

NATIONAL POSTAL MAIL HANDLERS UNION,
AFL-CIO



THE 308 POST



Volume 1, Issue 1

May 2011

Your Executive Board

John Gibson
President

Steve Bahrle
Vice President

Mike Rembelinsky
PA State Representative

Nick Campellone
NJ State Representative

Quentin Seth
DE State representative

Mike Mohan
Treasurer

Joe Zelenenki
Recording Secretary



WORKING FAMILIES UNDER ATTACK

The attack is on Brothers and Sisters and passive observation is no longer an option. According to a recent Los Angeles Times article "More than 700 bills have been introduced , in nearly every state, in the wake of laws in Wisconsin and Ohio." If you believe this attack on Unions and our right to collectively bargaining is restricted to only state workers

John Gibson and federal employees are safe, think again! Recent legislation has been introduced in the House of Representatives by Congressman John Mica (R-Fla.) According to the Washington Monthly's Steve Benen

"Sponsored by House Transportation Chairman John Mica (R-Fla.) -- a major recipient of campaign contributions from the airline industry, totaling more than \$620,000 in his career -- the controversial provision states if an eligible voter fails to vote for union representation, he or she will be tallied as an active vote against representation. Such a policy, which puts an extra burden on union organizers to round up all voters, rather than a simple majority, existed up until last July, when the federal National Mediation Board, which adjudicates labor-management disputes, ruled that absent votes ought not be counted against unionization. Labor officials hailed that decision as one of their signature victories last year, and the proposal to strip it away has sparked an equally emotional reaction."

Mr. Mica along with other anti-union advocates recently participated in a hearing regarding the APWU-USPS tentative agreement and was not at all friendly to our Service. For those of you not aware, the House Oversight and Government Reform Committee conducted hearings on our sister union's tentative agreement. That hearing can be viewed at c-spanvideo.org and includes a glimpse into the anti-union sentiment from some members of Congress. Representative Issa, the chairman, made it clear from the outset that the goal of the hearing was to examine current law and look for opportunities to enhance the Postal Service's ability to dictate terms to its workforce and divest the Unions of their ability to collectively bargain. The agenda has been set Brothers and Sisters and we are under attack. Although we have friends in Congress, the propaganda from the right could be cut with a knife it was so thick and obvious. For example, Congressman Connie Mack (R-FL) observed that in his home district he had been informed of a Post Office closing, and as you all know, is always and exclusively initiated by the Postal Service, and commented that "It sounds like the Union heads would rather see people lose their jobs than negotiate contracts." I recognize that many of the members of Congress deal with a multitude of issues on a daily basis, however, didn't

the Honorable Mr. Mack understand he was at a hearing to discuss the negotiated, albeit tentative, agreement between the parties. Mack clearly only cared about getting his anti-union sound bite on the record. For those of you who feel, as federal employees, we are somehow insulated from the 700 anti-union, anti working family state bills out there, think again, there are plenty of anti-union, anti-family evil doers in Washington DC that are more than willing to take away your rights to organize and collectively bargain



INSIDE THIS ISSUE:

FMLA PROTECTION 2

POLITICAL ACTION 3

INJURY COMPENSATION 4

YOUR RIGHTS 5

TREASURER'S REPORT 6

FINANCIAL REPORT 7

LABOR LESSON BP

See Page 3 for ways to become a Political Activist on behalf of Mail Handlers and working people everywhere.



"Grievin"
Steven Bahrie

FAMILY MEDICAL LEAVE ACT (FMLA) KNOW YOUR RIGHTS

The Family Medical Leave Act is a law that protects Mail Handlers and other workers throughout the United States. If you or an immediate family member has a qualifying medical condition you are excused from work without any penalty for up to 480 hours per year provided that you worked at least 1,250 hours during the prior 12 month period. Leave does not count toward your 1,250 hours, only actual work hours count including overtime. A simple way to check your eligibility for FMLA is to obtain a TAC's report on yourself from your Supervisor or through your Shop Steward. The correct TAC's report is called an "Employee Everything Report." On the upper right hand side of this TAC's report is a box which lists your qualifying FMLA Hours and how many FMLA hours you have already used during the calendar year. The next step is to obtain Form WH-380-E for yourself or a WH 380-F for an immediate family member which is a 4 page application that must be completed by your Supervisor, yourself and the healthcare provider (doctor). This form can be obtained through the automated call out system used by the Postal Service or from your Supervisor. If you have a problem obtaining the FMLA application contact your Shop Steward for help or visit the Local's web site at NPMHU/308.org. Once obtained Form WH 380-E or F must be completed as follows: Section 1 must be filled out by your Supervisor, Section 2 is filled out by you and Section 3 is filled out by the healthcare provider. When you take this form to the healthcare provider make sure he or she understands that each question must be answered unless the healthcare provider determines that a particular question is "not applicable" and answers that question as being "not applicable" (N/A). Be very careful to communicate to your healthcare provider the importance of establishing the correct "frequency and duration" of the qualifying medical condition. The failure to correctly document the "frequency and duration" of the medical condition has caused applications to be rejected. Review the entire form before you leave the healthcare provider's office to ensure that all questions are answered. Forward the completed application to your Supervisor for processing or forward the completed application to your designated USPS FMLA Coordinator, however it is the Union's understanding that in the near future these positions may be eliminated and that Shared Services will be responsible for processing FMLA applications. A notice to all Postal Employees should be provided if and when the USPS FMLA Coordinator positions are eliminated. Regardless, your rights and entitlements under FMLA Law will not change. If you experience problems obtaining FMLA protection contact your Shop Steward. Also the Union recommends that you file a complaint with the Department of Labor if your application has been disapproved when you believe it should be approved. Your tax dollars help fund the Department of Labor and it costs you nothing to file a complaint. The DOL has investigators who work in your behalf in your effort to obtain FMLA protection. (See Red box for contact info). When calling explain that you believe that your rights and entitlements under FMLA Law have been violated and you want to speak to an FMLA investigator. After your information is provided the investigator will contact you with a legal opinion about your complaint. If your employer is in violation the DOL will correct the problem and assist you in accordance with FMLA Law. Don't miss this opportunity to protect yourself and your family. All Mail Handlers should know that attendance related discipline can be avoided or eliminated by exercising your rights and entitlements under FMLA Law.

FMLA COMPLIANCE CONTACTS

Pennsylvania & Delaware	215-597-4950
New Jersey	856-396-2591

Protect Your Rights,

LOCAL 308 FACES AMP CHALLENGES

Area Mail Processing (AMP) Guidelines, Handbook PO-408, contains procedures for the movement or consolidation of operations from one installation to another. In recent years Mail Handlers all over the country including within the jurisdiction of Local 308 have been impacted by management's AMP studies. Our Brothers and Sisters, formerly of the Wilkes-Barre facility know too well the impact these studies can have on our lives as many now work in Scranton or Lehigh Valley. Currently, the Reading, Lancaster, and Southeastern facilities are facing the possibility of operational moves and employee reassignment. Reading has already determined to move some operations into the Lehigh Valley facility impacting Mail Handlers. The Lancaster facility is currently in the middle of their study and as required, a public meeting was held on Wednesday April 27 at the Centreville Middle School in Lancaster. Members of the public and the media attended as well as many of the impacted Postal employees. I along with Branch President Shelby Root, Vice President Steve Bahrle, Stewards Ed Berger and Sue Henderson along with many of our Brothers and Sisters were in attendance. It wasn't long into management's presentation before it became apparent that their spiel was more style over substance. No detailed information was presented to those in attendance and while the Union still has outstanding requests for information, District Manager Kevin McAdams stated that the data generated from the study would not be available until finalized. Manager McAdams did claim that more than \$2 million would be saved annually, mainly from reduced labor costs, while adding that no employee would be laid off. I'm not sure how they'll make that math work, but that is their claim. The Postal Service expected the approximately 200 in attendance to ask questions and make comments on a feasibility study that only management was privy to. This seemed absurd to me and I said so when my opportunity to speak to the body came. It is clear that the AMP process is a one-sided exercise designed to provide the least resistance to the Postal machine. A machine that, more times than not, acts before thinking. A machine that rarely, if ever holds their decision makers accountable for poor decisions. The proposed feasibility studies will undoubtedly present challenges across this Local but we fully intend to eliminate or minimize the impact to Mail Handlers wherever they arise. -John Gibson-



POLITICAL ACTION COMMITTEE

"The attack is on Brothers and Sisters..." are the opening words of cover story for our inaugural issue of The 308 Post. The importance of political action cannot be overstated. Throughout the history of the Labor movement in North America the greatest strides have occurred as the result of an active and aggressive legislative agenda by working men and women. The right to collectively bargain, the 8 hour work day, overtime provisions of the Fair Labor Standards Act, I could go on and on, were all achieved through political action. As a matter of law no dues money can be spent directly by any labor organization to advance the candidacy of any individual. However, we can donate voluntarily to the PAC which will be used to contribute to the campaigns of those individuals, of any party, who have demonstrated a support for the agenda of the NPMHU and working people. Contributions can be made in two different ways. First, a direct contribution by personal check, money order or credit card can be made to [Mail Handlers PAC](#)

P.O. Box 65171
Washington, DC 20035 (Or See below)

PAC Enrollment Procedure

By Telephone

When Prompted Press 1 for Postal Ease
When Prompted Enter your 8 digit employee ID #
When Prompted Enter your USPS PIN #
When Prompted Choose option #2 (Payroll Allotments)
When Prompted Choose Option #1 to select options
When Prompted Press #2 to continue
When Prompted Press # 3 to add allotment.
When Prompted Enter 054001220 (routing #)
Enter 11260001_ _ _ _ _ (last 9 digits are your SS# which allows us to identify you as the PAC contributor)
Press #1 if correct
When Prompted Press #1 for checking
When Prompted input bi-weekly dollar amount
Press # 1 if correct
When Prompted Press #1 to process
Record confirmation # & Record Start date

PostalEase through the Internet

Got to www.liteblue.usps.gov
Enter your Employee Identification # and USPS PIN #
Follow the link to PostalEase
Re-enter your Employee Identification # and USPS PIN #
Follow the link to Payroll Allotments/NTB
Continue to the Allotments section
Your routing Transit No. 054001220
Your account #11260001_ _ _ _ _ (last 9 digits are your SS# which allows us to identify you as the PAC contributor)
Account type will be checking
Input the amount of the bi-weekly allotment.
Click the validate button
Click the submit
Print confirmation page.

Injury Compensation and You!



*Joe Zelenenki
Recording Secretary*

Throughout the Postal Service and all across the country mail handlers sustain injuries almost every day. In a business with this many employees in an industrial setting accidents and injuries are going to occur. It is inevitable. But, now that you have suffered an injury what do you do? First and foremost is that you seek treatment for your injuries. Generally, the simplest and quickest way to facilitate this is by notifying your supervisor or management official that you are injured and in need of medical attention. Employees have the right to elect to see their own doctor but if they have sustained a traumatic injury and cannot be seen within 24 hours from the time of injury they should be treated at the closest medical treatment center to the facility. Now that you have been treated for your injuries what do you do? **Request a union steward!** Not only will a steward assist you in filling out the proper paperwork, they can answer the questions that postal management either cannot or will not answer. I have seen firsthand instances where managers have given bad information, given employees the wrong forms, not processed forms in a timely manner and even, out and out lied about an employee reporting an injury to them. Getting a steward involved in the beginning lets postal management know that there is going to be an advocate for the injured employee ensuring that the employee's rights are protected and that any problems that may arise will be addressed quickly. Suffering an injury is difficult enough without having to deal with unnecessary complications that could have been avoided. Know your rights! Talk to your union representatives and ask questions. Be informed, especially regarding your rights under Federal Employees Compensation Act (FECA).

While the union steward is there to assist you and ensure that your rights are protected employees need to recognize that the union's role is to assist the injured employee not work the claim for them. By this I mean that it is the claimant's responsibility to possibly provide medical updates to the Department of Labor when necessary or if there is question that necessitates speaking with someone from OWCP or the Department of Labor then the claimant should make those calls. In the event that a problem or question arises from that issue then the injured employee should contact the union for a clarification as to if what they are being told or directed is correct. It is essential that the claimant maintain a file with copies of any and all documentation pertaining to their case. There have been countless cases that have been denied or had to be appealed simply because the DOL requested copies of information that the claimant held in their possession but, didn't provide to the claims examiner. Another reason that the claimant needs to work their case is timeliness. The DOL frequently requests additional information when a claim is "under development". They notify the claimant via mail that they need additional information before the claim can be processed. If the claimant waits until he/she can ask a union steward what they should do or how to proceed, it limits the amount of time they have to gather the necessary information to send to the DOL. The more knowledge an injured employee has about their rights under FECA the easier it will be to navigate that rocky road. We encourage mail handlers to ask questions and know their rights, an educated mail handler can be their own best advocate.

VISIT
308's

[WWW.NPMHU308](http://WWW.NPMHU308.COM)

SITE

LOCAL
WEB

Click on the President's Page and send Local President Gibson your comments or concerns.



John Gibson
President

PROTECTING YOUR RIGHTS & REQUESTING REPRESENTATION

Article 15 of our National Agreement defines a grievance as a “*dispute, difference, disagreement or complaint between the parties related to wages, hours, and conditions of employment.*” As it should, this covers quite a bit of territory under the National Agreement and the literally hundreds of handbooks, manuals, instructions, and guidelines that govern Postal life. Of course not all “complaints” rise to the level of a violation of your contractual or legal rights, however it is always best to consult with a Union steward or other Union representative to be sure. Sticking with the language right out of the contract Article 15, Section 2, beginning on page 64 states “*Any employee who feels aggrieved must discuss the grievance with the employee’s immediate supervisor within fourteen (14) days of the date on which the employee or the Union first became learned or may reasonably have been expected to have learned of its cause. The employee, if he or she so desires, may be accompanied and represented by the employee’s steward or a Union representative. The Union may also initiate a grievance at step 1 within 14 days of the date the Union first became aware of (or reasonably should have become aware of) the facts giving rise to the grievance. In such case the participation of an individual grievant is not required*” What exactly does all that mean? What is clear and maybe the most important message is that, in almost every case, we have no more than 14 days from knowledge of the facts giving rise to the *dispute, difference, disagreement or complaint* to file a grievance at step 1.

When you have a need to discuss any work related matter with a Union representative simply make your request through your immediate supervisor. Depending on the nature of your request, for example whether it is emergent versus something that does not need immediate attention, you should be provided a Steward as soon as practicable or within a reasonable period of time which should not normally exceed two hours. Does this mean, as I have heard some supervisors say, management has two hours to provide a Steward? No, the Steward should be provided as soon as practicable and in most cases this should not exceed two hours. In addition, you are not required at the time of your request to inform management of the reason for your request, however, if it is an issue that might easily be resolved by your immediate supervisor, by all means let them fix it. Obviously, if a violation of your rights has or will occur, at some point someone in management will need to know. A failure of your immediate supervisor to provide you with the requested Steward should be addressed with any Union representative at the first opportunity. In either event it is not recommended that you walk off your duty assignment in search of representation nor should you refuse an assignment or order unless there is a legitimate risk to life or limb.

WEINGARTEN RIGHTS

(Reprinted from the January 2006 Union Time magazine)

Any time management questions an employee to obtain information and the employee has a reasonable belief that discipline may result from what he or she says, the employee has a right to request the presence of a union representative before or during the interview. This is called the so-called Weingarten right, named after the Supreme Court decision which held that an employee has a right, under Section 7 of the National Labor Relations Act, to have a knowledgeable union representative present whenever he or she is interviewed by a supervisor, Postal Inspector, or other management official, and the employee has reasonable cause to believe that discipline may result from that interview...The most important aspect of Weingarten is that the mail handler loses his or her right to union representation if the mail handler does not assert it. The Postal Service is under no obligation to inform the mail handler about his or her right to representation. Moreover, the Weingarten right belongs to the individual employee, and not to the union. It is imperative, therefore, that every mail handler know about these Weingarten rights in advance, before they have to be asserted. Once the union representative arrives at the interview, the steward is allowed to confer with the mail handler in private before any questioning begins or continues. The employer must inform the steward of the type of misconduct being investigated. Furthermore, the steward is allowed to speak during the interview to ensure, among other things, that the questions being posed are not confusing to the employee. In addition, after questioning is completed, the steward may provide information to the supervisor or manager to justify or explain the mail handler’s conduct, or to suggest other potential witnesses who may have knowledge about what occurred.

ALWAYS ASK FOR A



*Mike Mohan
Treasurer*

TREASURER'S REPORT

After taking office on March 18, 2011, I began the task of reducing the day to day costs of operating this Local Union. From day one we have reduced costs by eliminating unnecessary meals and reimbursement of mileage charges to and from Union Headquarters. These are not the only cost cutting measures we intend to implement. I have also discovered that many of the bills were routinely paid late incurring unnecessary late fees. One of my top priorities is to ensure our bills are paid on time thus reducing costs. We are currently reviewing all of the expenses we pay on a day to day and month to month basis in the operation of the local. It is my responsibility to find ways to save this local money and we are looking at every available option.

Upon taking office we faced some financial hurdles not addressed by the previous administration such as the unpaid Delaware and New Jersey state payroll taxes. These bills were being ignored and because of this, additional costs were incurred in fines and an elevated state tax rate for Delaware rising from 1.1% to 6.5% for several pay periods and levied penalties as well. The cause of this increase was the unfiled tax reporting as well as unpaid payroll taxes for the 3rd and 4th quarter of 2007 and the 1st quarter of 2008. Since discovering this I have filed the tax reports and have paid the past due taxes for Delaware. Once this has been finalized, I will turn my attention to New Jersey. Unfortunately, this bill has cost this local money which could have been used elsewhere.

Other than looking for ways to save money we have been busy ensuring that all the required reports and taxes are paid on time. In order to achieve this we contracted with the Accounting firm of Novak Francella. This is the same accounting firm the local has been associated with for the past few years. While initially there has been some concerns with the fees charged by this firm, we felt that based on the limited time to file we really didn't have a choice. It has always been my opinion to shop around to ensure we are not overpaying for these services. Our goal was to meet the annual filing deadline of March 31, 2011 set by the Department Of Labor which requires all union organizations to file the LM-2 report. It would be unfair not to mention the excellent work this firm did to meet that deadline of March 31st. After agreeing to the terms, the accounting firm committed four accountants to our local union that worked late into the evening ensuring that the LM-2 was filed on time.

We have made a commitment to the membership to look for ways to cut costs without in any way affecting the level of representation. Because of this commitment we continue to contact other accounting firms, setting up meetings to discuss costs which are associated with the filing of the audit, LM-2 report as well as the 990 and 990T's, keeping all of our options open. We will then make the decisions that will best benefit this local financially. We are committed to reducing operating costs while maintaining a high level of representation to the Mail Handlers of Local 308.

Please take the time to review the financial statement for the first quarter of 2011 on the following page and feel free to contact me with any questions you might have about this local's finances.

Fraternally,

Mike Mohan
Treasurer

**NPMHU
Local 308
Financial Statement
January through March 2011**

<u>Income</u>		<u>Expenses</u>	
Regular Membership Dues	304,782.80	Bank Service Charges	113.50
Membership Per Capita Tax	<u>-88,139.95</u>	Billing Expense	6,285.28
Net Dues to Local	216,642.85	Computer Expense	105.98
		Employee Benefits	23,181.23
Federal Associates Dues	150,890.60	Equipment Rental	4,070.44
Federal Assoc Per Capita Tax	<u>-35,744.27</u>	Insurance	7,614.00
Net Dues to Local	115,146.33	Internet	1,979.65
		Loan & Pension Expense	33,000.00
Supplemental Dues	1,428.00	Meeting Expense	7,619.51
Supplemental Per Capita Tax	<u>-340.00</u>	Member Relations	3,604.90
Net Dues to Local	1,088.00	Office Expense	332.25
		Office Supplies	4,293.91
Postal Associate Dues	14,591.97	Postage	3,026.58
Postal Assoc Per Capita Tax	<u>-4,563.51</u>	Printing	9,625.00
Net Dues to Local	10,028.46	Rent	13,459.26
		Repairs	1,245.00
Revenue Sharing	35,317.50	Utilities	9,901.02
Miscellaneous Income	<u>282.16</u>	Thrift Savings Plan	155.58
	35,599.66	Cleaning	275.00
		Supplies	164.14
		Professional Fees	27,545.30
Total Net Dues to Local	378,505.30	Copying Expense	1,164.07
(Expenses)	<u>(323,986.75)</u>	Taxes	6,688.61
Net Income	54,518.55	Travel	7,512.02
		Telephones	4,578.37
		Payroll	131,230.26
		Payroll Taxes	13,952.26
		Payroll Service	1,263.88
		Accounting Adjustment	-0.25
		Total Expense	323,986.75

Long Term Liability

	As of 12/31/10	As of 3/31/11
National Office	534,567.00	483,731.47
Laborers International	<u>182,811.00</u>	<u>176,811.00</u>
	717,378.00	660,542.47

**To review the Union's
Department Of Labor LM-2 Report for
2010**



NPMHU Local 308
5301 Tacony St.
Box 126
Philadelphia PA 19137

INSIDE!
Local Union
Newsletter

Volume 1, Issue 1
Local 308 Post



The History of Labor

The Pullman Strike: A major labor upheaval in U.S. history both in its breadth and violence and in its consequences; the crippling of a major railway union and the beginning of a new wave of blanket antistrike injunctions against unions. In the background of the strike was the economic crash and Great Depression of 1893, resulting in the collapse of many banks and railroads and the bankruptcy of 15,000 businesses, which in turn generated in massive layoffs and wage freezes. The more immediate cause was a 25 to 40 percent wage slash for workers of the Pullman Palace Car Co. in the company town of Pullman, just outside of Chicago, without a corresponding reduction in their rents. When a committee of workers formed in May of 1894 to discuss the matter with landlord/entrepreneur George Pullman, he reacted by firing three of the members on the spot. The workers appealed to Eugene Debs' American Railway Union (ARU) for support; the Union responded with a nationwide strike and boycott of all trains hauling Pullman sleeping cars. Escalation piled atop retaliation. The General managers' Association composed of the 26 railroads in the Chicago area, ordered the discharge of any worker who refused to handle Pullman cars; the ARU brought most of the nation's rail traffic to a halt by the end of June. The Pullman Strike began

to be called the "Debs Revolution". By then, 260,000 rail workers joined the walkout; as many as 500,000 may have been idled because of the boycott...railroad owners were able to prevail upon the business-friendly Cleveland administration to attach mail cars to trains with Pullman carriages—and charge strikers with interfering with the U.S. mails. They also secured the dispatch of federal troops and state militia in six states. The arrival of the Army in Chicago on the Fourth of July... precipitated violent confrontations in the next few days that left 15 strikers and protesters dead, scores injured and Debs and other ARU leaders in jail. By July the Debs Revolution had spread to 26 states from Maine to California, its toll some 35 bodies on the strikers' side and untold millions in damage on the railroads' ledgers. The final blow was delivered by Samuel Gompers and his AFL. Rather than back the socialist Debs and the general strike he called for...the AFL voted a miserly \$1,000 toward Debs' legal defense and urged strikers belonging to AFL affiliates to return to work. By mid July, the strike was broken and the ARU routed. The union dissolved five years later. (*The Lexicon of Labor - R. Emmett Murray*)



NPMHU **the**
Local 308

Contact

NPMHU - Local 308
5301 Tacony St.
Box 126
Philadelphia PA 19137
tel. - 215 537 8220