

COLORADO



LOCAL 321

## NATIONAL POSTAL MAIL HANDLERS UNION

Division of the Laborer's International Union of North America,  
AFL-CIO

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# ~~FOR YOUR INFORMATION~~

January 26, 2007

### NPMHU Membership Overwhelmingly Ratified the 2006 National Agreement

The National Office of the National Postal Mail Handlers Union has announced that the membership of the NPMHU has voted to ratify the terms of the 2006 National Agreement between the NPMHU & the USPS.

All votes were verified and counted on January 24 and during the early morning hours of January 25, 2007 in Washington, DC, in the presence of observers and under the auspices of the American Arbitration Association. The final vote tally, subject to minor adjustment prior to final certification by the AAA, was 15,244 in favor of ratification and 2,116 in opposition to ratification.

### Can the USPS Medical Unit Contact Your Treating Physician?

This is a popular question lately. Can the Postal medical unit contact your treating physician without your authorization? Medical documentation is often required for various situations; the most common examples are for Family Medical Leave (FMLA) related absences, and job related injuries processed thru the Office of Workers Compensation (OWCP). There are other situations where documentation may be required. One may be on sick leave restriction, the absence may have exceeded 3 days or the absence may cover a particular medical condition that warrants medical documentation under current regulations. But more importantly, what can the USPS do if they doubt or question your documentation?

When submitting documentation for FMLA leave, the USPS often *affords you the opportunity* to sign a release that permits direct contact with your physician from the medical unit. In the Union's opinion, never sign this document. Force the employer to direct all queries through you. If the medical unit or the FMLA coordinator has a question about your medical documentation, they should outline their question or concern and the need for additional information in writing, and afford you the opportunity to provide the information.

If the employer has questions about your medical progress and duty status as this related to an on-the-job injury, by regulation they should normally obtain updated information by way of a CA-17. However, to secure the employee's return to work, the employer may contact the physician in writing concerning work limitations and possible job assignments. Title 20 CFR 10.506 specifically prohibits physician contact by telephone or personal visit. When contact is made, the employer is required to send a copy of any such written correspondence to OWCP and the employee, as well as a copy of the physician's response when received.

When the FMLA and OWCP documentation examples are balanced against other sick leave examples, you can conclude that under no circumstances should the medical unit contact your physician in person or by telephone without your signed written

authorization, and that written communications are limited to situations involving OWCP. If you find out that management has violated your privacy by telephoning or visiting your physician, please request to see a steward immediately; a grievance should be filed.

### Assigning the Unassigned

With the influx of new PTF (part-time flexible) employees into Denver and Colorado Springs it is prudent to review conversion and bid assignment rights. As you probably know, in nearly every Colorado facility, management is required to maintain a minimum of 90% regulars. Said another way, management may not have more than 10% PTFs. As new career mail handlers are hired, senior PTFs are converted to a full-time regular (FTR) consistent with this 90/10 ratio. This conversion to FTR brings with it paid holidays, a guaranteed schedule with regular hours and scheduled days off, and the right to bid *or be assigned*. When you are converted to regular, you become an unassigned FTR, you are given a FLSA schedule with a primary work location, but this is not your bid; for bidding purposes you are deemed *unassigned*.

An unassigned full-time employee may be assigned to any vacant duty assignment. You must be given a choice if more than one vacant assignment is available; in the GMF this is accomplished on the *blue sheets*. In other facilities, this choice is offered face-to-face. It is important to know that when the number of unassigned full-time employees exceeds the number of residual vacant duty assignments, the senior unassigned employee(s) may elect to remain unassigned provided that an unassigned regular making this election is not the only unassigned regular who can fill a higher-level position without promotion, or is not the only unassigned regular qualified for a residual assignment. It is also important to know that according to our Contract Interpretation Manual (CIM), 204Bs are considered unavailable when assigning residual vacancies; 204Bs cannot be assigned until they return to craft. As an unassigned regular, you should pay close attention to the bid boards. You will not remain unassigned forever. If you have questions or you feel that management has not complied with Article 12.3B11, please request to see a Union steward immediately.

### Equipment & Safety Update

By Local 321 Safety Representative  
Andy Jimenez

To assist you in doing your job safely, Safety Representatives have been working with In-plant Support to provide you with the equipment you're going to need to do your tasks safely. Five Toyota fork trucks (7 series with lower truck masts to provide better visibility) have been ordered for the P&DC, they are due by March 31<sup>st</sup>, 2007. They have a larger battery compartment and larger batteries (this is important because the battery is part of the counterweight system). When they arrive, the PIVMS systems will be transferred over to new equipment.

The plan is to replace P&DC forklifts and tow motors each year for the next few years because they are all beyond the normal work hours for retirement; as they are retired they will be cannibalized to support the existing fleet until they are all replaced. As you know our tow motors are old and in disrepair, so they will be replaced with the sit down type tow motor to relieve our drivers of the vibration from the floor tiles.

As soon as we can get our mail handlers trained on the two new Cart-Caddies they will be released for use on the south dock and the flat sorter scales.

Loading wiretainers and 84C's into the dumpers at the flat sorter induction is a concern, so Safety is asking for seven (7) manual pallet jacks. Speaking of 84Cs, brothers and sisters PLEASE do not manually move stacked wiretainers and 84C's, whether they are full or empty. As you know the wiretainers have features that can be dangerous, one such feature is the feet can be bent and not form a safe contact with the top of the wiretainer below it, therefore creating a tipping hazard. Empty weight is around 340 lbs. however they can be loaded to a total weight of 2000 lbs., which can crush!

Remember to seek the aid of material moving equipment such as pallet jacks, electric pallet jacks, cart caddies, tow motors, and forklifts. Please continue to let me know what you need to perform your job safely.

### **Political Appraisal**

*By Steve Brown*

*Legislative and Political Coordinator*

After many years of debate, Postal Reform legislation passed in December of 2006. We preserved our collective bargaining rights, we preserved our retirement age, and we preserved our health benefits. The USPS kept 6-day delivery, universal service, and single piece parcels. All of these had been threatened. President George Bush added a signing statement when he signed the bill claiming the government has the right to open the mail of U.S. citizens. There is widespread opposition to these claims.

All 16 mail handlers in Grand Junction have joined forces with many stewards, the Executive Board and Council by donating to the Mail Handlers Political Action Committee; this committee is our political voice on Capitol Hill. The NPMHU PAC works to preserve our retirement, our health care, and the interests of postal families in discussions with congress. Political Action Committee details are in your current Local and National Union publications.

AFL-CIO president John Sweeney has urged congress to hold President Bush and military leaders accountable to spell out a plan for rapid withdrawal of American troops from Iraq. The dedication and patriotism of the men and women who answer the call to service deserve no less.

### **President Ford's Day of Mourning**

Most Colorado mail handlers worked on January 2, 2007, President Ford's official Day of Mourning. Consistent with the Memorandum of Agreement, the USPS will provide for a day of administrative leave to be taken at a future date for most employees. Such leave must be granted and used within six months of the National Day of Observance or by the end of the Fiscal Year, whichever is later. This administrative leave taken at a future date must be taken at one time, and at your option may be substituted for previously scheduled but not used annual leave. This administrative leave should be requested using the same procedures which govern one's request and approval of annual leave. We have posted complete copies of the Memorandum of Agreement in the facilities for your review.

### **Local 321 Scholarship Program**

Local 321's Executive Board has unanimously approved a motion to continue funding our scholarship program for the current school year. The Board has approved (5) five-hundred dollar scholarships for the 2007-2008 school year. The scholarships are randomly awarded to Local 321 members and dependents consistent with scholarship program rules. Applications must be received by April 16, 2007. Applications are available in every facility. Please see your Union representative for a scholarship packet. This information can also be accessed at <http://www.local321.org/>; you can also request a scholarship packet by calling 303-455-6400.

### **National Reassessment Process**

The NPMHU has been notified by the USPS of their intent to roll out the limited duty Reassessment Process nationwide. As you may recall, the USPS was reevaluating limited duty and rehabilitation positions assigned to injured workers. This reassessment process previously was the subject of pilot projects in New York and California and had little to no impact on mail handlers at these locations. The program is being rolled out nationwide and is expected to be a comprehensive review of all light and limited duty employees.

We are monitoring these changes and developments locally. This reassessment review may pass with little or no impact to the craft, but only time will tell. I can confirm that this review is being conducted in Colorado. If you hold a limited duty rehab job, please keep the Union informed of any changes or developments in your accommodations or job offer. Each situation will be different; adverse actions will require individual grievances on a case-by-case determination.

### **Excessive Overtime**

Anyone who has worked at the Postal Service for any length of time knows that we go thru periods of reduced overtime. Most of the time we get more hours than we can handle, but occasionally management will review the budget, mail condition reports and volumes based on same-period-last-year (SPLY) and determine that cuts are in order. We are approaching one of those times.

We got our butts kicked with exceptionally heavy fall-mailing volumes, coupled with 3 consecutive holiday storms during the 3 heaviest weeks of the year. Processing, delivery and transportation was significantly delayed for more than 2 weeks and overtime levels rocketed to more than 20%. The highest levels were in the Denver P&DC. If you are on the OTDL, this may not bother you but if you are a non-volunteer, you are certainly sick of the excessive overtime. Mail volume is returning to normal levels and the backlog is clearing. For most, improvements are on the horizon.

In the Denver and COS P&DC, many mail handlers on the OTDL will receive AI/flats training in the very near future. Shortly thereafter, management intends to reduce OT significantly. The Union has been told that those on the OTDL will receive no more than 6 days, and no more than 12 hours. The PTFs should see a reduction in overtime requirements and non-volunteers (non-OTDL) should see mandatory overtime stop. The Union welcomes the reduction of overtime to our non-volunteers. We are monitoring these developments for contract compliance.

In Unity, *Mike*  
Michael J Hora  
President,  
NPMHU Local 321