



Colorado Mail Handlers Union, Local 321

FYI Update

November 20, 2009

NPMHU

FERS Retirement Victory

FERS employees gained a major victory when the Congress passed a law that gives credit for unused sick leave toward their retirement calculation. President Obama signed the National Defense Authorization Act, H.R.2647 into law on October 28, 2009.

The provision allows mail handlers (and other federal or postal employees) who retire as FERS employees to credit their unused sick leave toward an increased annuity. The change will be phased in over a 4 year period, with retirees between now and December 31, 2013 getting 50% credit. Note that unused sick leave (as well as unused annual leave) credit cannot be used to calculate the retiring employee's high-three average salary. As of January 1, 2014, retired annuitants will get 100% credit for unused sick leave.

The legislation corrects an inequity between the FERS and CSRS retirement systems. FERS employees can now add their unused sick leave to their years of service, thus increasing retirement checks eventually leveling the field with CSRS employees.

Unused sick leave credit is used only in the computation of the retirement annuity benefit. Unused sick leave cannot be used to establish retirement eligibility.

A full time employee normally accrues 4 hours of sick leave each pay period. A FERS annuity is calculated based on years and months of total service.

OPM uses the following procedure to convert unused sick leave in hours into months and days:

There are 30 days in a month and 12 months in a year, or 360 days per year.

Full time employees work 2,087 hours per year. 2,087 hours divided by 360 days per year equals a conversion factor of 5.797 hours of unused sick leave, which equates to one day of service credit.

Bid Annual Update

Don't miss your chance to submit for 2010 bid annual vacations. This window of opportunity for submitting bid annual requests is negotiated independently in each installation and varies accordingly.

The chart shows each respective facility's submission period. If you have questions about the choice vacation process, do not hesitate to ask a Union representative.

Location	Submission Period
Boulder	Dec 1-21 (First Round)
Colorado Springs	Jan 1 > Feb 28
Denver BMC	Nov 3 > Jan10
Denver P&DC	Dec 1 > Dec 31
Ft. Collins	Nov 1 > Dec 15
Golden	To be determined*
Grand Junction	To be determined*
Littleton	Jan 6 > Feb 15
Longmont	Jan 6 > Feb 15

*Article 10.4B2

Negotiated Wage Increase

The base wages for all Mail Handlers will be increased effective on November 21, 2009, when the 5th of 6 guaranteed general wage increases in the 2006 National Agreement is implemented. The basic annual salary for each grade and step shall be increased by an amount equal to 1.2% of the basic annual salary for the grade and step in effect on September 2, 2006.

An updated wage chart reflecting those increases will appear in the November Mail

Handler UPDATE. The new wage chart will also be available at www.local321.org.

OSHA and the 84C

In light of the recent OSHA citation and fine issued to the USPS in the Denver P&DC, local managers now prohibit the practice of transporting stacked 84Cs/wiretrains in trailers that do not have dual e-tracks. Please note that it is still permissible to transport stacked 84Cs in an approved trailer that is equipped with dual security e-tracks.

It is very important to note that once the stacked 84Cs are off-loaded from the trailer, they **MUST** be unstacked for transport within the plant. The USPS has issued a Headquarters Level moratorium prohibiting the practice of transporting stacked 84Cs with a forklift on the workroom floor. Ideally, they should be transported with a tow motor, but this change in practice does not prohibit a forklift operator from transporting a single 84C/wiretrainer.

The USPS will be conducting stand-up talks on this issue very soon. In light of the OSHA citation, and national attention this issue has received, I can predict that the USPS will take a very serious approach towards enforcement.

NRP v. MSPB

*Contributor: John Meding
State Executive Board Member*

Phase 2 of the National Reassessment Process (NRP) will begin in the Denver P&DC on November 30, 2009. If you are called into an interview, please request a Union steward immediately.

There are certain rights that those with "Veteran's Preference" need to also be aware of. Enforced leave *after* 14 days is considered a "Constructive Suspension" and is appealable through the Merit Systems Protection Board. A constructive suspension is defined as an absence from work that was initiated by the employer, (like being told to go home because no work is available.)

As an appealable action, when the Agency proposes to place a preference eligible veteran on an enforced leave situation—the Agency must first serve the effected employee with a "Notice of Proposed Enforced Leave" and permit the employee to meet with the Deciding Official to review all information used by the Agency to justify the action. The deciding official must then write a "Letter of Decision" stating the reason(s) why the agency proceeded with the action. The letter must state an effective date including details about one's right to appeal such action to the Board.

If an employee files an EEO complaint as well, and alleges that disability discrimination is the true reason for the action, the Mixed Complaint Review Process determines jurisdiction of your appeal. I do not recommend filing an EEO and MSPB complaint at the same time. In these types of cases, an adverse decision through MSPB can be appealed directly to the EEOC. Conversely, an adverse EEO decision has immediate appeal rights with the MSPB. Either way, the employee should secure legal representation first. A grievance can be filed independent of these two forums but simultaneous MSPB appeals and grievances "cannot" proceed beyond certain stages of appeal.

I will put this as simply as I can; the USPS is walking injured employees out the door asserting that there is no work available for them to perform. This is serious stuff folks; please request a union steward when called into a NRP

interview. You should also consider the necessity of an attorney when appealing to EEO and/or MSPB. We know of several attorneys that are interested in speaking to those harmed by the National Reassessment Process.

Union Plus® Scholarship

Union Plus® awards \$200,000 in scholarships each year to union members, spouses or dependent children who are attending a two-year college, four-year college, graduate school or a recognized technical or trade school. The program is now accepting applications for the 2010 school year. The deadline is January 30, 2010. Please visit UnionPlus.org/Scholarships for information on eligibility, to apply for the 2010 scholarships

Do You Ever Feel Like Walking Away From the Job?

The Postal Service is doing everything possible to make your day as miserable as they can. This is not an anomaly; it is a plan. After all, they just offered you \$15,000.00 to quit or retire. Their motto seems to be, *if you won't go voluntarily, we will push you out the door*. Lets face it, eliminating injured employees is the true objective of the National Reassessment Process which starts in the Denver PDC; 30 November.

In Boulder, management likes to lock the Union out of their workspace, impeding our ability to represent our people. Our Ft. Collins members reported to work last week to see nearly everyone's jobs reposted as vacant, most with split days off. The USPS didn't even issue letters to the mail handlers explaining the action. Management is promising split days off in Littleton and Boulder as well.

No one thinks or plans before posting a holiday schedule. They are posted with no regard to the requirement to spare as many employees as possible. Employees are displaced on a regular basis with no regard to their bid assignment.

Some stations send raw mixed mail to the P&DC because the mail handlers are forced to stand-by operations in the break room. The USPS is fabricating downtime to support a position that the mail handlers should be excused.

Many PTRs feel trapped on 6 day work weeks, while PTFs struggle to get hours. Our part-time crew at the NDC is periodically threatened with the promise of reduced hours. They were even told to transfer to the GMF if you want more hours. A week later, the USPS refused to permit the transfers.

I presume that because the agency was not satisfied with the number of people that accepted the early-out offer. They have resorted to other tactics to reduce complement such as their *attrition through discipline* program.

These are only a few examples of the disdain that management has for their Colorado workers. When management preaches to me about poor productivity, I am quick to remind them of the adage (and popular book) *Contented Cows Give Better Milk*. The Union will continue to challenge all violations through the grievance process. When management violates the contract, request to see a Union steward; a grievance must be filed. Don't give in. Stay the course, support the fight.

In Unity,

Mike

**Michael J Hora
President
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