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NEWS SERVICE

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Arbitrator Das Sustains APWU's "Casual in Lieu of" Grievance

In a major victory for the APWU, Arbitrator Shyam Das issued a national-level arbitration award Aug. 29, sustaining the union's position in a grievance concerning the proper use of casuals.

"Finally, APWU has eliminated the last vestiges of management's justification for the excessive use of casuals," said APWU Executive Vice President Bill Burrus. "This decision will drastically reduce the use of casual employees and help protect the job security of career employees."

This grievance was filed last year by Industrial Relations Director Greg Bell under new Article 15 provisions that were negotiated into the 1998-2000 National Agreement. This is one of several cases that the APWU has successfully expedited to national-level arbitration.

The issue in this grievance was whether Article 7.1.B of the APWU National Agreement requires the Postal Service to utilize casuals as a limited term supplemental work force and not in lieu of part- or full-time employees. The Postal Service took the position that the disputed provision relates solely to the number of casual employees that may be hired and the limited duration of their employment.

Rejecting the Postal Service's position, the arbitrator wrote: "The Postal Service may only employ (hire) casual employees to be utilized as a limited term supplemental work force and not in lieu of (instead of, in place of, or in substitution of) career employees."

"Article 7.1.B.1 of the APWU National Agreement (and the corresponding provisions of the NALC and NPMHU National Agreements) establishes a separate restriction on the employment of casual employees, in addition to the other restrictions set forth in other paragraphs of Article 7.1.B."

The National Association of Letter Carriers (NALC) and the National Postal Mail Handlers Union (NPMHU) had intervened in the APWU's grievance in support of the APWU's position.

Finding that a memo by the Postal Service's former director of contract administration, which the parties cited in numerous Step 4 settlements, amounted to a "jointly endorsed understanding," the arbitrator's award stated that "generally, casuals are utilized in circumstances such as heavy workload or leave periods; to accommodate any temporary or intermittent service conditions; or in other circumstances where supplemental workforce needs occur. Where the identified need and workload is for other than supplemental employment, the use of career employees is appropriate."

The arbitrator also rejected the Postal Service's urgings that this decision only be applied prospectively. Das wrote, "This decision serves to clarify, on a national arbitration basis, the proper interpretation of Article 7.1.B.1....To the extent the Postal Service has chosen to rely on its interpretation of [another national-level casual arbitration award that addressed a different question], it has done so knowing full well that it might not be successful."

The union can now cite this award as interpretive in thousands of casual-in-lieu-of grievances pending at the regional level.

The only remaining casual issue still awaiting arbitration is whether Letter Carrier or Mail Handler casuals who are used in APWU crafts must be counted against the APWU casual limitations.

"This represents the closing of a long, hard-fought war, and APWU has prevailed," Burrus said.

The full text of the Das award is being mailed to all APWU local presidents, national advocates, NBAs and regional coordinators. In addition, a copy of the award in PDF format can be downloaded from the APWU website at www.apwu.org.

Deadline for Ballots is Oct. 5

Vote in the 2001 Election for National Officers!

Ballots for the APWU's 2001 Election of National Officers will be mailed out on Tuesday, Sept. 11, and no later than Friday, Sept. 14 by Merkle Direct Marketing, Inc. Each and every member in good standing as of May 31, 2001, will receive a ballot.

For each member's ballot to be valid, it must be received by the APWU National Election Committee at the Brentwood Post Office in Washington, DC, no later than 2 p.m. on Friday, Oct. 5, 2001.

What to Do if You Haven't Received a Ballot

Members in good standing who have not received a ballot by Tuesday, Sept. 18, 2001 should notify their local or the national union to request a duplicate ballot.

A member of a local should notify the treasurer or president of his/her local directly, who shall call or fax the office of the national secretary-treasurer. All requests for duplicate ballots should include the name, social security number, division, and address of the

member needing a duplicate ballot. The caller should provide his/her name, position and local.

A member-at-large (MAL) should call or fax the office of the national secretary-treasurer directly to advise of the need for a duplicate ballot, and provide his/her name, social security number, division, and address.

The telephone number for requesting duplicate ballots is 202-842-8505 and the fax number is 202-216-2650. A duplicate ballot will be mailed on the next business day following notification to the office of the APWU national secretary-treasurer.

Exercise Your Right to Vote!

Be sure to vote in this year's national officers election to decide who will lead APWU for the next three years. See the special poster describing the new ballot and new balloting process that was mailed out with the Aug. 30 News Service bulletin for more details.

Pre-register by Friday, Sept. 28

APWU Retirement Counseling Seminar Oct. 10-12, 2001

The APWU Retirees Department will be hosting a Retirement Counseling Seminar on Oct. 10-12, 2001. The seminar will begin with registration at 1 p.m. on Wednesday, Oct. 10, 2001. The seminar will end on Friday, Oct. 12, 2001 at 4 p.m.

Location: Oakland Marriott City Center
1001 Broadway
Oakland, CA 94607

Room Rate: \$139.00 Single/Double
plus applicable taxes: (currently 11%)

Telephone: (800) 991-7249
(510) 451-4000

To make hotel reservations, contact the hotel through one of the numbers listed above and identify yourself as a member of the American Postal Workers Union. Reservations should be made prior to Wednesday, Sept. 19 in order to guarantee the negotiated rate.

The hotel requires an advance deposit equal to one

night's room and tax charges. If it becomes necessary to cancel a reservation, the cancellation must be received by the hotel by 6 p.m. on the date of arrival in order to qualify for a refund of the deposit.

The hotel check-in time is 3 p.m. Check-out is noon. Guests will be asked to confirm their departure date upon check-in. Should the guest depart prior to the confirmed date, a charge will be applied for the difference between the number of nights confirmed and the number of nights occupied, at the applicable group rate plus tax.

Oakland is served by both the Oakland and San Francisco Airports. There is shuttle service from either airport to the Oakland Marriott City Center ranging from \$12 per person from Oakland Airport to \$35 per person from the San Francisco Airport. A list of the available shuttle services is available upon request to the Retirees Department, APWU.

The registration fee is \$70 for each participant. All participants must pre-register by Friday, Sept. 28, 2001. To register for the seminar, please complete the registration form below.

APWU Retirement Counseling Seminar Oakland, CA, Oct. 10-12, 2001

(Please type or print)

Name _____ Social Security No. _____

Address _____

City _____ State _____ Zip _____

Phone (H) _____ (W) _____

Local _____

Mail this form with a check or money order for \$70 made payable to:

"APWU Retirement Counseling Seminar"
John R. Smith, Director, Retirees Department
1300 L Street, NW, Washington, DC 20005

Fast-Track Vote Delayed Until September

It's Not Too Late to Make Your Voice Heard

The Republican leadership in the house was forced to put off a vote on fast-track legislation before the August recess after the AFL-CIO mounted an intensive 4-week campaign to defeat it. The Bush administration and its business allies will make another push for fast track when Congress returns after Labor Day. A September mark-up in the Ways & Means Committee is likely, followed by a vote in the full House. No Senate action is likely until, and unless, the House passes it first.

APWU continues to strongly oppose the fast-track legislation as proposed in H.R. 2149, introduced by Rep. Phil Crane (R-IL), and will oppose any fast-track proposal that does not require enforceable workers' rights and environmental protections. Flawed traded policies have cost American jobs, put a downward pressure on U.S. wages and working conditions, eroded the ability of governments to protect public health and the environment, and contributed to political and economic inequality in the rest of the world.

H.R. 2149 does not include labor and environmental standards and would give the president expedited trade negotiating authority.

Why Fast Track?

President Bush and giant corporations want a special bill that would let them rush trade agreements

through Congress with no changes and minimal review. The president's fast-track plan would limit the time Congress can consider trade agreements and prevent our representatives from doing anything other than vote "yes" or "no" on trade deals the president negotiates.

If Congress agrees to fast track, we will certainly see the following:

- more and more faster trade deals like NAFTA
- more U.S. job losses
- more communities decimated by job loss and lower wages
- more attacks on workers' rights across the globe
- and more devastating pollution of our air and water

Stop Fast Track in its Tracks

Contact your member of Congress and tell them that working families need fair and balanced trade that protects people and the environment. Call the AFL-CIO Congressional Hotline, toll-free, at 1-800-393-1082 to be connected directly to your representative's office.

Make your voice heard – tell Congress to vote "NO" on H.R. 2149!