

## Brentwood Safe For Re-Opening, Officials Testify

*Unions Find Fault With Communication on Health Issues*

USPS and other government officials told lawmakers Oct. 23 that the former Brentwood Processing and Distribution Center in Washington, DC, has been fully decontaminated and can safely be re-opened. The plant, closed for over two years, has been renamed to honor Joseph P. Curseen Jr. and Thomas L. Morris Jr., the two APWU members who died of respiratory ailments following the October 2001 anthrax attacks.

Testifying on Capitol Hill on behalf of the APWU, Assistant Legislative Director Myke Reid commended USPS efforts to decontaminate the facility and develop new bio-hazard detection technologies, but faulted the Postal Service for poor communications with the facility's workers. "While there was cooperation between management and labor in the immediate aftermath of the attacks," Reid said, "there also have been serious breaches" on management's part to keep the plant's workers informed.

At the request of Del. Eleanor Holmes Norton (D-DC), House Government Reform Committee Chairman Tom Davis (R-VA) invited the APWU, the National Postal Mail handlers Union and various USPS and health and safety officials to give their views on the conduct of the cleanup and on how well the Postal Service has communicated with the plant's 2,500 workers about both the decontamination efforts and the plans for re-opening the plant.

"Some workers are still suffering ill effects from the exposure; many workers still bear emotional scars, and all have dealt with displacement to other facilities and the disruption of their work lives" since Brentwood closed, Reid testified. On Sept. 19, the facility was cleared for re-opening, Reid noted, yet none of these workers was given formal notification about this. The APWU was told only Oct. 20, and only after it requested the information. "While we're relieved to learn that the facility is deemed safe by the experts," Reid said, "we are troubled by the delay in sharing information."

This was not the first time the Postal Service has failed to be forthcoming on anthrax-related safety issues, Reid said, describing for lawmakers how workers at the Wallingford, CT, processing and distribution facility were kept in the dark about the extent of contamination there for well over a year.

"While there was no question that the amount of anthrax present in the Wallingford facility was sufficient to cause death, contamination was described to employees as being in 'trace amounts,'" Reid told the panel.

Reid said that the union remains wary when faced with a lack of specific information, which again appears to be the case with the plans to re-open the Curseen-Morris plant.

In addition, Reid said, many workers continue to be concerned that the perpetrator has not been caught, that the long-term consequences of anthrax exposure are not known, and that some workers' assignments may not be returned to the Curseen-Morris facility. Many workers remain uncertain of where they will be working in 2004.

Reid also said the union is concerned about preventing future exposure. He told the committee that the installation of Biological Detection Systems (BDS) and HEPA filtration equipment provides only limited protection. More than 50 percent of all letter-mail is presorted by mailing houses

and bypasses the BDS and, furthermore, detection, decontamination and treatment would occur only after workers have been exposed.

In addition, while this equipment may detect anthrax and some other potential biohazards, it would not have detected the ricin that was discovered at the Greenville, SC, Air Mail Facility just last week. (The hearing came just one day after media reports about the discovery of a suspicious envelope containing the deadly toxin.)

The health and safety officials who testified all recounted the steps they took to respond to the attack and decontaminate the facility. All claimed that the building is safe.

### Mail Irradiation Facility Slated for D.C.

In a related development, the Postal Service announced Oct. 15 that it is seeking approval to build a mail irradiation facility at the Curseen-Morris plant, which receives and processes government mail. Such mail is currently irradiated by a contractor in Bridgeport, NJ. The Postal Service reportedly plans to use contract employees to operate the irradiation equipment in Washington, DC as well.

### Trenton Decontamination Begins

On Oct. 24, the Postal Service began decontaminating the Trenton (NJ) Processing and Distribution Center using the same chlorine-dioxide gas injection process that was used at the Curseen-Morris facility and in the Hart Senate Office Building.

Tests to ensure that the decontamination was successful will likely stretch out for many months before the plant will re-open. The building in Hamilton Township – far smaller than the Brentwood facility – has been sealed since officials confirmed that anthrax-contaminated mail was processed there in October 2001.

### Cipro Lawsuits

Meanwhile, class-action lawsuits against Bayer Corp. – the manufacturer of an antibiotic that was used to treat employees who were exposed to anthrax – were recently filed in Pennsylvania and New Jersey. The suit alleges that the company did not inform workers about possible side effects, including joint pain and tendon, neurological and other injuries. Cipro was marketed as the "drug of choice" for treating anthrax exposure, the suit claims, and workers were not informed about the availability of safer, equally effective alternatives.

The suit was filed by the Philadelphia-based law firm of Sheller, Ludwig and Badey, which plans to file an additional suit in Connecticut.

### Bill Would Compensate Anthrax Victims

On Oct. 16, Sens. Patrick Leahy (D-VT) and Tom Daschle (D-SD) introduced the Anthrax Victims Fund Fairness Act of 2003, a bill that would allow the victims of the October 2001 anthrax attacks to be compensated under the same terms offered to the victims of Sept. 11, 2001.

Should the bill (S.1740) become law, individuals who developed laboratory-confirmed illness due to anthrax exposure – and their families – would be eligible for compensation, provided they are not party to an anthrax related civil suit.

## Voluntary Early Retirement

# Judge to Rule in Two Weeks On Petition to Compel Arbitration

Federal District Judge Reggie B. Walton said he will issue a ruling within two weeks on the union's petition to compel the Postal Service to go arbitration expeditiously over disputes regarding voluntary early retirement. Judge Walton made the announcement Oct. 23 after hearing oral arguments in Washington, DC.

The APWU invoked the Administrative Dispute Resolution Process on the issue in July, and in September filed the lawsuit because postal officials refused to schedule a prompt arbitration hearing. The suit asked the court to order the Postal Service to go to arbitration on the next available arbitration date.

At the latest court hearing, the APWU urged the judge

to order that the dispute be submitted to arbitration without delay. The Postal Service argued that it should not have to arbitrate the matter because the Office of Personnel Management (OPM) determines the rules for early retirements.

The APWU pointed out that the Postal Service has not fulfilled its obligation to seek broad early retirement authority for all eligible APWU-represented employees, and has not properly used the authority OPM granted to make early retirement available. As a result, many postal workers have been denied an opportunity for early retirement.

Having heard the parties' arguments, Judge Walton said that he would study the record and issue a decision within two weeks.

## APWU Seeks Information From Members Seeking 'Early Out' Opportunities in 2004

The APWU is requesting information from eligible APWU-represented employees *who would have exercised the option to retire early* but were denied the opportunity to do so.

"It is not necessary to file individual grievances on this subject," said Greg Bell, director of Industrial Relations, "because the union is pursuing the matter at the national level through the Administrative Dispute Resolution Process."

The union's grievance includes those employees who occupy jobs in excluded categories, as well as those who were notified they do not occupy positions that have been identified as excess.

"We're obtaining the identification of all APWU-represented employees who are eligible for Voluntary Early Retirement, or VER," Bell said.

This includes employees who received and completed a VER "Statement of Interest" letter. "We'd like to hear from those who submitted the statement of interest," Bell said, "but then were denied the offer. We'd like to know what reason, if any, was given for the disapproval, and we're also collecting any other relevant information."

The information the union is seeking from employees would help us identify those eligible employees *who would have exercised the option to retire early*. The form is also available on the APWU Web site ([www.apwu.org](http://www.apwu.org)).

Name _____ (print)	Craft _____	Level _____
Job Title _____	Work Location _____ (Name of installation or facility) (Address)	
<input type="checkbox"/>	I have not received a VER "Statement of Interest" letter from the Postal Service. I meet the service requirements of 25 or more years (any age), or 20 or more years of service and age 50 as of Nov. 1, 2003, Feb. 1, 2004 or March 1, 2004. (Please circle one.) I would have retired early had I been granted the opportunity to do so.	
<input type="checkbox"/>	I have received and submitted a VER "Statement of Interest" letter to the Postal Service but have not received a response. I would have retired early had I been granted the opportunity to do so.	
<input type="checkbox"/>	I have received and submitted a "VER-Statement of Interest" letter to the Postal Service but have been denied the offer for voluntary early retirement. I would have retired early had I been granted the opportunity to do so. (Please attach disapproval-letter, if available.)	

**Complete and return to:** Industrial Relations, Attn: APWU VER-Form  
American Postal Workers Union, 1300 L St. NW, Washington, DC 20005

## Senate Sets Next Commission Hearing Date

The Senate Governmental Affairs Committee has invited Postmaster General John Potter and General Accounting Office chief David Walker to present their views on the presidential commission's postal "reform" proposals at a hearing slated for Nov. 4.

Last month, committee Chairwoman Susan Collins (R-ME) announced that union leaders and mailing industry representatives will be invited to testify at a future hearing. To date, no hearings have been announced in the House of Representatives.

## COLA Update

An increase in the Consumer Price Index in September means that if the adjustment were made based on the second month of the six-month measuring period, the fifth Cost-Of-Living Adjustment period under the National Agreement would give employees an annual raise of \$229.

The adjustment, which is subject to fluctuation in the next four months of accounting, would amount to an 11 cents per hour increase, which works out to \$8.80 per pay period. The fifth COLA will be based on the January 2004 index point and will take effect in March 2004. The three most recent COLA increases took effect Sept. 6 (\$291) and March 8, 2003, (\$250), and Sept. 7, 2002 (\$312).

Updated pay scales can be found in the November/December edition of *The American Postal Worker*. Pay scales also can be seen at [www.apwu.org](http://www.apwu.org).