

The Philadelphia POSTAL WORKER

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A Member of the APWU Postal Press Association

3rd Quarter 2019

Wounded Warriors Leave Act



Nick Casselli,
President

The leave that is offered through the Wounded Warriors Leave (WWL) Act of 2015 is provided to eligible employees at the beginning of each leave year. The eligible Veteran employee will receive

an allotment of 104 hours of WWL. WWL will continue to be provided to newly hired employees at the beginning of their period of employment as required by the terms of the 2015 Act.

WWL is an authorized absence from work to undergo medical treatment for a service-connected disability rated 30% or more. It is separate leave category, distinct from sick leave.

Approved WWL cannot be used adversely against an employee for attendance and discipline purposes. To request WWL an employee must submit a PS Form 3971 to their immediate supervisor.

There is an exception to the advance approval for unexpected treatment that qualifies for WWL. The supervisor is responsible for

approving or disapproving the request.

To verify that WWL requested is appropriately used for treatment of the service-connected disability, the requesting employee must submit to the supervisor a copy of PS Form 5980, Treatment Verification for WWL, certified by a health care provider that the employee used the leave to receive treatment for the covered disability. The employee must provide the verification no later than 15 calendar days after the employee returns to work. The properly completed PS Form 5980 also provides for frequency and/or duration of prescribed treatment that would necessitate the employee taking WWL

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Compensation Information



Nancy Rolling,
Vice President

When an employee sustains a work-related traumatic injury that requires medical examination, medical treatment, or both go to your supervisor to report it and fill out Form CA-1. Your supervisor

should then give you a Form CA-16 to take to your doctor to fill out. The control office must authorize such an examination and/or treatment by issuing a Form CA-16.

I have been receiving phone calls regarding this process. For those of you who are injured at work and reported it to your supervisor, and were not issued a CA-16. Here is the procedure according to the ELM (Employee Labor Manual) regarding authorizing examination and/or treatment with form CA-16.

Form CA-16 is used for all traumatic injuries requiring medical attention. Management must advise the employee of their right to an initial choice of physician (see 543.3 ELM). Management must promptly authorize medical treatment by issuing the employee a properly executed form CA-16 within 4 hours of the claimed injury.

If management gives verbal authorization for care, Form CA-16 should be issued within 48 hours. Management is not required to issue a Form CA-16 more than one week after the oc-

currence of the claimed injury. Exception: Issuance of Form CA-16 is not required for job-related first aid injuries where initial medical care is provided by either a postal physician or a contract physician and the employee accepts this care (see 545.43 ELM)

If you are appealing a decision from the Department of Labor because they denied your claim the responsibility is on the claimant. In the decision letter they give you several options to appeal it. Any help or assistance from the Local Union is a benefit given to members only. The claimant is responsible for filing all paperwork and medical evidence in a timely manner.

RI-399 Monetary Award

The National APWU has settled some of the issues associated with the RI-399. The RI-399 is an inventory of all positions / jobs in an instal-

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Send all communication to the Editor at the above address or via e-mail to Editor@phillyapwu.com.

Articles must be submitted by the second Thursday of the month. They must be typed. Letters must be signed. Name withheld upon request.

Visit our web site at
<https://phillyapwu.org>

Wounded Warriors

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beyond the date of appointment identified in the employee information portion of the form.

- Eligible new hires will receive 104 hours of WWL upon hire to be used for the remainder of the current calendar year.

- Each January all dis-

abled Veterans with 30% or more disability rating will receive 104 hours of WWL to use during the calendar year.

At the end of each calendar year, any remaining WWL will be forfeited, but assuming the employee still has a disability rating of 30% or more, he or she will receive a new 104 hours at the start of the



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Comp. Information

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lution. It accounts for all clerk / mail handler positions in the installation. The settlement agreed to pay the APWU/NPMHU each a sum of \$14.5 million dollars. In the APWU the payout comes out to around \$160 dollars to all clerks in the installation. A firm date of this payment is estimated to be distributed October 2019.

The following is from the memorandum in regard to who will be eligible to receive the payment. "All career clerk craft employees who were on the rolls as of September 1, 2017, in postal installations that employ both clerk craft employees and mail handlers. All non-career clerk craft employees who were on the rolls as of September 1, 2017, in postal installations that employ both clerk craft employees and mail handlers and who are still on the rolls and in the clerk craft on March 1, 2019."

ADUS

The Philadelphia Installation was one of the first to receive the Automated Delivery Unit Sorter (ADUS) machine. This is a sorting machine that can be configured to extend and process bundles and packages. This machine is primarily used to process bundles and packages and eliminates the need for clerks to manually throw the parcels/packages.

Since all the distribution of mail at all city stations is clerk work, and since the ADUS machine is installed at the

Paschall Station it will be manned by clerks.

Right to Union Representation

The most important thing that every Union member needs to know is the process for requesting a steward. When an employee needs to see a steward he/she must request to see a steward from their immediate supervisor. Sometimes management will ask the employee why they need to see a steward and it is ok to tell them, but your answer can simply be, I need a union steward.

They must provide a steward in a timely manner. Management cannot refuse to let an employee to see a steward simply because they do not like the reason. In fact article 15 of our collective bargaining agreement (CBA) mandates them every time, to provide the employee with a union representative when an employee requests to see a steward.

If you receive or are issued discipline you must get the issued discipline to a union steward ASAP. Do not wait, there are time limits in place that mandate the union to file a grievance within fourteen (14) days of the date on which the employee or the union first learned, or may reasonably have been expected to have learned, of its cause. Your immediate action to address an issue or discipline may be vital to you continuing your postal career. □

Greetings From the DIR...



**Atiyah Ivey,
Director of
Industrial
Relations**

Hello all! For those of you who are not familiar with the role of the Director of Industrial Relations (DIR), as per the Local Constitution, the DIR works under the direction of the President. In short, the DIR

coordinates all grievance activity and assists and directs the Craft Directors in the processing of all grievances prepared by the Local. In addition, the DIR keeps an active log of all grievances processed by the Local. It is the responsibility of the DIR and its office to make sure that the Collective Bargaining Agreement or Contract is enforced at the local level.

Contract Update

In regards to the Collective Bargaining Agreement here is the latest contract update: National APWU Officers President Mark Dimondstein and Industrial Relations Director Vance Zimmerman reported to the APWU National Executive Council (NEC) on June 3, 2019, that the contact mediator stated that the APWU and the USPS were too far apart for any further discussions and that further discussions would not lead to a new collective bargaining agreement.

After a series of meetings, the mediator declared the parties were too far apart. President Dimondstein stated, "We invoked mediation to make sure we pursued every avenue to reach a good contract for the membership." Director Zimmerman stated that "While we were hopeful that mediation would be successful, we have been vigorously preparing for interest arbitration."

The next stage of the process is for the USPS and the APWU to jointly select an interest arbitrator to chair the three-member panel. This panel will hear the case for the new contract. Once the arbitrator is selected and appointed, the parties will ask for dates for to begin arbitration hearings.

In closing, the APWU's desired aim can be successful with you, our members support along with the support of the public. Members, let's get more involved to ensure this upcoming contract will be fair and equitable for every APWU represented employee! □

General Membership Meetings

Third Thursday of every month except July, August and December

**7:30 p.m.
864 Main Street
Darby, PA 19023**

Light Refreshments Will be Served

Order for Filling Vacant Maint. Positions



John Walker,
Maintenance
Craft
Director

Due to promotions, bid changes, filling of vacant residual bids, and employees coming into maintenance from the in-service process we have experienced a great influx of employees entering the

maintenance craft.

So, to all the new maintenance employees, as well as to those who have been in maintenance awhile, I cannot stress this strong enough; when dealing with management during the hiring, transferring or bidding process it is very important that you keep copies of all records you submit to management such as, but not limited to, bid sheets, declination forms or any and all documents you may have to supply to management. When it comes to bidding, you should check the bulletin board frequently to make sure that all your requests are properly listed on each PAR and PER that you have submitted.

Also, every new employee to maintenance has the opportunity to fill out an EMPS (Employee Maintenance Position Selection) form. This is an opportunity for maintenance employees that are interested in putting in for other occupational groups. Maintenance employees that are interested in other occupational groups should select on the EMPS form what occupational groups they are interested in and then they will be tested and interviewed

for that occupational group and given a ranking to be placed on the PER (Promotion Eligibility Register).

I cannot stress enough that if you do not finish the process it will be considered as abandoning the process. If you do not complete any part of the process, you will not have the opportunity to make any updates until the next open season. The JCIM (Joint Contract Interpretation Manual) article 38.5 under the heading: Order for Filling Vacant Maintenance Positions, spells out the procedure for filling any vacant maintenance positions. If anyone has any questions concerning the selection process or any other contract issues please contact me or any other Maintenance Craft steward.

MS 1 BEM Staffing Update

Building Equipment Maintenance (BEM) Mechanics are responsible for maintaining postal building infrastructures, namely (1)

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MVS Report - Safety and Arb. Update



**Calvin
Smith,**
MVS Director

Hello to all MVS Operators. Congratulations to all the new drivers. We are more than happy to have you here with us. Feel free to ask for assistance if needed. The Union and drivers are here to serve you

in any capacity needed.

Reminders: Safety Vests - Please wear them for your safety. Drive safely. There are still people driving too fast on the lot, the speed limit is 15 MPH; adhering to this speed limit is extremely important, especially because there is upcoming construction beginning soon.

The union is sorry to announce the passing of Robert C. Pritchard, former National Director of Motor Vehicle Service. He passed away on Sunday, July 7th, 2019. Our condolences go out to his family. Brother Pritchard was the longest serving Craft Director in the History of the APWU. During his time with the APWU he served in a variety of Local and National positions. He will be sorely missed by all.

Resolution of Scanner Disputes

On Aug. 31, 2017, the APWU and the USPS signed an agreement resolving the following National Level disputes on the use of Postal

Vehicle Service (PVS) scanners: HQTV20160275, A19V20160276, and HQTV20150846. The parties agreed in part that:

- Scanning may be performed by any craft, but those duties should be consistent with their Position Description.
- PVS drivers will receive adequate training and allowed sufficient time to perform scanning duties.
- When drivers make a scan, it will accurately reflect the data and drivers shall not be given instructions contrary to this.
- Scan data will not be the sole basis for adjustments to routes or disciplinary action; however scan data may be used in conjunction with other records to support or refute discipline.
- Employees will be financially liable only when loss or damage to the scanner resulted from deliberate misconduct.

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Legislative Report, Support HR 2382



**Cindy
Heyward,
Legislative
Director**

We have finally been able to address our USPS needs with unfair prefunding to retiree health care benefits with the introduction of H.R. 2382. The Bill was introduced and sponsored in the House of

Representatives by Rep. Peter DeFazio D-OR, Rep. Tom Reed R-NY, Rep. Xochitl Torres Small D-NM and Rep. Brian Fitzpatrick R-PA on April 29, 2019. It is titled The USPS Fairness Act.

This bipartisan legislation would repeal, in total, the prefunding of retiree health care benefits mandate that Congress put in place in 2006 with the Postal Accountability and Enhancement Act (PAEA). The APWU website reports that mandate requires the Postal Service to prefund its retiree health care benefits 75 years in advance, paying for retirement health care for individuals who may not have been born yet, let alone entered into the work force.

The mandate is accountable for 92% of the Postal Service's net losses since 2007, and is a constant threat to the financial sustainability of the Postal Service.

Since the time the USPS has not made the future retiree prefunding payments they start every fiscal year over 5 billion in the hole. And you must remember, no other government agency or private corporation has such a burden placed upon their budget every year like the USPS does. We are strangled at the beginning of each fiscal year by this unfair requirement.

The APWU and other postal unions and postal associations fully support this legislation. Our APWU Legislative Dept. states H.R. 2382 would return the Postal Service to the procedures in place prior to the PAEA utilizing a pay-as-you-go method for retiree benefits, the standard practice across federal agencies and private businesses.

"Ending the prefunding mandate is essential to postal jobs and benefits," said Legislative Director Judy Beard. We are asking our members to contact their Representatives to cosponsor this important Bill. Please call 844-402-1001 to contact your member of Congress and ask them to cosponsor H.R. 2382, The USPS Fairness Act. This is a real chance for us to speak up and address the one point that is most important to the salvation of the USPS and the further protection of our service, our jobs and our retiree future benefits. Reach out to your family, friends, and neighbors and ask them to call their representatives as well. This legislation affects every American household.

Elijah Cummings D-MD, Chairman of the Oversight and Reform Committee stated that, "while the Postal Service is one of our most essential and recognizable institutions in the country, its financial condition is deteriorating due to a decline in first class mail, which has been the USPS most profitable product" and

"the Postal Service expenses have been increasing more quickly than its revenues."

In large part this is due to requirements Congress put in place in 2006 for the USPS to make billions of dollars of payments to prefund their future retiree health benefits.

Mr. Cummings concluded by saying, "If major changes are not made soon there will be a time when the USPS will run out of cash and its ability to provide the services Americans rely on will be in jeopardy and Congress has a responsibility to ensure that day never comes."

Chairman Cummings also stated, "Moving forward on postal reform the committee will have to address the prefunding mandate, and create a sustainable future for the Postal Service, which cannot be done on the backs of the dedicated employees." Chairman Cummings has a true grasp of the USPS needs and we can only hope the rest of the Committee will see the importance of his comments. □



2019 Biennial Postal Press Conference

Your Philadelphia Postal Worker newspaper won two Postal Press Awards; First Place, Overall Excellence, Best Non-Professional (B) and Honorable Mention, Best Community Service article.



photo by Lance Coles

Editor Drew Stevenson receives PPA award from National APWU President Mark Dimonstein and PPA President Tony Carobine.

At the Postal Press Association (PPA) Conference first place and honorable mention awards in 14 categories were presented. The PPA Awards Program was established at the 1967 conference in Cleveland, Ohio. Originally called the Biennial Award of Merit Program, it was established for the purpose of recognizing editors, and newsletter contributors for outstanding work in writing, editing and publishing. The first awards were presented at the 1968 PPA Conference in Minneapolis, Minnesota.



photo by Drew Stevenson

PPA President Tony Carobine addresses the Conference attendees.



photo by Drew Stevenson

National APWU President Mark Dimonstein addresses the Conference attendees.



photo by Drew Stevenson

Instructor Shawn Ellis taught a class on "Influencing Public Support."



photo by Drew Stevenson

Instructor Robin Clark-Bennett taught "Communications for Member Involvement and Union Building."



photo by Drew Stevenson

The newly elected officers of the Postal Press Association were sworn in at the PPA Awards Ceremony by National APWU President Mark Dimonstein.



photo by Drew Stevenson

Editors from across the country attended the Biennial PPA Conference.

Wounded Warriors Leave Act

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next year.

- Any unused WWL is not rolled-over to the next year, nor will it be paid out if the employee leaves the USPS.
- WWL can be used concurrent with FMLA, when appropriate.

New Members

On behalf of the Philadelphia PA Area Local APWU officers and stewards I would like to thank each and every one of you who made the wise decision to join our union. As a new postal employee you will receive many benefits that were fought for and won or negotiated by a union. Like weekends, paid vacation, paid sick leave, child labor laws, Social Security, minimum wage laws, the 8 hour work day, overtime pay, health and safety, healthcare, collective bargaining, breaks, wrongful termination protection, age discrimination protection, pay raises, sexual harassment protection, holiday pay, military leave, workers compensation and so many others too numerous to mention.

As a union member you will be able to attend union meetings at your union hall. This will be your opportunity to ask questions and get the

latest updates on issues that might be of interest to you.

If you want to attend a union meeting, and we suggest you should do, our union hall is located at 863 Main Street, Darby, PA 19023. We hold our meetings the third Thursday of every month at 7:30 PM, except July, August and December. If you have a question that can't wait until the union meeting please contact your union steward. They are there for you.

If you need Notary service it is provided free of charge at our union hall Monday through Friday, please call ahead at 610-522-4520

Hope to see you at the next union meeting! ☐



Order for Filling Vacant Maint. Positions

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Building Electrical Systems (HVAC) and (2) plumbing, air compression, elevators, dock levelers, dock doors, power distribution, switch gears, and power panels. BEM Mechanics must use the MS1 Handbook Manual to calculate required staffing.

As reported in the May/June 2019 American Postal Worker Magazine in May 2016, the Postal Service issued a new MS1 TL 5, proposing draconian changes to the then-current MS1 TL 4 Handbook. The APWU filed a dispute, and Maintenance Division Director Balogun was the assigned case officer. In 2017, Arbitrator Goldberg concluded the dispute by remanding the case back to APWU and USPS to resolve.

After the decision, APWU and the Postal Service began meeting immediately to resolve the dispute. We met for the past year to address the remanded part of the decision.

Below is our progress so far:

1. Over a period of two months, we negotiated, line by line, acceptable preventative time allowances, frequencies, space adjustments and miscellaneous time allowances.
2. The USPS, along with APWU National Office-

ers, participated in Beta Testing in Phoenix, AZ in January 2019.

3. The USPS and APWU participated in Beta Testing in Manchester, NH in February 2019.

The parties will meet once the Postal Service's "input" has been collected and completed for three selected sites. The USPS and APWU will continue negotiations for the foreseeable future. The agreement between the parties is summed up as follows:

"The APWU will be provided the final draft(s) for review and concurrence prior to publication." The USPS has not yet fulfilled this requirement.

In Dec. 2018, while still meeting about MS1 TL 5, we were notified that the Postal Service issued another MS1 Handbook changes, called MS1 TL 6. We immediately requested for meetings regarding these changes. Meetings on MS1 TL5 and MS1 TL6 are still ongoing.

Remember: If you don't know your rights, you don't have any rights, and you only have the rights you're willing to fight for! So keep up the fight! ☐

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MVS Report

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The Scanning Duty Settlement can be found on the MVS Division section of apwu.org.

Department of Transportation Regulations

A letter from the Department of Transportation (DOT) to the APWU dated July 31, 1996, outlines which of its regulations apply to USPS employees. It stipulates that anyone who operates safety-sensitive equipment must have a DOT physical. Furthermore, these operators will be subject to random drug and alcohol testing, as well as drug and alcohol testing under certain conditions.

According to Department of Transportation regulations, beginning in September 2005, every state will be required to enforce rules governing the disqualification of drivers, without exception. The Federal Motor Carrier Safety Administration has posted the rules and table of disqualifications. The decision is significant because states are required, for the first time, to disqualify CDL holders for offenses committed in non-commercial vehicles.

A letter from the DOT to the APWU dated April 27, 2004, indicates that USPS employees are exempt from the hours-of-service (HOS) regulations of the DOT. USPS employees are not exempt from provisions pertaining to CDLs and drug and alcohol testing, however.

A USPS Vehicle Maintenance Bulletin dated Sept. 25, 1998, prohibits insulin-dependent diabetics from operating two-ton trucks, citing DOT regulations.

A national-level agreement between the APWU and USPS dated Feb. 19, 1992, outlines which employees are required to hold CDLs.

Physical Exams

USPS employees who hold safety-sensitive positions are required to undergo DOT physical exams, in accordance with regulations, enacted in 1995. The physicals have been a frequent subject of discussion between the union and

management. DOT physicals are 'On the Clock,' paid for and scheduled by USPS.

USPS employees who hold Commercial Drivers Licenses (CDL) are required to have standard DOT CDL physicals at least every two years. The exams will be scheduled by postal management, occur on the clock at a USPS Medical Unit or Contract Medical Facility, and be paid for by the USPS. PS Form 2485 is no longer used.

Substance Abuse

The APWU and the Postal Service agreed that the USPS is responsible for the cost of the initial treatment by a substance abuse professional of an employee who fails drug and alcohol tests, where management decides to retain the employee. A pre-arbitration settlement dated April 18, 2006, resolved a dispute over this issue. □

