

APWU Files Suit To Force Resolution Of 'Early Out' Dispute

The APWU filed a complaint in federal court yesterday, President William Burrus announced, as part of its effort to resolve a dispute regarding the Postal Service's refusal to offer voluntary early retirement to all eligible APWU-represented employees. The suit seeks to compel the Postal Service to arbitrate the issue expeditiously so that no eligible employee who wishes to retire early is denied the opportunity to do so.

The union had sought expedited arbitration but the Postal Service refused. "Eligible employees who are denied the opportunity to retire while the Postal Service drags its heels would suffer irreparable harm," Burrus said, "so we asked the court to intervene."

The union and management agreed in December 2002 that the Postal Service would petition the Office of Personnel Management (OPM) for authority to offer early retirement to all eligible APWU-represented employees. According to the agreement, only restrictions imposed by OPM could limit the offer. The USPS filed the request for Voluntary Early Retirement Authority (VERA) with OPM in January, and it was approved June 13.

In July, however, the Postal Service issued instructions to managers in the field that indicated that some eligible employees could be excluded from offers for "early outs." A few weeks later, a follow-up letter from the USPS Labor Relations department advised managers that voluntary early retirement would be available only to Clerk Craft employees in Levels 4, 5, 6, and 7, and to Maintenance Craft and Motor Vehicle Craft employees in Level 5 positions and below.

The APWU invoked the Administrative Dispute Resolution Procedure of the Collective Bargaining Agreement in late July, and proposed expedited arbitration so that the issue could be resolved quickly. The USPS refused to expedite a hearing.

In an informal attempt to resolve the issue, Burrus and Industrial Relations Director Greg Bell met with representatives of the Postal Service and OPM on Aug. 12.

The dispute was not settled, but when the meeting was over Burrus expressed confidence in the union's position. "OPM has not imposed any new limitations," Burrus said. "Nothing OPM officials said was contrary to our understanding of the law or our agreement."

To be eligible to retire under VERA, employees must have:

- at least 20 years of creditable service, and have reached age 50; or
- at least 25 years of service, regardless of age.

(In either scenario, total service must include at least five years of creditable civilian career and non-career service.)

OPM's June 13 letter approving the Postal Service request for authority to offer voluntary early retirement excluded only four categories of employees:

- Employees who have not been continuously on the agency's rolls since at least 31 days before the date of the USPS request, which was made Jan. 23, 2003;
- USPS employees who are not represented by the American Postal Workers Union;
- Employees serving under time-limited appointments; and
- Employees in receipt of a decision of involuntary separation for misconduct or unsatisfactory performance.

PostalEASE Allotment Problem Fixed

In the July/August issue of *The American Postal Worker*, the union introduced a way for APWU members to have a political-action deduction withheld from their paychecks as an allotment.

Unfortunately, due to a bank error, allotments that were initiated during Pay Period 15 and Pay Period 16 were rejected.

If you tried to start a *PostalEASE* deduction during those July pay periods, you will need to re-establish your allotment through the procedures outlined in the magazine. Detailed instructions appear again in the September/October edition.

The bank has assured us that the error has been corrected and that all future allotment requests will be fulfilled.

COLA UPdate

An increase in the Consumer Price Index in July means that after the sixth and final month of the fourth Cost-Of-Living Adjustment period in the National Agreement, employees have accrued an annual raise of \$291.

The adjustment amounts to a 14 cents per hour increase, which works out to \$11.20 per pay period.

The COLA increase took effect Sept. 6, and will be reflected in Sept. 26, 2003, paychecks. The two most recent COLA adjustments were \$250 (March 8, 2003) and \$312 (Sept. 7, 2002).

Updated pay scales were distributed in the September/October edition of *The American Postal Worker*. Pay scales also can be seen at www.apwu.org.

National Presidents' Conference

The Atlanta Metro Area Local will be the host for the National Presidents' Conference Oct. 4 to 6 in Atlanta, at the Hyatt Regency Peachtree Street.

Room reservations can be made by calling 1-800-233-1234. To secure the guaranteed rate of \$93 per night, you must reserve a room by Sept. 26.

The conference begins on Sunday, Oct. 5. Early ar-

rivals are encouraged to attend an all-day retirement seminar presented by APWU national officers on Saturday.

To register for the conference, please complete the form available at www.apwu.org and send it as soon as possible to Ralph Brown, President, Atlanta Metro Area APWU, 2381 Fairburn Road, Atlanta, GA 30331. Please include a check or money order for \$50 payable to: Atlanta Metro Area Local.

Union Fights Back Against 'Reform' Proposals

The APWU is working hard to convince Congress and the American public that the proposals made by the President's Commission on the U.S. Postal Service are bad for postal workers, bad for the USPS, and bad for consumers.

COPA Fund-Raising: In April, President William Burrus kicked off a campaign to raise an unprecedented amount for the union's political war chest to be used to help congressional candidates who stand up for postal workers.

Media Outreach: Burrus has given numerous interviews condemning the commission's report, and has shared his views on network news and radio talk shows. In addition, many local officers and members have written op-ed articles and letters to editors that have been published in newspapers in their areas. Some local officers have appeared on local news programs explaining how the proposals would hurt postal consumers and workers.

Building Coalitions: As a member of the Consumer Alliance for Postal Services (CAPS), the APWU has joined forces with other organizations representing millions of Americans to fight the dismantling of the Postal Service. Many locals are building similar coalitions in their communities.

Ad Campaign: CAPS launched a TV and radio advertising campaign to preserve the nation's mail-delivery system. The ads, targeted to areas represented by influential lawmakers, first ran in Waco, TX, while President Bush vacationed nearby, accompanied by much of the national press corps. CAPS also aired radio ads in Delaware, home to Sen. Tom Carper, who serves on the Governmental Affairs Committee and has introduced postal reform legislation.

Lobbying Congress: Members of many APWU locals have already met with U.S. Senators and Representatives

Panel Member Suffering Labor Pains

Richard Levin, one of the nine members of the Presidential Commission on the U.S. Postal Service, has a special case of back-to-school blues.

Levin, president of Yale University, spent the early part of the new semester greeting returning students and faculty with a backdrop of a strike by campus workers. As the *New York Times* reported, "Yale has cemented its unhappy reputation of having the worst labor relations of any university in the nation."

The clerical, technical, service, and maintenance workers went on strike Aug. 27, just as students returned.

Members of Locals 34 and 35 of the Hotel Employees and Restaurant Employees International Union (HERE) have not had a contract for 20 months. The 4,000 HERE-rep-

Senate Hearing Set

The Senate Governmental Affairs Committee has scheduled a hearing on the future viability of the U.S. Postal Service on Sept. 17. The committee will hear testimony from the co-chairs of the presidential commission, Harry Pearce and James Johnson. The hearing was originally set for Sept. 3, but was postponed.

to discuss the commission's proposals.

Special Report to APWU Members: A videotape of President Burrus discussing the commission's proposals was mailed to every local, state, retiree, and auxiliary chapter. It should be shown at union meetings, conferences, and other events, as well as in swing rooms, cafeterias, and other places where postal workers congregate. CDs, suitable for viewing on most computers, are available to locals and state organizations upon request of the local or state president. (To request a CD version of the videotape, presidents should call 202-842-4250.)

Union Solidarity: At the request of the APWU and the National Association of Letter Carriers, the AFL-CIO passed a resolution condemning the commission's report at its Executive Council meeting in August. Because "many of the Commission's recommendations directly undermine the right of postal employees and their unions to engage in meaningful collective bargaining," the statement said, the labor federation's executive board members had unanimously voted to oppose any recommendations made by the panel that would change existing laws that protect workers' economic security.

The Grassroots Agenda: Every APWU member is being asked to make his or her voice heard. Please contact your local president to find out how you can help.

resented workers are seeking better job security, higher wages, and increased pension benefits. HERE-represented workers who retired last year after 20 or more years' service at Yale receive pensions averaging about \$7,500 a year, which is less than Levin's projected *monthly* retirement benefit.

The Rev. Jesse Jackson rallied a crowd of more than 1,000 in front of Levin's office the day the strike began. Two days later, John Wilhelm, president of HERE, and about 80 other picketers were arrested for blocking traffic. About a dozen members of the Greater Connecticut APWU Area Local took part in the protest.

On Labor Day, Jackson and 13 other people were arrested for a similar offense after leading a march of a crowd estimated to be as large as 1,500.

Cipro Side Effects Subject of Lawsuit

APWU members who took the antibiotic Cipro to protect them against illness caused by possible exposure to anthrax have been invited to join a class-action lawsuit against the makers of the drug. The suit against the Bayer Co. will seek relief for workers who have experienced side effects such as tendonitis, muscle aches, seizures, anxiety, depression, intestinal problems, insomnia, neuropathy, and joint pain.

Earlier this month, APWU President William Burrus wrote to members of five locals where the drug was widely distributed. The letter notifying them of the suit by Sheller, Ludwig & Badey, was sent to members in the Nation's Capital/Southern MD Area Local, Trenton Metro Area Local, Greater CT Area Local, Miami Area Local, and New York Metro Area Local. Members of

other APWU locals who suffered side effects after taking Cipro as a precaution can join the suit as well.

The Philadelphia-based law firm plans to file the suit during the first week in October, so interested members are urged to contact them before then.

For nearly two years, the APWU has been asking Congress to require federal health agencies to study the long-term effects of Cipro (and Doxycycline) on healthy postal workers who took the drugs in the aftermath of the anthrax terrorist attacks. To date, however, no such studies have been undertaken.

For more information about the suit, contact Caroline Reeves, of Sheller, Ludwig & Badey, at 800-883-2299.

Retirement, Injury Compensation Conference

Four days of APWU seminars on retirement counseling, injury compensation, and "Building Your Local Union" will be presented in a conference in Nashville that begins Sept. 17.

The APWU Retirees and Human Relations departments are each offering a three-day training seminar. The union-building seminar on Saturday, Sept. 20, is for all participants.

The **Retirement Counseling** seminar will present overviews of the role of the counselor, the various retirement systems, employee contributions, leave credits, life and health insurance, and computation of annuities.

The **Injury Compensation Specialist** seminar, spon-

sored by the Human Relations Department, is modeled after the training offered to the federal agencies by the Department of Labor's Office of Workers' Compensation Program.

The **"Building Your Local Union"** seminar is for all participants. The full-day class will focus on ways to generate interest and participation among the membership.

The registration fee for the four-day event is \$80, and includes a graduation luncheon on Friday, Sept. 19. Rooms have been blocked at the Gaylord Opryland Hotel at a special APWU room rate of \$93 (plus tax) per night. Reservations should be made directly with the hotel at 615-883-2211.