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NEWS SERVICE

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Union Urges Congress to Study Medical Effects of Cipro and Doxy

APWU President William Burrus called on Congress last week to support a study on the long-term effects of Cipro (ciprofloxacin) and Doxy (doxycycline), on healthy postal workers.

Approximately 20,000 postal workers have taken one or both of the drugs to protect themselves against illnesses caused by anthrax, Burrus noted in a letter to Congress. Cipro and Doxy are the two most commonly prescribed antibiotics for the treatment and prevention of anthrax-related illnesses.

On Nov. 28, President Burrus wrote to every member of Congress, seeking support and funding for such a study. The APWU is asking Congress to create and fund an initiative by labor, management and the government to address this critical need.

"This initiative is an appropriate recognition of the service and sacrifice of our nation's postal workers, and will help us maintain a safe mail system that continues to meet the nation's needs," Burrus said.

Although research has been done on the use of these drugs on sick patients, limited information is available regarding their use in healthy populations, Burrus said. "These are both very powerful drugs," he said, "and their use is not without medically significant side effects and complications."

Arbitrator Remands Case for Further Discussion

Use of Casuals May Be Limited

In a recent national-level award, Arbitrator Shyam Das considered the issue of whether casuals hired to work primarily in the Mail Handler or Letter Carrier craft, but who may be utilized from time to time in an APWU-represented craft, should be counted towards the casual cap in the APWU agreement.

The grievance was filed by the APWU, and the NALC intervened in support of the APWU's position. After considering the issue, Arbitrator Das remanded the case to the parties to "make a good faith effort to arrive at an agreeable, practical solution" in accordance with his partial findings. If the parties are unable to reach agreement within 120 days, the arbitrator retained jurisdiction to make a definitive ruling on the issue.

"Though the arbitrator remanded this case to the parties for further discussion, his findings will inevitably reduce management's ability to use casuals in lieu of career employees," said APWU President William Burrus.

"This decision will provide greater job opportunities and full-time conversions that have been previously denied by the improper use of casuals," he added.

The case arose in 1986, when the Postal Service exceeded the limit on the number of casuals that could be used in the APWU bargaining unit. The union filed several other casual grievances at the time as well.

The Postal Service takes the position that there is no restriction on its right to assign mail handler casuals to perform APWU or NALC work. Similarly, they contend that there is no requirement for them to count mail handler or letter carrier casuals toward the APWU casual cap.

The union, on the other hand, contends that the plain language of the APWU national agreement requires that all casuals on the rolls who may perform APWU bargaining unit work must be counted against the percentage limitations on casuals found in Article 7.1.B.3 of the national agreement.

The case is complicated by the history of this provision, which was first negotiated when all three unions bargained jointly for a single collective national agreement. At that time, the cap on the number of

casuals clearly covered all three bargaining units. However, in 1981 the Mail Handlers began negotiating their contract separately from the APWU and the NALC, and in 1994 the APWU and the NALC began to bargain separately. Since that time, the casual cap has been set at a different percentage for each bargaining unit.

The APWU asserts that the existence of separate national agreements makes the Postal Service position even more untenable. In theory, the union argued, the Postal Service could negotiate an unlimited number of casuals with one of the other unions and then work them in the APWU bargaining unit without counting them towards the APWU cap.

The Postal Service, on the other hand, asserts that counting all casuals toward the APWU cap, regardless of craft, would render the percentages in the Mail Handler and Letter Carrier contracts meaningless.

Arbitrator Das ruled that "the Postal Service cannot justifiably claim that it is contractually entitled to negotiate whatever casual ceiling it can with one union, be it the Mail Handlers or the NALC, and then assign those casuals to perform APWU bargaining unit work without limit or without somehow factoring that into its employment of casuals under the APWU agreement. At the same time, it is difficult to see how the APWU agreement can limit the number of casuals who can be employed to perform duties in non-APWU crafts."

Noting that there are several distinct casual issues still pending arbitration that could impact on this case, Arbitrator Das instructed the parties to "address the broader issues raised by this case in light of the partial findings herein. If after a good faith effort, [the parties] are unable to arrive at an agreeable practical solution, then either party can return this grievance to this arbitrator ... to make a definitive ruling on the issue."

Greg Bell, Director of Industrial Relations said, "Even though the arbitrator returned the case to the parties for a practical solution, his ruling makes it clear that there is no contractual justification for the Postal Service's view that Mail Handler or Letter Carrier casuals who may be assigned to APWU duties shouldn't be counted towards the APWU cap."

USPS Emergency Procedures Deadline Jan. 2, 2002!

Postal Appropriations Bill Signed

Earlier this year, we reported that the House of Representatives passed the Fiscal Year 2002 Treasury Postal Appropriations bill by a vote of 334-94. (Sept. 7, 2001, News Service and Nov-Dec 2001 American Postal Worker.)

Accompanying the bill was a committee report, proposed by Rep. Carrie Meek (D-FL), that was highly critical of the USPS Emergency Policies and Procedures.

The House Report (H.Rept 107-152) said the Postal Service had failed to follow a directive to issue a report by Oct. 1, 2000, on its weather emergency policies and practices. The Postal Service also failed to adopt a policy to follow local, state and federal emergency management and weather authorities in all locations when weather emergencies arise, as directed by the committee. The report asserted that the Postal Service may have placed the health and safety of postal workers at risk by failing to curtail postal

operations when weather emergencies arose.

The House and Senate passed the Conference Report (Report 107-253) to the Treasury Postal Appropriations bill on Oct. 31 and Nov. 1, respectively, and sent the bill to President George W. Bush, who signed P.L.107-67 into law on Nov. 12, 2001.

The Joint Conference Report indicated that when specific dates have passed, such as the date the Postal Service was supposed to report to the committee on its weather emergency policies, agencies are directed to provide the reports to the House and Senate Committees on Appropriations no later than Jan. 2, 2002.

Will the Postal Service now comply with the law passed by the House and Senate and signed by President Bush to provide its weather emergency policy to the relevant House and Senate Committees by Jan. 2, 2002?

Labor Issues Lecture and Conference Set Jan. 11-12, 2002

APWU to Honor Former President Biller

On Jan. 11 and 12, 2002, the APWU will honor Moe Biller on his retirement with the first Moe Biller Labor Issues Lecture and Conference.

Speeches and panel discussions on Friday, Jan. 11, will bring together the foremost experts from government, labor and academia in a public policy discussion of the impacts of bio-terrorism in the workplace. Workshops on Saturday, Jan. 12, will provide important information on managing a bio-terrorism crisis, working with multiple federal and local agencies, assessing risks, protecting workers and understanding the technologies involved in the detection and decontamination of biological agents.

On Saturday we will dine with former president Biller and celebrate his 69 years of leadership in the labor movement. This major fund-raising dinner will endow Cornell University in a partnership with

APWU to make the Moe Biller Labor Issues Lecture and Conference an important annual event.

Reservations

Both the conference and the dinner will be held at the Washington Hilton Hotel and Towers. Hotel reservations are available at the special APWU rate of \$149 per night, single or double occupancy. Contact the hotel directly at (202) 483-3000 to reserve your room. A limited number of scholarships are available to members, retirees and students who would like to join in the festivities to honor former president Biller but need assistance to meet expenses. Ads for the souvenir banquet book must be received by Dec. 12. Contact the Secretary-Treasurer's office at (202) 842-4215 for more information.

Moe Biller Labor Issues Lecture and Conference and Moe Biller Retirement Dinner

Lecture and Conference Registration

Name _____ Local/State _____
 Address _____ City _____ State _____ Zip Code _____
 Phone Number Work () _____ Home () _____ Email Address _____

Moe Biller Retirement Dinner Reservation Form Complete This Section for Dinner Tickets & Tables Only

Tickets to attend the Jan. 12, 2002, Moe Biller Retirement Dinner are \$200 per person, which includes a contribution to the Moe Biller Labor Lecture Endowment Fund. To purchase tickets and/or table, complete the form below. Checks should be made payable to the **Moe Biller Labor Lecture Endowment Fund** and mailed to: Robert L. Tunstall, APWU Secretary-Treasurer, 1300 L Street NW, Washington, DC 20005.

I/We wish to purchase () tickets to the Moe Biller Retirement Dinner .

I/We wish to purchase () full table(s) of ten (10) or a partial table of () at the Moe Biller Retirement Dinner. Listed below are the names of each individual for whom I/we are purchasing tickets. If needed, I am also submitting additional names on a separate sheet.

() I/We are unable to attend. Enclosed is my/our contribution of \$_____ to the Moe Biller Labor Lecture Endowment Fund.

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Four Consecutive Service Weeks, Beginning Dec. 1

Penalty Overtime Exclusion Period

As referenced in Article 8, Section 4 and 5 of the USPS-NALC and USPS-APWU national agreements, the December period (during which penalty overtime regulations are not applicable) consists of four con-

secutive service weeks. This year, the December period begins Pay Period 26-01, Week 1 (Dec. 1) and ends Pay Period 01-02, Week 2 (Dec. 28).