



COLORADO MAIL HANDLER NEWS

LOCAL 321

“SERVING THE STATE OF COLORADO”

NATIONAL POSTAL MAIL HANDLERS UNION—A DIVISION OF THE LABORERS’
INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO

THE EXECUTIVE BOARD OF LOCAL 321

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VOLUME 7 ISSUE 3

DON GONZALES-EDITOR

AUTUMN 2000

SOME THOUGHTS ON THE NEW MANAGER

On October 24, 2000 I met with the new Senior Plant Manager for the Denver Processing and Distribution Center, Tal Middleton, for the first time. During this meeting we discussed a wide variety of issues. Mr. Middleton was not willing to commit to addressing any of the specific issues that were discussed, as he is not yet familiar with all of the issues. We hope that during the coming weeks he will get settled into his job and have the opportunity to review our issues and concerns. Mr. Middleton did indicate that he is authorizing the hiring of 15 additional Mail Handlers. This is a small drop in the bucket of what we need but it is a step in the right direction.

On the subject of, “Who is Tal Middleton and what is he going to be like?,” I will offer you what I have seen and heard so far. Mr. Middleton presents himself as a fair and honest man who is good for his word. Over the course of our meeting he explained that over his approximate 26 years of postal service he has worked in most all crafts as well as a variety of management positions. The management positions ranged from front-line supervision to first class stations as well as plants such as the GMF. Obviously, as is the case with most of the managers we receive, he has yet to run a plant the size of the Denver GMF. Mr. Middleton also appears to have a good understanding of the operations side of the house.

(Continued on page 3)

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THOUGHTS...

An employee recently called me and asked that I include some information about transfer procedures in this newsletter. What she wanted me to convey to the members is your right to ask for and receive copies of your attendance records. Specifically, she had requested a transfer to another facility. And the facility she was transferring to requested a copy of the 3972's for the last two years. (You know what that is don't you? It is the absence analysis form on which your supervisor keeps track of all of your attendance.)

However, her supervisor for some unknown reason either couldn't, or wouldn't produce a copy of the 3972s. Finally, the supervisor was forced to recreate the 3972s based on the 3971s on record. In the meantime—the mail handler had to wait for the transfer. The moral of the story?

You have the right to any record management keeps under your name. If you can foresee that you may need the paper, ask for it. Or, if you are just plain curious, ask. Make sure your request is in writing and that you make two copies of the request. If you have questions on how to do this, see a steward.

On a totally different page, last newsletter, I was supposed to include a brief note from the Union Safety representative at the GMF, Mr. Andy Jimenez. **I apologize to Andy for my omission.** Andy asked that I explain to the membership when it is appropriate and not appropriate to call OSHA for a violation, or possible violation..

The concern that representatives run into is

that employees tend to overuse or even abuse an entity such as OSHA, thereby making that entity think twice before responding to our concerns. Yes, employees do have the right to a safe workplace, but, if the issue is not a major emergency, I'd recommend that the employee see a union safety representative, or even a steward, before placing a call to OSHA.

Why? Because OSHA has limited resources and personnel. If OSHA is forced to respond to a complaint, and the complaint is very minor, then OSHA will begin to believe that we "cry wolf" too often and when we need them later, they may not believe us.

We have a system in place to deal with safety issues. Let our system work for us. Then, when we need to let the big dogs out (OSHA), the big dogs will be loyal to us and willing to fight for us.

Help our representatives by letting them know when a hazard or an unsafe condition exists. Fill out a 1767 (Report of a hazard or unsafe act). If you fill one out, make sure you get a clean copy for a safety representative, or for the union.

We have a good thing in the law that finally allows OSHA to have the teeth to levy fines on the Postal Service. Lets not turn that dog away from us.

Don Gonzales
Tech Asst

...“Then, when we need to let the big dogs out (OSHA), the big dogs will be loyal to us and willing to fight for us“...

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(Continued from page 1)

So, what can we expect? Mr. Middleton offered the following insight. He plans on slowing everything down and - according to him - considerably. He seems to recognize that everybody is uneasy and shaken with all of the rapid and constant changes that the plant has been going through over the last few years.

I don't believe for a second that change will stop but it would be nice that when change occurs we at least give it the chance to work before changing it again. Mr. Middleton seems to agree with this concept, but only time will answer this and many other questions.

Mr. Middleton has also indicated that when issues that come from the floor are unable to be settled there he will at least hear our concerns. With Mr. Ruden this was not even an available option. He always maintained that those issues would only be heard in the grievance process.

Mr. Middleton assured our Union that if he makes a commitment to do something we can consider it done. This is a promising sign but still without knowing what types of issues he will commit to we don't know what this is going to be worth.

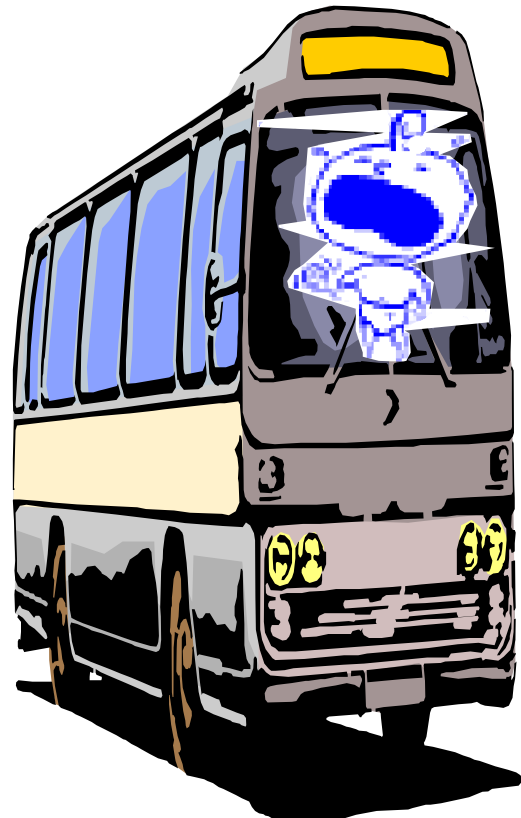
Two important notes:

1. Mr. Middleton indicates that he does not tolerate altercations between employees and will deal with them harshly. He did assure our union that he will hold his managers to the same standard and will treat them equally as harsh he would craft employees.
2. The Union has agreed with Mr. Middleton that prior to filing Labor Board Charges over issues we would give his Labor Representative, Kirk Bateman, one opportunity to resolve the issue in dispute.

If Mr. Middleton presented himself accurately then I believe we may be in for some positive change. We will proceed cautiously but openly in our dealings with the new manager in hopes that things show a turn for the better.

Of course only time will tell, but we are optimistic Mr. Middleton will be a vast improvement over what we had.

David E. Ross
President



Our understanding is “The Bus” left town with just the driver. And he was crying about having to lay in the bed he made for himself.

FMLA UPDATE

As the assaults on your Family Medical Leave Act rights continue, I am hopeful there is light at the end of the tunnel. After an extensive letter writing campaign to senators, congressmen, lawyers and the media it seems we may have finally struck a nerve.

Congress tasked the Department of Labor (DOL) with the enforcement responsibilities of the Family Medical Leave Act. Local 321 has been, and continues to, stream FMLA cases to the DOL in hopes that they will challenge the reprehensible tactics and methods used in the Denver "FMLA Denial Office." FMLA interpretations and decisions in the postal service always leans towards denial and they are often wrong.

E.g. The DOL has said it is not proper to re-evaluate each FML absence against the 1250-hour test. As you may know, when you apply for a qualified FMLA condition, you must have worked 1250-hours in the preceding 12 months. Once you satisfy (and pass) the 1250-hour test, future FMLA absences for the same qualified condition, in the same calendar year cannot be challenged against the 1250-hour test.

Here in the wonderful world of Buckley, the test is routinely applied to each and every FMLA absence. Mail handlers are routinely removed from FMLA protection (in mid-year) in violation of Federal Law. Furthermore, past and future absences – that should have otherwise been FMLA approved – are then being used in discipline. This is normal procedure and this is against the law.

The latest ploy to hinder and deter your federal rights is to require return to work packets for various medical reasons going against years of past practice. The union is challenging these return to work packets on a case by

case basis. In addition, we have presented our complaints to the DOL. We are hopeful this issue will be addressed in an upcoming DOL / USPS meeting.

I was informed by the Department of Labor that they have scheduled a "summit" with the postal service in an attempt to rectify local violations. The DOL representatives are attempting to bring the postal service into compliance and tackle their continued defiance.

There is nothing to celebrate yet. Remember, the postal service has a committee of lawyers spewing out "legal advice." Their advice may very well may go against the DOL's recommendations. It is very possible that the DOL's visit to the postal service will have no impact whatsoever. At Local 321, we have hedged our bet and sought out an attorney.

Giving consideration to the recent shift in power in the Denver P&DC, it seems the Post Office may be willing to move towards compliance. There was no hope of compliance a month ago. With Sam Ruden's departure and the DOL's involvement, I am slightly hopeful things could improve. In an effort to ensure your union representatives are well versed in the FMLA, we are pleased to have the DOL's FMLA enforcement office conduct training at the Local's hall in November of 2000. It is imperative; if your FMLA is denied without a valid reason, you should file a grievance and file a complaint with the Department of Labor. Do not hesitate to contact me or another union official to get the ball rolling!

Michael Hora
Vice President

Editor's note: Brother Mike, Thanks for all your hard work and perseverance of the FMLA issues for all mail handlers.

In light of Sam Ruden's recent demise, I am compelled to borrow David Letterman's method of expression.

The Top 10 Things Sam Ruden Will Be Remembered For Saying:

10 "I don't give a crap about the unions or their people. Steam-roll them. Hit them with everything we've got. If a machine can do it, buy five. I don't care what they cost. I'll get rid of those lazy ass-whiney mail handlers once and for all. When I'm done, they'll never forget Samuel G Ruden."

9 "Get out on the floor and figure out how to piss off the employees. I want everyone mad as hell - every day. Don't you know an angry worker is a hard worker! In fact, call Colorado Springs and have them rotate all their DBCS's 90 degrees. They'll get a kick outta that, and while you're at it shut down Pueblo operations and bus the mail handlers to Springs for grins."

8 "Change, change, change. I want change. 51% is an improvement. If you don't get improvement by tomorrow, change it again! I want decorations on every wall in the building. Deplete the entire social/ recreational committee account on decorations. Take out the games and pool tables. I want that committee bankrupt and I want the people mad. Better yet, put the attendance control office where the game room was... They'll love that."

7 "Denver was ranked 83 out of 84 cities when I got here. How could I possibly screw things up worse. Take the saw-tooth and dock conveyors out. We don't need them. And promote the most abusive supervisor we have to the attendance control manager's job. And let him hire two more sickos to help him screw the people that need FMLA. That'll fix'em good !!"

6 "I wants charts. Lots of charts with graphs and grids and pictures. Last in the nation won't look nearly as bad if we print it on a nice colorful chart. And get a memo to Marvin Runyon. Tell him he can come out here and do the damn stand-up talks himself. I'm dying out there! Do you know those bastards booed me today?"

5 "I don't know where that pornography

came from. You people are trying to set me up. I want my computer back. I think OSHA must have broken in here and planted that porn on my computer's hard drive. And now production is down, why did you let me take the sawtooth out? Those damn commodity truck conveyors are not working."

4 "Throw them a bone. Give them popcorn, cupcakes and snow cones. While you're at it, hire 250 street people, they'll never notice. What the hell, give the AMC casuals a Christmas bonus and eliminate OT. That'll piss'em off good! And find out who posted my bonus on the GMF floor! I want him tarred and feathered! And find out who gave that information to the union and hurt them too!"

3 "Go find out who is wearing those damn "Work more- 'P' less" buttons. I want all the union reps thrown out of the building. And on the way out the door remind them that morale is not my problem. I did not piss on their toilet seat. Morale is a union controlled issue. Then discipline 'em for leaving the work-floor."

2 "We are the only city out of 84 using potato trucks to move the mail. Why did we drop to 84th place? United Airlines is setting me up to fail. You MDO's and SDO's better get out to the airport and do United Airline's job... NOW! Don't those bastards know I'll shut down DIA if they don't comply?"

1 "No inspector, I didn't hit or grab him. I was merely helping him find his way to the floor. I thought I saw a fly on his shirt and was brushing it away, but I'll be happy to resign. After all, I did get Denver to 83rd in the nation. Eighty-two more mangers like me and you'll make it to number one. My work in Denver is done."

I sure will miss you Sam. I hope you enjoy hell..

*Mike Hora
VP Local 321*

PROBLEMS WITH CONCENTRA CONTINUE

Earlier this year I reported about problems that some mail handlers were experiencing with Concentra, the Postal service’s contracted medical service.

These problems involved the failure of Concentra to provide information necessary to processing of OWCP or workman’s compensation claims. Without this information your claim will be denied and the next steps in the process take months!

I wrote Concentra’s Vice President Karen Brainard and the problems were, to their credit, quickly taken care of. However, I have been recently besieged by com-

plaints spanning a wide range of concerns. While complaints concerning Doctor narratives for OWCP claim approvals have either been ignored, submitted late, or have contained inaccurate information. **It doesn’t end there!**

A mail handler recently submitted a CA-2 for *carpel tunnel syndrome* and was sent to Concentra for examination where this correct diagnosis was found. However, upon a follow-up visit to the same Concentra clinic where he was seen by a different Doctor he was incorrectly diagnosed with *tendonitis*.

Both diagnoses’ were inadvertently sent to support the claim. Obviously this claim was delayed while the injured employee took his own time to fix the errors. Contradictions like

this combined with vague and convoluted narratives also affect requests for *light duty* or other types of reasonable accommodation. Obviously, incorrect billing can result from all of this as well, however, taking a CA-16 with you to the Doctor should solve this problem.

All this accompanied with immediate threats of collection agency involvement if swift remittance is not produced, makes Concentra a place to avoid *if possible*.

If your injury is not an emergency, **you**

have the right to choose your own physician.

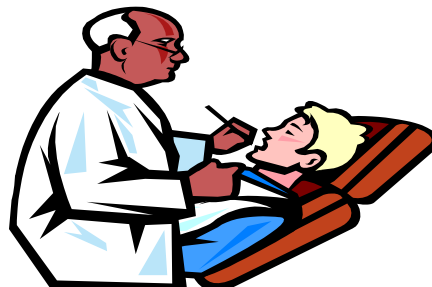
Until these problems are resolved I urge everyone to exercise extreme caution when dealing with the folks from Concentra.

John M. Meding
State Representa-

...“Obviously this claim was delayed while the injured employee took his own time to fix the errors”...

tive

Editors note: If the situation is an emergency, please get emergency treatment by whoever is available at the time. However, our recommendation is still for employees to designate their own doctor. You still have this right even after seeing a contract physician for the initial



LOOKOUT BMC HERE COMES ATTENDANCE CONTROL!!

The problems with the GMF *attendance control* office peaked when this office usurped the immediate supervisors control over the application & approval of sick leave last summer. Now the attendance control office has teamed up with the FMLA office to coordinate their harassment of the ill and injured. No supervisor in the GMF dares to approve a sick leave request with the oversight of attendance control. and these people seem to have inherited a vast knowledge of medical expertise.

An attendance control lady recently denied sick leave to a gentleman who needed to have an upper and lower G.I. Just because one cannot control their bowels doesn't incapacitate them from duty! Sure!

A settled grievance now assures that this moron no longer makes medical decisions. Unfortunately, you still must deal with people like this when one *calls in sick*. Now it is proposed to have the GMF attendance control office handle all sick leave requests for the BMC as well. I'm sure that Ed Lofreddo (GMF attendance control) misses all of his old friends over there.

Expect FMLA harassment, expect demands for documentation for any amount of time and expect *Return To Work* packets thrown your

way whenever the possibility to misapply the regulations presents itself.

But all is not hopeless! A new manager from Oregon just took over the GMF and is aware of the problems that the ACO has created. The volume of grievances (most that involve a loss of pay) has risen dramatically and someone has to deal with them. These factors alone *may* convince the powers to be that adding the BMC to the GMF attendance control system is a bad and potentially costly idea. I for one sure hope so.

Also, we are an ingenious group. Want some time off?

Call in or go home stressed. When they give you a *Return To Work* packet call your Doctor (V.A. if applicable) and make an appointment based on the time off desired. Return to work when you are cleared to do so. Remember, management is

...“Expect FMLA harassment, expect demands for documentation for any amount of time“...

saying you're too sick to work until you prove otherwise. This time *should* be approved and scheduled. Keep in mind however that this article deals with the attendance office's harassment of sick and injured employees so one can expect some kind of *crap!*

If you were hired with this stress and have been using leave for the condition for years before this misapplication of the return to work policy, your union should be successful in combating these peoples efforts.

John M. Meding
State Representative

**THANK YOU FOR YOUR VOTE
THANK YOU FOR CHOOSING
ME!!!**

Thank you for allowing me to experience the most awesome event of my entire mail handler career. It was the most humbling and educational experience of a lifetime. I wish that everyone could have the chance to be a part of the highest governing body of our organization. To feel the power of the room. To meet some of the finest Mail Handlers in the nation. To know that we are all here for one purpose—the betterment of the union. You could feel the power.

You could see the pride. You could hear the energy. It was one mighty powerful week.

We tried to fit in as much tourism as time would allow. The hospitality was su-

preme, the fellow Brothers and Sisters are all a great bunch of people. The host Local union - smiling and tired by weeks end.

I thank the Committees who worked hard at making this Convention a complete success.

I thank all of the members of Local 321 for letting me have the opportunity to attend. The educational aspects are, and will be, worth millions.

Here's to the mystic of San Francisco—to the view atop Nob Hill, which was absolutely breathtaking.

Here's to the swiftness of the fog, and the smells of Chinatown.

Let's not forget those hills...my God...those hills...and the ships in the harbor, Fisherman's Wharf, and even Alcatraz.

Here's to the trolley cars. What a town!

Quite an ambiance all around.

The days were long and the nights short. Almost not enough time to absorb it all in.

I hope you have enjoyed my sharing this as much as I enjoyed being there.

Now back to reality. Remember your Local union is doing the best we can for you with all of the issues upon us.

But never, never, never, forget that we need you as much as you need us. When you see a violation, please, please write it down. We need you to document these violations by writing a date, time, and what you saw. We also need your signature. You can always ask for a steward and they will help you document these

actions. As you well know, things are changing daily around here and we need to communicate more now than ever before.

So let's communicate, because

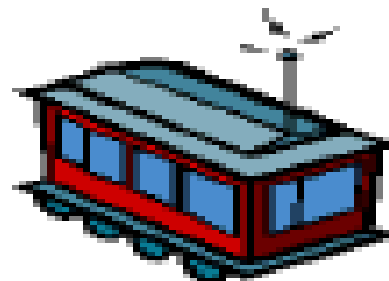
they can't or won't, and we can—let's show them.

Again, I say to you, "Thanks for letting me speak for you at the 2000 National Convention."

Together in Unity

Cindy Hoehl-Rinker
GMF Steward

...“The days were long and the nights short. Almost not enough time to absorb it all in”...



VOTE—VOTE—VOTE

In the old days, the joke was to “**Vote Early, Vote Often**“. It was not unusual for elections to be fixed by any means possible.

Dead people were known to cast ballots. Also the same individual could register to vote under many aliases at many different precincts. Some politicians were not above buying votes with booze or other goodies. And, if all else failed, there was always the threat of a beating if you didn't vote for certain candidates.

Nowadays, things are much different. (At least we hope they are!) Changes in technology and numeric identification have made it harder for elections to be rigged. And hopefully, when I die, someone in Government will know that I am no longer eligible to vote.

I know this newsletter will be received after the Presidential elections of 2000. So, if you cast a ballot, good for you, and if you didn't, you are throwing away one of the true rights you have as a citizen of a Republic nation—Freedom to express yourself is a mighty big Responsibility—use it.

The bottom line is—VOTE. Cast your ballot, be heard. It is your right to say how you feel, or don't feel about a particular subject or person. Want to see George Bush as president? VOTE!!! Like Al Gore? VOTE!!! Ralph Nader your man? VOTE!!! If you don't know the details about a particular issue or person, educate yourself. But please VOTE!!!

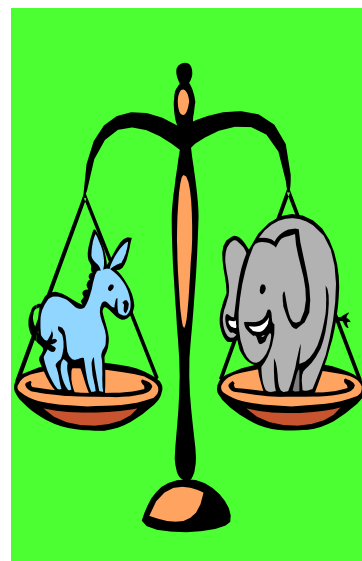
Elections are held every year, sometimes twice a year. Usually, it only takes a minute of your time to actually cast your ballot.

On the next two pages of this newsletter are voter registration information. Page 10 has the instructions and page 11 is the actual form. I hope that those of you who are not registered to vote use this form. If you are unsure if

you're registered, contact the County Clerk and Recorder for the County you live in. These names and phone numbers are on the bottom of page 10.

Now you don't have the excuse of not knowing how to register to vote. The ball is in your court and I challenge everyone who does not vote to register and, VOTE!!!

Don Gonzales
 Technical Asst
 Local 321



Voter info sheet

Voter registration form

**OPEN SEASON FOR
FEDERAL EMPLOYEES IS
NOVEMBER 13, 2000
THROUGH
DECEMBER 11, 2000**

This is the only time of year we are allowed to change Health Benefits providers. This is an important a decision to you and your family. I strongly suggest that you took a good hard look at all of the plans offered under the Federal Employees Health Benefits. Compare the plans. How much bang do you get for your buck? What are deductibles? Prescriptions? Co-pays? Do you need a referral to see a specialist?

There are lots of questions to be answered and the answers should come based on the situation of yourself and your family.

Postal unions have negotiated a great percentage that we pay for these premiums. If you look at any of the benefit books, you would see that Postal employees pay a minimal amount of premiums compared to other employees in the Federal sector. When I'm out selling the Mail Handler Benefit Plan at Federal agencies, I get a lot of questions as to why Postal employees pay less. The answer is always the same. The unions, period. So this open season, shop wisely—and be sure to take a good look at the Mail Handler Benefit Plan. I think it is one of the better plans available.

**Don Gonzales
Tech Asst**



QUESTIONS?

1-800-410-7778

Or visit us online at

www.mhbp.com

THE MAIL HANDLER BENEFIT PLAN

THE MAIL HANDLER BENEFIT PLAN

FMLA CLASS ACTION LAWSUIT

As many of you know, the postal service has continued their assault on your Family Medical Leave rights with no regard for Federal law and CFR regulations

The representatives of Local 321 are now moving forward and have begun preparations for a class action lawsuit against the USPS challenging the willful violations of your FMLA workplace rights.

Congress tasked the Wage and Hours Division of the Department of Labor with the FMLA enforcement responsibilities. DOL regulations provide a complainant with two years to file a complaint (three years if the violations are willful).

Title 29 CFR 825.22o(a)(3) prohibits retaliation and penalty to any employee for filing a DOL complaint, taking legal action against an employer, or testifying in FMLA legal proceedings.

Local 321 is now soliciting voluntary participation from all Colorado mail handlers that have been harmed by management's failure to provide for/ or management's decision to hinder retard, or interfere with your Family Medical Leave rights.

If your FMLA rights have been violated and you wish to be a party to this potential class action lawsuit, please review, print out, and complete the following section. Please forward the document to a union representative. In addition, please include a copy of all relevant documents and a detailed written statement outlining your FMLA complaint.

Name: _____

Street Address: _____

City, Zip: _____

Phone: _____

I _____ hereby authorize Local 321's representative(s) and/or attorneys to represent me in all matters both oral and written in accordance with Articles 15, 17, 19 & 31 of the Mail Handlers National Agreement. I further authorize my representative(s) the right to review and copy all written materials concerning me or my qualified FMLA dependents [e.g. OPF, Medical files and records, OWCP and FMLA files]. This authorization is made in accordance with the Freedom of Information Act and Privacy Act with regards to the below signatory employee. This authorization is for a period of one year from the date of signature.

Signature

Date

HAVE YOU MOVED LATELY OR IS A MOVE IN YOUR FUTURE?
IF SO, PLEASE PROVIDE YOUR UNION WITH YOUR ADDRESS
SO WE CAN KEEP IN TOUCH.

Name: _____

Address: _____

City, State, Zip Code: _____

Facility where you work: _____

LOCAL 321
1833 W ELK PL
DENVER CO 80211

BULK RATE
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