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THE BOSTONIAN

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July-September, 2013

The President's Report . . .



by Paul Kilduff, Jr.,
General President

This article I will touch on many on-going issues and things we need to do as a Union to save our jobs. I have preached over the past year to DO OUR JOB, NOTHING MORE — NOTHING LESS. I want to thank each and every member in all crafts who have said enough of doing the work of three people. It doesn't get you anywhere except abolish someone who works next to you. I would like to add a few ideas that all of us should live by on a daily basis that would help us to save our jobs.

1. Come to work every day and perform your duties to the best of your ability. If you are unable to report to work, call in as soon as possible. Any member who needs FMLA needs to have 1250 work hours to qualify so the more work hours the better.

2. Please know your job inside and out. This one is meant mainly for window clerks. This office is seeing more discussions concerning failed mystery shops at stations. The HAZMAT questions must be asked each time for a package. "DOES THIS PACKAGE CONTAIN LIQUID, FRAGILE, PERISHABLE OR POTENTIALLY HAZARDOUS, SUCH AS LITHIUM BATTERIES OR PERFUME?" This question is a MUST for all packages. Don't give some knucklehead supervisor a reason to think he can send you home without pay.

3. You are probably sick of hearing this from me but it has to be stated again and again. REPORT ALL CONTRACTUAL VIOLATIONS when you witness them. If a supervisor is working next to you casing mail — then that is a violation. They are there to supervise . . . ONLY!! There

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is money to be made for these violations so report them to a union official ASAP.

4. Our way of life now requires us to get involved with important legislation that is pending on Capitol Hill. Please keep up to date with all bills pending that will affect ALL Postal Workers. Any one of us can go on www.apwu.org to view updates on

local in *the Bostonian* and the bulletin boards. I can honestly say for the life of me I can't understand why anyone who is a member and paying full dues would be upset with the posting. This local is over 95% organized and for our size of members (over 2100), you should be proud to know that no other local in this country of our size can match our percentage of members.

OWCP Suspends USPS Access To Electronic Data:

This comes from Sue Carney who is our National APWU Human Relations Department Director. "In a bold step to protect the privacy rights of injured workers, the Office of Workers Compensation (OWCP) has indefinitely suspended the Postal Services ability to review, receive, and transfer Federal Employees Compensation Act (FECA) information and documents electronically. The decision was made in consultation with the Department of Justice."

The inability to access and transfer electronic data will make claim management more difficult for the Postal Service and will undoubtedly cause repercussions for some members. It is important for members to understand the suspension has not changed reporting obligations for the Postal Service or the responsibilities of FECA claimants.

The APWU has met with DOL officials and held discussions with congressional staff regarding the issue. We have expressed our support for protecting the privacy of postal employees and voiced our opposition to OWCP's interference in the grievance process. As the APWU is apprised of any changes to this situation, we will keep union members informed. Members with OWCP claims should continue to contact this local for any advice regarding their claims.

Lastly, I cannot tell you how much I appreciate all the hard work and endless hours the officers of all crafts put into running this local. The job of a union officer does not end when they leave work. Your union officers work every day both on and off the clock. Many of you already know your reps' phone number and can call them for help any time of the day, 24/7. I am proud to be President of the Boston Metro Area Local 100 and I, along with all of my officers, will continue to fight the fight for as long as it takes to get the job done for you, THE MEMBERSHIP.



our issues. If you are asked to send a letter via email on the site, then please take the two minutes of your day to do this. Don't put it off for another day.

5. Lastly, if you know a non-member that is working next to you — please ask that non-member to join the union. Let him know you are tired of carrying him or her on your back. It is time for these freeloaders to stop being so cheap and to stop making excuses why they are not in the union. THERE ISN'T ONE GOOD REASON TO HAVE ONE NON-MEMBER IN THIS LOCAL.

I know I have left off many other things we can do to help save our jobs but it takes work and dedication by all of us . . . not just a few of us. If only a few of us do the above, then we are doomed to fail.

I received several calls from members upset that Boston Metro publishes the list of non-members in this

However, 95% is not good enough in 2013.

I am sure everyone reading this article knows of a non-member in their sections. Doesn't it bother you that this person sitting with you is living off the 95% that got this "SCAB" all of his or her benefits? The APWU is working 24/7 to save the Postal Service from extinction. It costs money to run all the TV commercials and ads in the newspapers. Everyone knows who ISSA is and what he stands for. If he gets his way, we can say goodbye to our "No Layoff" clause — a clause that we have enjoyed since I was first employed as a PTF. I will continue to post the SCAB list for as long as I am President of this local. These non-members cannot hide any longer . . . my message to them is to stop letting your co-workers carry your asses any longer and stop making stupid excuses why you won't join . . . NO ONE BELIEVES YOU.



by Bob Dempsey, Vice President/Treasurer . . . — Labor Day —

Labor Day is now a memory and I hope everyone enjoyed their summer even though it went by a little too quick. Next week Congress returns

and they'll be busy dealing with everything that's going on lately and will probably not get to postal reform anytime soon, but I want to bring to your attention to a couple of disturbing pieces of legislation.

On July 24, in a party-line vote, Representative Darrell Issa's (R-CA) got his bill (H.R. 2748), the Postal Reform Act of 2013, approved by the House Oversight and Government Committee. Hopefully, this bill never sees the floor and we get a substitute (H.R.630) on the floor to start the debate.

On August 1st, Senators Tom Carper (D-DE) and Tom Coburn (R-OK), introduced postal legislation that would devastate our health insurance and retirement benefits. The bill (S.1486) would give arbitrators the authority to remove postal employees from the Federal Employees Health Benefits Program, the Federal Employees Retirement System and the Civil Service Retirement System.

This bill also would destroy service to our customers by virtually eliminating overnight mail delivery, decimating the mail processing network, closing post offices, phasing out door delivery, and ending Saturday letter-mail delivery. This legislation would also give the Postmaster General authority to eliminate additional delivery days in the future. Why Senator Carper didn't start with last year's bill (S.1789) that passed the Senate is a mystery.

There's some scary stuff going on in DC and it seems like the "Postal Service Protection Act" (S. 316 & H.R.630) introduced by Senator Bernie Sanders (I-VT) and Rep. Peter DeFazio (D-OR) that we've been gathering co-sponsors for will probably be ignored as they plan to push the above postal legislation.

We are lucky here in Massachusetts because our congressional delegation

is awesome. They have our backs and will support to preserve the Postal Service and our careers. It's the other forty nine states that make me nervous.

On July 16, I attended Senator Markey's swearing in ceremony in DC (at my own expense). Since I was going to be in town I contacted headquarters and was invited to attend a hearing on postal reform that President Guffey would be testifying at the next day for the House Oversight and Government Committee which was a couple of days prior to Issa introducing his bill (H.R. 2748).

For me, this was memorable experience and I really enjoyed seeing some of the stuff not seen on C-span when watching these hearings. I can tell you firsthand there is a lot of tension down there based on the facial expressions, body language and side comments. Issa's new puppet Farenthold (R-TX) never seems to be able to control his sidebar remarks to Issa when the camera is not on him when someone is testifying. These guys don't hide the fact that they want to privatize the Postal Service by running us into the ground.

Back in 2009, when we first started fighting proposed Post Office closures here in Boston, I started noticing the need for a better relationship with our congressional delegation. This is why I became more involved in legislative issues and ultimately the Legislative Director for the APWU of Massachusetts.

It dawned on me at the Greater Boston Labor Council's Labor Day breakfast that I'm a lucky guy. I'm coming up on my fifth year as an executive board member of the GBLC and we've done some great work as a council. The breakfast was a huge success and we had two senators (Warren and Markey) in attendance.



Vice President Dempsey talking with APWU President Guffey while waiting to get into the hearing room on July 17th.

Scheduling speakers was a challenge, especially with all these elections going on in the city; but as I jokingly said "two senators wanting to come to show their appreciation to us, is a great problem to have".

Labor Day made me realize that I really enjoy what I do these days. It might require many dates on the calendar to disappear and putting in many hours during the month, but I wouldn't change things one bit. I believe it's really not work when you enjoy what you do. The friendships, relationships and the great work we do trying to improve the lives of working families make it all worthwhile.

Labor Day is a celebration of the American labor movement and is dedicated to the social and economic achievements of workers. It constitutes a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of their country.

These social and economic achievements are under attack every day due to corporate greed. I want to thank Labor and the APWU for fighting to protect what we've achieved. We need to continue the focus on trying to bring all workers up to a living wage (please support the upcoming increasing the minimum wage legislation) and stop those who want to tear us down to increase corporate profits. There's lots of money to be made privatizing the Postal Service and everybody wants some.



Vice President Dempsey talking with Greg Bell and Gary Kloefer.



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- General President Paul Kilduff, Jr.
- V.P./Treasurer Bob Dempsey
- Dir. Ind. Relations Bob Keough
- Assist. Treasurer Dennis Avery
- Recording Secretary Bob Farrell
- Vice President, North Raymond Bell
- Vice President, South Barry Holland
- Vice President, Central Robert White
- Vice President, West John Uccello
- 017 Vice President Vacant
- 020 Vice President John Milso
- Dir. Human Relations Dale Denham
- Dir. Org. Leg. & Educ. Bob Waterhouse
- Sgt.-at-Arms Bruce Pearson

CLERK CRAFT OFFICERS

- Pres. Clerk Craft Scott Hoffman
- Dir. Mech. Distr. Matt Dodd
- Trustee Clerk John Tobin
- Trustee Clerk Steve Barrows
- Trustee Clerk Paul Holland
- Trustee Clerk Linda Cheevers

MAINTENANCE CRAFT OFFICERS

- President, Maintenance Wayne Greenside
- Trustee, Maintenance Joseph Joyce

MOTOR VEHICLE CRAFT OFFICERS

- President, MVS William Weaver
- Trustee, MVS Ned Hogan

BOSTONIAN STAFF

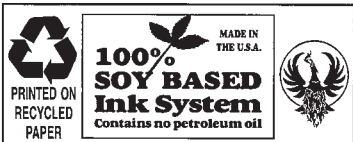
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- Mass State Labor Council, AFL-CIO
- Greater Boston Labor Council AFL-CIO
- American Postal Workers Union, AFL-CIO
- American Postal Workers Union of Mass., AFL-CIO
- Postal Press Association Norfolk County
- Central Labor Council



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United We Stand - Divided We Fall!

(Published Quarterly)



by Robert Keough, Director Industrial Relations . . .

Blame Management — Not Your Union

There is no question in my mind that the most complex issue the APWU faces on a regular basis is excessing. Part of my responsibilities as D.I.R. is to coordinate all Article 12 issues for the local. Contractual rules regarding excessings are found in Article 12 of the contract. Many of you have been excessed and are somewhat familiar with the process. However, I have heard from some members that excessings are done differently all the time. That very well could be true for a couple of reasons.

First, contractual language regarding excessings has evolved from contract to contract. Second, and more importantly, is the fact that there are different rules that apply depending on the type of excessing that is occurring. The contract has separate rules for 5 different types of excessings. In addition to the 5 different excessing scenarios, there are memorandums of understandings and arbitration awards that also dictate the way excessings impact employees. Other parts of the contract also must be considered when excessing occurs.

When the Postal Service declares an excessing, they cite which Article 12 provision that they are relying upon. Part of the union's job is to ensure that the correct provision is being applied. "Reassignment within an installation of employees excess to the needs of a section" is the Article 12 language relied upon most by local management. One of the first questions often asked by impacted employees is will there be an in-section? There is some confusion about in-sections. There are only a couple of scenarios when an in-section of jobs would be appropriate.

Excessings from a particular station, branch or tour may result in an in-section. When management enacts a staffing package which reduces the number of duty assignments and there isn't enough jobs for everyone in the section, branch or tour, then an excessing would take place. Junior clerks are identified and excessed. These excessed employees have retreat rights back to the section excessed from. The staffing package that excesses junior people may also abolish senior people. Management could very well be abolishing the senior employee's position — not the junior excessed clerk's position. In this scenario an in-section would take place, the positions of the junior ex-

cessed clerks would be in-sectioned. All newly established and occupied positions junior to the senior position abolished would also be in-sectioned in this scenario.

An in-section would take place if there are any employees with outstanding retreat rights to the impacted section. Jobs cannot be posted if there are outstanding retreat rights. If an impacted section has anyone with outstanding retreat rights, then the following would take place. Any vacant position(s) would be in-sectioned; the resulting position(s) remaining after the in-section would then be offered as retreat rights.

An in-section would take place when a 40 hour regular position is re-posted as a non-traditional position (NTFT). When this happens, any occupied positions junior to the clerk whose position was abolished and re-posted as a NTFT would be in-sectioned.

When a staffing package does not reduce the number of jobs in a sec-

tion, branch or tour, then there would be no in-section. If positions are abolished and re-posted with different NS days, there would be no in-section. If a staffing package has a net gain of jobs, there would be no in-section. These jobs would go up for installation wide bidding. More often than not this is the case. Staffing packages that do not reduce the number of duty assignments do not require an in-section, barring outstanding retreat rights and or the re-posting 40 hour jobs as NTFTs.

Excessing is done by inverse seniority. Abolishments are based on service needs. Keep in mind that excessing and abolishing are 2 different things. Abolishing and reverting mean the same thing — the job is being eliminated. The difference is that a position is abolished if it's occupied, reverted if it's empty.

The rules that I just went through are for one type of excessing and, as you can see, there are many variables that affect how people are impacted. There

could be other variables as well. Don't hesitate to ask questions.

Most importantly, please remember that it is the Postal Service that is behind these staffing packages — not the union. Our job is to make sure that contractual obligations are lived up to and that impacts to our members are minimized as much as possible. We are often successful in eliminating and mitigating them, however there are still substantial impacts to many. In the end, your manager or Postmaster will do as they are told which is usually — CUT JOBS. Remember, they are not our friends.

New language in the contract which requires management to consider all available work hours regarding staffing decisions has resulted in some very good arbitration decisions. Arbitrator after arbitrator are ruling for the union on this issue. The national has been successful in getting some PSEs converted to career. Locally we have filed all appropriate grievances which I expect to be heard beginning this fall. Stay tuned.

Weingarten Rights

by Bob Keough,
Director Industrial Relations

Weingarten Rights guarantee an employee the right to Union representation during an investigatory interview. These rights were established by the Supreme Court in the case of J. Weingarten, Inc.

An investigatory interview is one in which a supervisor questions an employee to obtain information which could be used as a basis for discipline, or asks an employee to defend his/her conduct. If an employee has a reasonable belief that discipline or discharge may result from what he/she says, the employee has the right to request Union representation.

Pre-Disciplinary Interviews (PDIs) are considered Investigatory Interviews. If your supervisor, manager or Postmaster wants to do a PDI with you, ask for representation.

Interviews by the OIG (Office of Inspector General) are Investigatory Interviews. You should request representation prior to talking to them. Not doing so places your job in dire jeopardy. An employee must state that he/she wants a Union representative present. The employer/OIG has no obligation to ask the employee if he/she wants a representative.

Weingarten Rules — When an Investigatory Interview occurs, the following rules apply:

Rule 1 — The employee must make a clear request for Union representation **before** or **during** the interview. The employee can't be punished for making this request.

Rule 2 — After the employee makes the request, the supervisor has 3 options.

a. Grant the request and delay the interview until the Union representative arrives and has a chance to consult privately with the employee; or

b. Deny the request and end the interview immediately; or

c. Give the employee a choice of: 1.) having the interview without representation, or 2.) ending the interview.

Rule 3 — If the supervisor denies the request and continues to ask questions, this is an Unfair Labor Practice, and the employee has a right to refuse to answer. The employee cannot be disciplined for such refusal, but is required to sit there until the supervisor terminates the interview. Leaving before this happens may constitute punishable insubordination.





by Scott Hoffman, Clerk Craft President . . . **They Will Not Change**

As you read this, we are passing from yet another Summer into Fall. I hope you all had a great vacation with your families, away from the rat race that our jobs have all become. Whether you are tethered to a window, or a DBCS, short-staffing is making our work lives miserable.

We are now entering the busy season. Don't expect it to get better. **THEY HAVE NOT CHANGED.** Their philosophy is the same . . . keep cutting until the breaking point has been reached. By "breaking point" I mean one or both of the following. Either the employees band together to show unequivocally that the rules, regulations and service standards cannot be followed or met with these staffing levels, or the public figures out their service and standards are in the toilet due to the cut, slash and sell policies coming out of Washington. Now since the public is not privy to what goes on inside the four walls of the Postal Service, I don't expect them to reach their conclusions until later. That means it's up to us. All of us.

The staffing pitfalls are not unique to the clerk craft either. It's decimation right up and down the line. Not enough mailhandlers to take mail and equipment off the trucks to properly prep it for dis-

tribution in the correct time frames. Not enough clerks in the plant to sort, distribute and expedite the mail that is now late due to the mailhandler/clerk shortages.

Now there are not enough M.V.S. drivers to transport the mail to the stations and branches, with the extra runs because the mail isn't ready for the normal trips. Now there are not enough clerks in the stations and branches — period. Box lines not up on time, registry cages void of any established security. Late arriving Priority scanned "Arrived" and "Attempted" when it never leaves the station because there are not enough clerks or carriers to process and deliver it.

All the while we are working in facilities that are not being cleaned and maintained properly because the maintenance craft is not staffed correctly according to the Service's own formulas.

Do you think Postal management is not aware of these truths? It is by design. Now, we can sit around and cry about how hard we have it, we can complain that we are tired of hearing customers bitch at us because they were home all day and no one came to their house to deliver the package that the Service's online information says was "Attempted". We can turn a blind eye to no clerk in the registry cage, and hope nothing happens, and hope we don't get blamed. We can continue to scan "all ups" when we are looking at the mail that should have been sorted in the box-line or delivered, as it sits on the floor right in front of us.

We can accept the mumbo-jumbo ex-

planation that this mail "doesn't count for those scans", or "isn't committed for today". We can have our annual leave denied because there is no one to fill in, and our sick leave requests turn into LWOP because they demand documentation in circumstances well outside the established criteria, and hold our pay hostage until they receive it. This is business as usual. They will continue with business as usual because those in high places are being well compensated to continue this way of doing Postal business.

So here we are — at the crossroads. We can take the "business as usual" path and be led to the slaughter — plant by plant, station by station, clerk by clerk. Or maybe we can function as a group of employees who believe in the institutions who pool their dues legally under the Law to enforce their rights, rules and regulations. What a novel concept! We could call it a union! The union only works when it is acting like a union.

Forgive my sarcasm, but for the most part I see people who have given up, who are mortgaging their futures to just get through today. That is what the Service wants you to do. They may even offer some trinket today to buy your silence or cooperation. What they won't offer is permanent resolution. We have to do that, and it starts by sticking together and making better the only common denominator that matters to us all. Our jobs.

Start by knowing and demanding enforcement of the rules. Follow this up by reporting and grieving the violations. We have to stop aiding and abetting — by our apathy — the erosion of the Service and a job that use to be bearable. Stand up now - before we are in an unescapable abyss. Stop insuring a worse future by doing nothing today.

Window clerks, please enter the Customs Forms at time of service. Over-

riding and later input is the exception. We are letting the exception become the norm. This is yet another way to circumvent procedure and allows them to hide staffing shortcomings. Worse than that, when something happens, the clerk who overrode the procedure for later input is the one who incurs the discipline. I know you are trying to move the line, but once again, we are the ones at risk for their decision to cut staffing to levels that create lines that lead to the override. Let's tackle the long term problems rather than taking the path of least resistance which, in turn, makes future days even harder.

I will end on a positive note. The GMF will be getting some more jobs. Due to plant consolidation, grievance activity, labor charges, and good old fashioned involvement, jobs will be posted on all three tours. It is anticipated that it will be to the tune of approximately seventy (70) positions over the next few bid cycles. Good work, GMF stewards.

Arbitrators throughout the country are affirming the clerk craft's Article 37 language as to the meaning of bid formulation out of "all available work hours". We have grievances which should soon come to fruition. We have convinced management to re-post the residual vacancies for bid.

There has been some clerical PSE (Postal Support Employee) conversions to career status finally in some districts that have cap violations. We have won national decisions on subcontracting. These are the things that happen when we get involved and grieve.

Oh, by the way, our COLA should bump our salary by about a grand. Don't let foolish differences keep us divided. While we are at work we should only have one set of goals. The preservation of our work, rights, and dignity.

In Unity.

\$937 Cost-of-Living Raise Set For September

Career APWU members received a \$937 annual increase in pay recently. APWU President Cliff Guffey has announced. "This substantial raise is the result of the 2010-2015 Collective Bargaining Agreement, which preserved cost-of-living adjustments for our members," he said.

"Cost-of-living increases are an important part of our pay package," Guffey noted. "Combined with percentage pay raises, they help our members achieve financial security."

The cost-of-living adjustment (COLA) will be effective Sept. 7 and will be reflected in Sept. 27 pay-checks. The raise amounts to \$36.04 per pay period and reflects increases in the cost-of-living from January to July 2012, and from January to July 2013.

The September COLA will be the second this year. The first increase, in March, totaled \$207.

Additional cost-of-living adjustments will be made in March 2014, September 2014 and March 2015.

In addition to the COLA, APWU members also will receive pay increases of 1.5 percent effective Nov. 16, 2013, and 1 percent effective Nov. 15, 2014. A 1 percent across-the-board pay increase was effective Nov. 17, 2012.

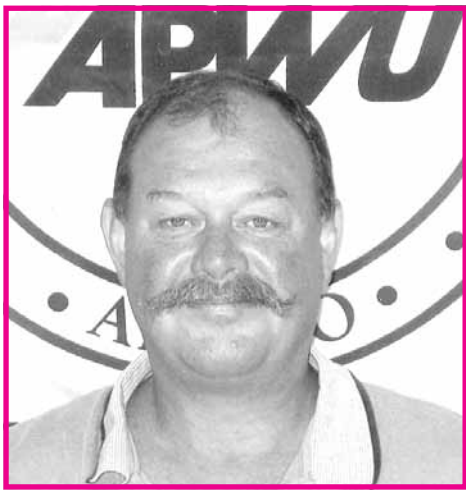
Postal Support Employees (PSEs), who are not eligible for COLAs, will receive additional raises of 2.5 percent effective Nov. 16, 2013, and 2.5 percent effective Nov. 15, 2014. PSEs received an across-the-board increase of 2 percent on Nov. 17, 2012.

Updated pay scales are available at www.apwu.org. Printed copies, showing the September COLA and the November across-the-board raise, will be included in the November-December edition of *The American Postal Worker magazine*.



Welcome New Members

<p>Adel Abdelmalek Jonathan Adams Michael D. Avallone Raymond C. Avant Martha Ba Carlos M. Celado Leitoshia M. Cobb Matthew R. Costa Fernando T. DaFonte, Jr. Dwayne Daschke Kirk A. Ferland Lanette A. Fields</p>	<p>John Thomas Foley, Sr. Jerome A. Greenaway Cathy A. Haskell Michael A. Holman Maria L. Holmes William R. Hughes Christopher L. Johnson Richard J. Kropas Jenny K. Lee Candy A. Lowd Keyonia R. McCall Stephany M. Mestre Amilton T. Monteiro George Mungai</p>	<p>Marc T. Nadeau Vahan L. Nalbandian Mark C. Nardone James M. Pesaturo Derrick L. Prescod Michael J. Raftery Luigi Senat Kevin M. Simpson Paul M. Stornaiuolo Dominic Tam Thomas Varughese Mia C. Williams Beverly A. Wilson</p>
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by Bill Weaver, MVS Craft President . . . Protect Your Commercial Driver License

Everyone who wishes to obtain or who currently holds a CDL (Commercial Driver License) will need to inform the Registry of Motor Vehicles (RMV) of the type of commerce they plan to operate within (interstate or intrastate), and whether or not they are required to hold a medical certificate. This notification is called self-certification. It is called self-certification because the driver alone needs to determine the self-certification category they fall into based on their driving information.

Beginning August 15, 2012, all CDL drivers who currently hold a CDL that is being renewed, upgraded, or transferred from another State, will be required to self-certify in a RMV branch office at that time. All other CDL drivers have until January 30, 2014, to self-certify and do not have

to visit a RMV branch office at this time. You can mail or fax it to the RMV.

The medical certificate should have expiration date of ninety (90) days or more at the time you self-certify. If your medical certificate is only valid with a vision, diabetes, or skills performance evaluation variance granted by the Federal Motor Carrier Safety Administration (FMCSA), you will also need to provide this documentation to the RMV.

If you currently hold a CDL but do not drive a CDL vehicle, you still need to self-certify to keep your CDL. After your initial self-certification, you will receive a reminder letter when your self-certification is due to expire. The notice will be sent to the address the RMV had on record prior to the expiration date.

You may also need to re-certify prior to the expiration date if the type of driving you do has changed. If you do not re-certify, the RMV will downgrade you to a Class D License, which will be mailed to you. A \$25.00 License Amendment fee will be posted on your driving record to be collected at the time of your next license transaction.

U.S.P.S. employees who are required to hold CDLs are required to have standard D.O.T. CDL physicals at least every two years. The physicals will be scheduled by postal management. The exams are conducted on the clock at a U.S.P.S. medical unit or at a contract medical facility, and are paid for by the U.S.P.S. If you know your medical card is getting close to the expiration date, tell management. Do not let your medical card expire. **IT'S YOUR CDL — PROTECT IT.** It's how you make your living.

MEDICAL MARIJUANA

In November 2012, Massachusetts voters approved a ballot question that allows a qualifying patient with a debilitating medical condition to obtain and possess marijuana for medical use. Do not be fooled. Just because the State of Massachusetts or any other State issues you a certificate or license to use medical marijuana, **you cannot use medical marijuana if you drive a CDL vehicle.** The Department of Transportation rules on drug and alcohol policy and compliance notice states, in part, "The Department of Transportation's (D.O.T.) long standing regulation about the use of

marijuana by safety-sensitive transportation employees, i.e. pilots, school bus drivers, truck drivers, train engineers, subway operators, aircraft maintenance personnel, transit fire-armed security personnel, ship captains, and pipeline emergency response personnel, among others, are subject to D.O.T. Drug and Alcohol Testing".

A Medical Review Officer (MRO) (Doctor) must **not** verify a test negative based on information that a doctor recommended that the employee use "medical marijuana". Please note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains UNACCEPTABLE for any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations, to use marijuana.

I would like to thank Dennis O'Connor who was acting as M.V.S. Craft President in my absence for 13 months. He did a great job! Semper fi.

(The information used in this article was taken from the Department of Transportation and APWU websites and MA RMV website.)

— The Right To Remain Silent —

by Steve Albanese

(former Boston Metro Local President and National Officer)

We have all watched police dramas on TV and we have heard that phrase over and over, "You have the right to remain silent and anything you say can be used against you". How does that apply to our administrative process when a non-criminal investigation is ongoing in the Postal Service?

There are a couple scenarios that we should examine. The first would be a situation where the Inspection Service is investigating a problem on the workroom floor. You are called in as a potential witness to an incident. When asked questions do you have the right to refuse to answer? The simple response is no. Section 666.6 of the ELM requires employees cooperate in any investigation so refusing to respond to questions can lead to discipline. You do, however, have the right to have a union representative with you during the interview, particularly if you are the target of that investigation. It is perfectly OK to say you did not see or hear anything, but you simply cannot refuse to answer questions.

The next scenario is the most common. An individual is facing a non-criminal pre-disciplinary interview with his/her supervisor. Let's say it involved some type of misconduct. The employee requests to have a steward present. In this circumstance, is it advisable for the employee to refuse to respond to questions? My advice is to take that opportunity to tell your side of the story; but before you say anything, meet alone with your steward. Explain your side of the story to the steward first. The steward should not advise you to lie, but explaining it first to the steward might reduce the chance of making matters worse than they have to be.

When you and the steward return to the interview, the

union's first goal will be to have management explain the scope of the investigation. Keep you cool and let the steward do his/her job. Then only respond to the questions you are being asked. Do not volunteer anything not asked. The steward should keep careful notes.

This article did not address the pre-disciplinary meetings when related potential criminal charges are pending. In that situation remaining silent is the right thing to do until you consult with an attorney. In that kind of a pre-disciplinary meeting, the grievant is entitled to have both an attorney and a steward present.

I recently did an arbitration case where the grievant

refused to tell management anything during the pre-disciplinary process. His steward advised him that it was better to wait for the discipline and then respond. That was NOT good advice. Management refused to rescind the discipline after the fact and argued that the grievant had his chance to explain before discipline was issued and refused. The arbitrator agreed and gave little weight to explanations given after the discipline was imposed. Fortunately the arbitrator did agree to modify the discipline after hearing the explanation, but criticized the grievant for not explaining his actions during the pre-disciplinary process.

THE SCAB . . .

by Jack London (1876 - 1916)

After God had finished the rattlesnake, the toad, and the vampire, he had some awful substance left with which he made a scab.

A scab is a two-legged animal with a corkscrew soul, a water brain, a combination backbone of jelly and glue. Where others have hearts, he (or she, ed.) carries a tumor of rotten principles . . .

When a scab comes down the street, men (and women, ed.) turn their backs and angels weep in heaven, and the devil shuts the gates of hell to keep him (or her, ed.) out.

No man (or woman) has a right to scab so long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with. Judas was a gentleman compared with a scab. For betraying his master, he had character enough to hang himself. A scab has not.

Esau sold his birthright for a mess of pottage, Judas sold his Savior for thirty pieces of silver. Benedict Arnold sold his country for a promise of a commission in the British Army. The scab sells his (or her, ed.) birthright, country, his wife (or husband, ed.), his (or her, ed.) children, and his (or her, ed.) fellowmen (or fellow women, ed.) for an unfulfilled promise from his (or her, ed.) employer.

Esau was a traitor to himself; Judas was a traitor to his God; Benedict Arnold was a traitor to his country; a scab is a traitor to his (or her, ed.) God, his (or her, ed.) country, his (or her, ed.) family, and his (or her, ed.) class.



by Wayne Greenside, Maintenance Craft President . . . **Back At It Again**

being four ET-10s because two duty assignments on Tour-3 are already vacant. They also informed us of their desire to revert one MPE-9 and one MM-7 duty assignment from Tour-2. In each case we discussed with management that the logistics of this would be problematic for coverage of the remaining mail processing equipment.

We also stated that the targeted MM-7 duty assignment was part of the Tour-2 Building Equipment Maintenance Section and the work load in that section has not changed so that the duty assignment should remain there in that section. Management's reversion of any of those ET-10 duty assignments will cause the excessing from the occupational group (ET-10) of the corresponding number of junior most ET-10s. This is due to the fact that there are currently no ET-10 residual vacancies. Those impacted ET-10s will be allowed to choose from any residual lower level maintenance craft vacancies in the occupational groups that they hold qualifications for under the Maintenance Selection System (MSS) and they will maintain "saved grade" status.

For the targeted excessing of the MPE-9 and MM-7 employees there are currently residual vacancies at the Boston facility in those occupational groups, so it would not be necessary for

them to be placed in lower level residual vacancies. Another excessing event will likely reoccur when then next FSS machine is shut down and moved, and so on. Management is still intent on eventually closing the Northwest Boston facility and we will be back at the excessing issue again and again. We will continue discussions with management to mitigate any impacts on the affected employees and make sure that Article 12 is followed.

On another note, the Maintenance Support Clerks (MSC-7) are now fully feeling the sting of the job losses in that occupational group. While their staffing has been decreased as a result of that "Maintenance Management Order" that was issued last year, their workload has not. As is typical of management, they are now demanding that the MSCs "do more with less". Well, it still takes the same amount of time to do each of the tasks that MSCs have to perform, so I ask that the MSCs remain vigilant and to not allow themselves to be intimidated by management into rushing through their assigned duties and end up making mistakes or skipping steps in the procedures. Also MSCs will need to be vigilant when they discover that management is performing bargaining unit work in absence of an MSC. As always we'll need to prove our case with documents, records and witness statements as to the bargaining unit work that was performed by management.

Currently there are three class action grievances in the system that were filed concerning the reduction of MSC jobs. The first one involved getting an employee who was working part-time back to working full-time, and the second involved the failure of management to count all maintenance employees (including maintenance management) when determining the staffing level of MSCs under the MMO. The third involved the administrative duties that were always being performed by the MSCs. The National Maintenance Craft officers stated that work that is performed by bargaining unit employees should remain with the bargaining unit employees and that any loss of this work should be grieved, with the requested remedy to be the return of the lost work along with re-establishment of the appropriate number of MSC positions and, of course,

payment for the lost work hours.

Lastly, we now have a large number of PSE (Postal Support Employee) custodians in our craft working in various locations of this Local, and most have become members of our union. They are hired to cover residual vacant custodial duty assignments. While I would have preferred that all the PSE custodians be hired as career employees, it is better than having them be only Casual employees. The former Casual Custodian was only hired for 90 day appointments with absolutely no benefits of any kind. Just an hourly rate and that was it. There was no ability to file a grievance, union representation, negotiated pay raises or health insurance, etc. Now, as PSE Custodians, they are appointed for one year, and the ability to be re-appointed is by their PSE seniority. They are also able to acquire access to health insurance after their first year is completed. They earn annual leave from the start, and they are able to be members of the union with access to representation by a steward in the grievance procedure. They will receive negotiated pay raises through the contract. These are just a few of the benefits that make PSE employment better than the old Casual employment.

However, I feel that there were quite a few contractual aspects of the PSE Custodian position that were not achieved in the negotiation of the 2010-2015 contract. As such, I am developing written resolutions to be presented at the APWU All-Craft Conference in November. The resolutions, if adopted by the delegates, will be to direct our National Officers to try and negotiate, either through Memorandums of Understanding (MOUs) or through the next contract negotiations, better contractual language for the PSEs. One item to achieve that I believe stands front and center for PSEs would be to gain the ability to opt or choose from vacant custodial duty assignments that they are assigned to cover when new positions become residual after the career employees have bid. PSEs, just like any career employee, also rely upon having a regular schedule that suits their needs. Of course the union's ultimate goal is to have more career jobs created. The concept of the PSE over the Casual is one step in the right direction towards that goal. Stay strong, stay union. Together, we bargain; divided, we beg.

Once again our craft finds itself in the midst of excessing. In this case it is caused by the shutting down and disassembly of the #3 FSS machine at the Northwest Boston P&DC in Waltham. The #3 FSS is being moved to the Middlesex-Essex P&DC in North Reading, which is part of management's overall plan to move flats mail processing to that Installation. As a result of the loss of this machine, management (at the time of this article) informed us that they would be reducing maintenance staffing at Northwest Boston facility by approximately six employees from the three tours. The impacted occupational groups are the Electronic Technicians (ET-10), MPE Mechanics (MPE-9) and Maintenance Mechanics (MM-7).

Management had informed us about a week before the writing of this article of their desire to revert (abolish) two ET-10 duty assignments from Tour-1, one from Tour-2 and three from Tour-3. The total ET-10 impacts would end up

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November 4, 2013

Any member or officer wishing to submit an article is advised to send it, typewritten and double spaced, to the Union Office by the deadline date. (Articles subject to editing and available space.)

Putting Labor Back In Labor Day

Following is an interesting article reflecting another chapter in labor's continuing struggle to bring justice to the workplace.

The fast food strikes that began last November in New York City with walkouts by 200 workers expanded and spread to other cities in the spring and summer. On Thursday, thousands of workers in 60 cities went on a one-day strike. The demands were the same, only amplified — higher pay, to \$15 an hour, and the right to organize without retaliation.

There are many reasons to support the strikers. There's the still resonant goal — expressed by marchers on Washington 50 years ago — of ensuring that work leads to a decent standard of living. That's not achievable at today's federal minimum wage of \$7.25 an hour, or at the typical wage for fast food workers, about \$9.00 an hour. If the minimum wage had kept pace with inflation over the past 50 years, it would be about \$10 an hour today; if it had kept pace with the growth in average labor productivity, it would be about \$17 an hour. Split the difference and you are not far from what the strikers are calling for.

Another reason to support the strikers is economic

self-interest. The low wages of fast food workers — and of workers in retail, home care and other low-wage industries — force many of them onto food stamps and other public assistance to get by. Taxpayers step up with aid because employers don't pay enough. There's also the fact that fast food corporations — McDonald's, Yum Brands (which includes Taco Bell, Pizza Hut and KFC), Wendy's — can afford to pay more. The chief executives of McDonald's and Yum are among the nation's highest paid bosses. Wendy's profits have been soaring lately. The corporations invariably say that individual franchisees set wages and franchisees say they can't afford to pay more without raising prices, which they say would drive away customers and lead to job loss. But wages aren't the franchisees' only cost. They also pay rent and royalties to their corporate bosses. How about lowering those costs to create room for raises?

Of course such changes would lead to lower profits and that would translate into lower executive pay and lower shareholder returns. But we're talking about big, profitable companies, which are big and profitable in part because they rely on underpaid labor.

The second part of the strikers' demands — the right to unionize without retaliation — goes hand in hand with the call for higher pay. Unionization is what improved compensation and working conditions in factories in the last century, transforming underpaid laborers into the middle class.

Even as the share of American workers in unions fell to its lowest levels in nearly a century, full-time unionized workers still made considerably more than non-union workers, with median weekly wages in 2012 of \$943 and \$742, respectively, according to Bureau of Labor Statistics.

There's no intrinsic reason that service jobs at profitable corporations, say, in restaurants and big box stores, should pay so little. What is missing today is employee bargaining power, which unionization provides, so that the growth in labor productivity flows more to wages and salary and less to executive salaries and shareholder returns.

Corporations benefit from the status quo. Workers don't. That's why they want a new bargain. Happy Labor Day.

— reprint by Teresa Tritch, *New York Times*

— Our Greatest Enemy —

During these trying times for Postal employees, there are many entities that we can point our fingers at who could be listed as adversaries or enemies of our cause. Some would point fingers at our own local managers and supervisors. Others would say management at the Headquarters, Area and District levels. Even others blame the economy, the overall state of our nation, and a few would blame Republicans or Democrats, or rich people or poor people, or unicorns.

In my view, however, our greatest enemy is not any of those listed above, though there can certainly be a case made for some of them . . . even unicorns! No, our Greatest Enemy is an old

adversary who has cast a giant shadow over our causes for many years.

Our Greatest Enemy is APATHY.

It is US, the membership collectively, that must shake off this APATHY. It is our own lack of willingness to get INVOLVED with the process that would have, could have or even now will save our jobs and alter the course of events that are currently unfolding in our city and around the nation.

Collectively WE often fail to do our parts to help US with OUR own cause. There are things WE can do to help which are actually quite simple. Here is a partial list:

1. Clock to the correct operation. Simply "Work to the Rule".

2. Use the "Non-Revenue Keys" on the POS units. Again, simply "Work to the Rule".

3. Ask to see your Shop Steward and file grievances when you see violations that take OUR work away from US. Whether that violation is a manager or supervisor doing our work, or a carrier who has been tasked with doing our work. WE MUST NOT GIVE UP OUR WORK!

4. Don't be a stooge for management. In Customer Service, DON'T scan the box section or the parcels as **complete** until the work is done . . . ALL OF THE WORK !

5. When National A.P.W.U. sends you a postcard to mail to YOUR legislator . . . DO IT! Put a stamp on the card and mail it . . . SIMPLE!

— reprint "Pikespeaker"

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History Of The Boston Local Part 6

by Steve Albanese

BONDS FORMED BY CRISIS

The last five segments of the History of the Boston Local have been focused on the gritty side of building a Union and establishing new rights for Postal workers, but from 1970 to 1992 (the period I served as a steward and officer of the local) there were many incidents that defined us as a local and created bonds of trust and friendships that still exist today. I would like to share one of them with you as they were as important to our development as any contract or arbitration award.

In 1970 we had a lot of work to do in the local. We had no bargaining history, no grievance files, no training manuals and really no experiences to fall back on when difficulties arose. This was a learning time for both us and management as they too had no experience.

The first hurdle was building a Steward force. Prior to this, stewards were handpicked based on their relationship and loyalties with the local president, but the members wanted no part of that. They wanted to elect their own stewards. In most areas you were lucky to get someone to step forward, but in the GMF most stewards were elected. I ran for steward of the tour 2 LSM area in 1972. My opponents were Ronnie Champoux and Frank Snow. They were great guys and would have been fine stewards, but I won the election by 1 vote and so my journey began. They both would later become stewards as I moved up in the local.

Eventually the GMF established chief stewards on each tour and I became the chief steward on tour 2 which allowed me to meet with members and stewards throughout the building. **Members were becoming more aggressive in demanding their rights under the contract and the first big showdown came around 1973.** Most of the LSM operators in the building were trained to sort by zip code at a speed of 55 letters per minute (LPM). Management was becoming more and

more focused on productivity in all areas so one night during the tour one LSM operation, they implemented a suggestion put in by a non-member to run the machines at 60 LPM. I showed up at work at 7 a.m. and found the entire LSM area in a turmoil. The LSM operators had walked off the machines in protest and were gathered in the break room. When I arrived, I was pounced on by both sides. Management was going to declare the workers' action as a strike, and the workers were adamant they would not go back until the speed was reduced to 55 LPM.

The tour 2 operators were now coming to work and they also refused to go to any LSM that was running over 55 LPM. Nearly 100 LSM operators were now standing their ground, and management demanded I order them back to work. The tour 1 shift was ending so they simply clocked out and went home after refusing to work the last hour of their shift. I convinced management to hold their fire while I spoke to the tour 2 crews. I met with the workers and told them to go to the LSMs, but let the letters go by. They could make half-hearted attempts at keying but if we key the mail at 60, the speed will never get reduced. In other words, do the job as you were trained. They agreed.

I then informed management that the tour 2 crews would go to the machines. By now Tim Hurley, our local president, the Postmaster and Regional officials were on the scene. Tim pulled me aside and asked "what the hell is going on here, management officials have been calling my home and said you guys were on strike". I explained the situation to him and told him the workers would be returning to their machines shortly. He was not pleased with the situation, but did not interfere. He was a good man and a good unionist.

The operators took their seats on the LSMs and the machines were started up. I stood to the side with President Hurley, the Postmaster and the USPS regional of-

icials as they stood in horror as the 0-400 bins overflowed with mis-keyed mail. Immediately the USPS officials accused me of instigating this, but I explained the machines are too fast. The operators are trying but simply can't complete the necessary key strokes in the time the letter is before them. When we looked at the back of the machine, only a handful of letters were falling into the proper slots but the front of the machines was a disaster zone with mail pouring on to the floor on all LSMs. After about 20 minutes of this circus, the regional officials ordered the machine speed on all LSMs be reduced to 55. The bins in the back were now fill-

ing up with mail. The LSM operators had won a major victory and other workers throughout the building learned a valuable lesson about sticking together, trusting their Union and doing the job the way you were trained. Not a single LSM operator got disciplined.

The relationship between me and management changed immediately after that. They realized the workers and I would stand our ground if we had to. The relationship between the workers and I also changed. They trusted me.

When I read President Kilduff's recent article on doing your job the way you were trained, this incident came to mind.

First Priority Credit Union

Dear Union Members,

Some of you may remember me, but our newer Union Members will need an introduction. My name is Paul Travaglini and I was a proud member of the Boston Local for 35 years. I am currently the Business Banking Officer at First Priority Credit Union (formerly the Postal Employees Credit Union).

I am writing to you today to express the importance of benefits of membership not only in the APWU, also in First Priority Credit Union (FPCU). The goal of First Priority Credit Union is to protect your finances as the APWU protects you in your job and provides continuity of income.

When I joined the credit union in the early stages of my career in the U.S.P.S., I had no idea that this institution would become so integral to both my personal and professional life. My entire family belongs to First Priority Credit Union. It has provided access to competitive, low-cost financial services while I raised my children and it continues to do so today. I would like to encourage all brother and sister union members and their families that are not presently members of FPCU, to seriously consider joining.

FPCU has been in existence since 1924 and is a full-service financial institution. We have been the credit union for postal employees and their families for many decades. The Credit Union has excellent customer service and you can count on FPCU for all of your banking needs. An additional benefit to

Postal Employees is when your payroll is direct deposited into your account you have early access to those funds, usually by Tuesday evening instead of Friday.

FPCU is conveniently located at the General Mail Facility, 25 Dorchester Avenue in Boston. This branch provides access 24-hours a day to an ATM that accepts deposits. There is another full service branch, featuring 24-hour ATM and a Drive up ATM/Teller at 100 Swift Street, East Boston. We have five ATM's located throughout Boston, East Boston and Cambridge and belong to the SUM Program, which provides you access to approximately 5,300 surcharge free ATMs nationwide.

In closing, I would again ask you to consider joining First Priority Credit Union, or simply give me a call for more information about our products and services. It is a step in the right direction for your financial well-being and it allows FPCU to continue to serve the postal community to which we all belong. If you would like more information or a membership package sent out to you, please call me at (617) 482-4787, ext. 1229 or (617) 801-4229.

Like any union, strength comes from membership. I look forward to the opportunity to serve you and your family's financial needs.

Sincerely,
Paul Travaglini,
Business Banking Officer



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