a contractual grievance on management, such as one to a machine or supervisors performing bargaining unit work, the burden of proof falls on the Union to prove management violated whatever part of the contract they are in violation of. We prove this through your statements. When you see management violating the contract you write a statement and give it to the Union because now, their actions are not hearsay. You saw it and you are a witness to the violation. I cannot file a grievance on hearsay evidence. Speaking of filing grievances, you have a right to see a steward on the clock! People are stopping in the Union office after work asking questions, and that is not right. When you punch out, that time is yours. Management knows that they must provide you a steward upon request.

I literally just ran through the first 18 articles of the CBA, in two pages. I left out Article 2, because you guys walk in the building knowing how to say EEO! LoL. But seriously, for anyone that doesn't know me personally, I am very long winded. I can give a 10 minute answer on something so simple. My reasoning for this behavior is I don't like confusion. What I have learned over the years is, people tend to give the answer that they want to be right, not the right answer. Stewards don't have that luxury.

Our job is to uphold and enforce the contract. Your job is to learn the contract, because that is effectively learning your rights as a member. The more you know your rights, the better the statements we can get when your rights are violated, which leads to better enforcement of the contract, which leads to better Union representation.

At the end of the day, isn't that what we all want.



Chris Paige Jr
Automation Director

Because we are dealing with so many anomalies in standard operations in both the Milwaukee P&DC and the Oak Creek Annex we can say for certain when it comes to moving employees out of section, the principles of seniority to the extent possible should be carried out.

It is known that one is forced by juniority. But Management either does not know, or has not been trained to know that they should in fact, ask for volunteers first. The first thought is always, "I have to move them by juniority." But you should first ask for volunteers by seniority. There is no contractual violation if the senior employees volunteer. Now it may in fact only work comfortably when it's transitioning to an easier duty assignment. But it works.

Now for the duty assignments that no one would like to move to. This would be by principle of seniority to the possible extent. But then there's the question, who's junior, and is it really "out of section" or is it just moving to another machine. Well, now we are dealing with what's classified as principal assignment area.

As a regular employee that has bid in a particular area and there are PSEs currently assigned in that same area,

Management Should Ask For Volunteers First

"...we always argue that all work, is in fact clerk work!"

the PSEs should in fact be utilized first to fill in other areas if no senior employees volunteer to leave out of that area. Again, senior employees may volunteer. But in most cases, they would like to stay in where they bid, which is their principal assignment area. This could change depending on the particular section they are in. But for the most part, being able to work a particular machine all the time doesn't necessarily mean that you can't be ask to work and/or moved to a different machine because of a supervisor's request based on operational needs.

One should follow through with the requested task. Please request an APWU steward for clarification. If you feel you are being asked to perform duties you feel are outside of your job assignment, write a descriptive statement and turn it in to your local APWU steward. Allow your local union steward to give you clarification on what may or may not be considered crossing craft lines. We do want to remain gainfully employed, so we always argue that all work, is in fact clerk work! See you at your next general membership meeting!



Judy Beard discusses the APWU Legislative Priorities for the upcoming term, governing the following Acts:

Social Security, COLA, Right to Organize, Vote from Home, Service Standards & Freedom to Vote

APWU Legislative/Political Director Judy Beard & Milwaukee Area Local 3 Officer John Miceli (pictured)





Jim Arneson
Maintenance Director

I hope everyone had a fun and safe summer. With fall on its way, we will have another round of Line H meetings and possible grievances. With last year's grievances at Step 3 it will be interesting to see if the Service has learned from their mistakes over the year past. Also, with the new 4776's being filled out, it will be helpful to show that the senior routes are not being done.

National Training

"...if you feel that the time on your paycheck is wrong, please request to see a steward as soon as possible."

This last weekend we had training at the John Akey Seminar. I would like to thank National Maintenance Assistant Director Jason Treier for coming out to provide training and updates of what is happening at the National level. I look forward to seeing him and the other directors at the National conference in October.

The issue with the new 4776 (R) was brought up and he said that there are talks at the National level concerning them. Also, the issue concerning the chemicals that the custodians are forced to use was also raised.

We had training in how to read and understand TACs reports. Mostly, it concerned how to read the "Employee all report". The Union will use these to make sure that the Lead 7 clerks are performing the TACs functions as per the agreement.

Also, we are keeping an eye on "disallowed time" to make sure that the Service is not trying to steal hours away from its employees. So, if you feel that the time on your paycheck is wrong, please request to see a steward as soon as possible.

Another class we participated in was form 50 adjustments. While this is mainly a PSE being converted to regular, it also has instances where an employee is promoted late and is entitled to back pay to make up for the late form 50.

One issue that was brought up with this, is fact that taking a lump sum payment is not usually the best idea when it comes to back pay issues. Employees can lose out on: TSP contributions, Annual Leave and Sick Leave, as well as hours for their retirement and FMLA. If you have any questions after reading this article please reach out to us. Have a safe and pleasant fall. Enjoy the pumpkin spice. LoL !

APWU President Mark Dimondstein & Milwaukee Area Local 3 Officer John Miceli (pictured)



President Dimondstein at the podium at the Madison Concourse Hotel. The Wisconsin State local hosted the Postal Press Association Convention covering multiple training classes over a four day seminar.



Federal Panel Vacates Postal Service Heat Citations

APWU News

The Occupational Safety and Health Review Commission recently vacated four Occupational Safety and Health Administration (OSHA) citations of the U.S. Postal Service (USPS) for letter carriers in Benton, Arkansas; Houston and San Antonio, Texas; and Martinsburg, West Virginia, exposed to excessive heat. The commissioners concluded that OSHA failed to identify economically and technically feasible prevention measures the Postal Service could have taken. In a fifth USPS case, the panel concluded that a Des Moines, Iowa, station failed to provide heat safety training for City Carrier Assistants (CCAs) and sent the case back to a review commission administrative law judge (ALJ). The review commission relied on Postal Service officials' predictions that the organization will "run out of cash" in 2024 and cannot afford time-based interventions that include acclimatization, reducing time outdoors, and work/rest cycles.

Between September 2016 and January 2017, OSHA issued five citations to the Postal Service, each alleging that it committed repeat violations of the Occupational Safety and Health Act's General Duty Clause (§5(a)(1)) by exposing employees to "excessive heat" hazards. In each case, a letter carrier began feeling ill while delivering mail and was treated at a hospital or an urgent care clinic. The Postal Service contested the citations, and all five cases were referred to a single ALJ. The ALJ held five separate hearings and an additional national hearing to consider evidence common to all five cases. There is a four-pronged test for General Duty Clause violations in which the Labor Department must show that:

- "A condition or activity in the workplace presented a hazard."
- "The employer or its industry recognized this hazard."
- "The hazard was likely to cause death or serious physical harm."
- "A feasible and effective means existed to eliminate or materially reduce the hazard."

In the Benton, Houston, Martinsburg, and San Antonio Postal Service cases, the review commission affirmed the existence of the heat hazards but challenged OSHA's recommendations for effective and feasible means of abatement. OSHA and the Labor Department said the Postal Service should have established a comprehensive heat stress prevention program of acclimatization, an adequate emergency response program, work/rest cycles, analyzing existing data on employees' heat-related illnesses, employee monitoring, training, and reducing outdoor exposure times. During the review commission's proceedings, the Labor Department acknowledged the costs of time-based interventions like acclimatization, reducing outdoor exposure times, and work/rest cycles but maintained that such costs would not threaten the Postal Service's economic viability because:

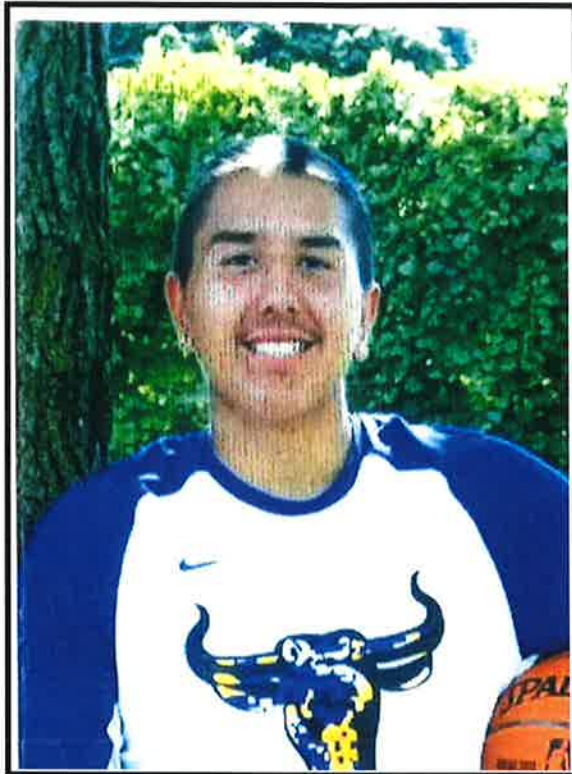
- The Postal Service is unlikely to go out of business because it is a "quasi-governmental agency," and Congress will prevent that.
- The Postal Service's losses are only "paper losses" because they are the result of a statutory requirement to pre-fund retirement health benefits—a requirement the Postal Service has not complied with and that has not been enforced.
- It can raise prices or borrow funds to pay for the measures.
- The Postal Service plans to spend money on other projects in coming years, including measures to increase productivity, and could reallocate that money to pay for the proposed abatement measures instead.

The review commission relied on statements from Postal Service officials, government task force, and Government Accountability Office (GAO) report findings that the Postal Service is at "high risk" and financially unsustainable. Concluding that OSHA failed to identify measures the Postal Service could feasibly have taken, the board vacated the citations. In 2019, the review commission vacated another heat-related violation, calling OSHA's reliance on the General Duty Clause a "gotcha" or "catchall" for hazards with no established standards. OSHA uses its General Duty Clause authority to address hazards without formal standards, including ergonomic hazards (that can result in musculoskeletal disorders), heat hazards, and workplace violence. The agency has rulemakings to establish standards for indoor and outdoor heat hazards and workplace violence in health care and social services.

Graduating Class Of 2023



J
A
C
O
B



Jacob graduated from Cudahy High School.

He will be attending Concordia University in the fall.

Congratulations!

**Jacob is the son of
Thomas Christjohn**

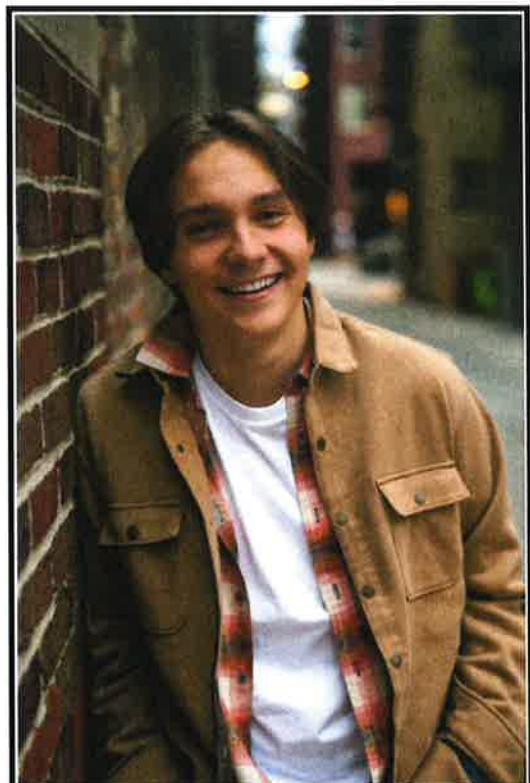
Colton graduated from Wauwatosa East High School with high Honors.

He will be attending UW-Milwaukee this fall, pursuing a degree in nursing.

Colton also earned the distinguished rank of Eagle Scout during his senior year of high school.

*"We are very proud of you Colton!
Shine on, you crazy diamond!
Love, Papa Czubs & Mom"*

**Colton is the son of Chris Czubakowski
(APWU Local Business Agent / T3 Automation Clerk)**



C
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N

Wednesday, 7:00 pm
September 27, 2023



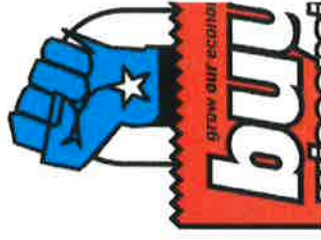
Deliver To:

FIGHTING TODAY
for a BETTER
TOMORROW

2023 GMM Meetings

January 30 - 6pm
March 29 - 7pm
May 26 - 7am
July 31 - 6pm
September 27 - 7pm
November 17 - 7am

Time Dated Material



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