

LOCAL 305 MIDATLANTIC MAIL HANDLERS



District of Columbia • Maryland • North Carolina • Virginia • West Virginia

Kenneth A. Hayes, President • Dunleigh Y. Cardin, Treasurer • 4907 Fitzhugh Ave., Suite 100 • Richmond, VA 23230-3533

Charles Manago
Vice President

Derrick Carr
Recording Secretary

Mary Naylor
Washington, DC

Ed Evans
Maryland

Michael Lawrence
North Carolina

Teresa Harmon
Virginia

Kevin Fletcher
West Virginia

OFFICIAL MINUTES

Council Meeting
National Postal Mail Handlers Union – Local 305
4907 Fitzhugh Avenue, Suite #100
Richmond, Virginia 23230-3533
February 5, 2010



Installation of Officers:

President Kenny Hayes began the Installation Ceremony by greeting officers, family members, and friends in attendance. He then introduced National Secretary-Treasurer Mark A. Gardner who brought greetings from National President John F. Hegarty. Prior to the swearing-in portion of the ceremony, Secretary-Treasurer Gardner gave a presentation to the body, which included the following:

- The economy, the recession, and the decline in mail volume that the Postal Service is experiencing;
- The successful negotiation by the National Office for the Voluntary Early Retirement (VER) for Mail Handlers, which was done to avoid layoffs;
- The need for the Union Representatives in the field to be vigilant and aggressive to police and enforce the contract;
- He also highlighted several noteworthy statistics concerning Local 305:
 - The second largest Local in the country even though we lost approximately 180 Mail Handlers to the VER; a reduction that matches the National average;
 - The number of Mail Handlers in the Local make up 8% of the National membership;
 - Our associate membership in the Mail Handler Health Plan is the second largest in the country among Federal employees; however, it was noted that there is a decline Nationwide in participants in the Health Plan
- The presentation was well received and concluded with the swearing-in of the duly elected officers of the Council.

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After the installation ceremony and a brief recess, the Local's Attorney, Chip Temple gave a presentation. He covered the legal, business, and practical responsibility of the officers and the stewards in the field to take serious the job of representing the membership; communicating with the grievant; and being able to show that representation and communication did indeed take place. He concluded by reminding all that if a question arises do not hesitate to call the Local office.

Finally, President Hayes presented Mail Handler James "Smitty" Smith with a Retirement Package and an Appreciation Award for his years of service to the Union. Brother Smith served as an Advocate for several years out of the Roanoke, VA area.

Opening of the Council Meeting:

1. President Kenneth Hayes called the meeting to order at 11:15 A.M. and Recording Secretary Derrick Carr gave the invocation.
2. Recording Secretary Carr did the roll call; 31 members present and 4 absent. (See **attached roll call sheet**).
3. President Hayes introduced the new Branch Presidents on the Council.

General Discussion:

The Council discussed the following issues:

1. President Hayes gave an overview of what to expect during the remainder of the Council meeting to include the agenda items that are listed in the Local Constitution. It was noted that there will not be any collective bargaining or conventions in 2010; therefore it will not be necessary to entertain any collective bargaining recommendations nor to choose the number of delegates needed to represent the Local.
2. There was a lengthy discussion on issues pertaining to article 12 of the National Agreement. In particular the Postal Service's decision to close or consolidate some facilities in an effort to reduce cost. President Hayes stated that there were some facilities and there may be others that will be affected by the excessing of employees.
 - There was some discussion on Relocation Benefits for employees being excessed thirty-five (35) miles beyond the current distance from their place of residence to their facility; reposting of bid positions; the seniority of Mail Handlers and clerks being transferred from other facilities; conversion of Part-Time Flexibles; and article 12 withholding;
 - President Hayes stated that he and the Director of the Contract Administrative Department (CAD), Kevin Fletcher would visit any facility that is being affected by excessing, consolidations, or the closing of postal operations.
 - President Hayes made note that the purpose of a facility being placed under article 12 withholding is to secure residual vacancies for employees being excessed from other facilities. Some managers revert the bid

position once it becomes vacant, which defeats the purpose of the article 12 withholding. Management's rationale in doing so is simply to avoid having more bid positions than the number of Mail handlers in the facility.

- It is the Union's position that management should not be under article 12 in this circumstance because they cannot demonstrate the intent to secure residual vacancies; especially if it is being done over a long period of time.
 - It was also noted that the provisions of article 12, concerning excessing can greatly affect the ratio of fulltime Mail Handlers to Part-time Flexible Mail Handlers as provided for in article 7.3.
3. The Local will conduct Shop Steward Training in the field due to the large number of newly elected Branch Presidents and because of the need for refresher training for stewards. There will be basic training for new Shop Stewards and advance training for Shop Stewards that are presently certified. The training will be conducted in a centralized location to allow for several facilities to participate.
 4. There was a discussion about the National Reassessment Process (NRP) and OWCP. The Postal Service has entered into Phase 2 and the Local has not seen any adverse affects of this process in the area.
 - The processing of OWCP claims is mandated through Federal Law, but there have been some challenges with management following the correct procedure in some facilities causing them not to be in full compliance with the law.
 - There was a brief discussion on the various problems that have occurred with the processing of OWCP claims; management's requirement to process the claim in a timely manner; and the need to file a grievance when management fails to do so. Management has ten (10) days to initiate the paperwork.
 - For all issues, complaints, or problems that take place after management processes the claim, the Mail Handler will have to handle the matter privately or seek the services of an Attorney.
 - The Local office has retained the services of Mike Watson and Associates to assist Mail Handlers with problems that arise with OWCP. He is located in Seattle, WA. He can be reached at the following number: 1-503-653-2911
 5. President Hayes requested that all Branch Presidents submit the correct address and contact information of all Shop Stewards in their facility by February 12, 2010. The Branch Presidents should also submit an updated Shop Steward certification. President Hayes requested that all Branch Presidents reduce making so many changes to their Steward Certification during the course of a month.
 6. President Hayes also requested that prior to any Union Official sending correspondence to anyone outside of his or her respective facility; they should contact the Local office and send a copy of the correspondence to President Hayes in order to keep him informed of the situation. This applies whether the information is going to Congress, Postal Officials, or when filing NLRB charges. This will ensure that the Local President is informed of the issues in your building and allows for the Local office to assist if possible.

7. There was a discussion concerning Labor/Management and local branch meetings:
 - Labor/Management meetings are conducted either quarterly or monthly depending on the facility;
 - Generally, management will not allow items that are in the grievance procedure to be entered into the Labor/Management meeting;
 - Branch meetings are conducted quarterly and the membership must be given a 10 day notice of such meeting;
 - Refreshments and all cost associated with branch meetings will be deducted from the annual affair budget;
 - A timely notice of branch meetings will be sent to the Local office. This will afford President Hayes and Treasurer Cardin the opportunity to attend the meeting. Notices will be sent to the membership.

The Council recessed for lunch at 12:30 P.M. and reconvened at 1:45 P.M.

Review of the Minutes:

1. The minutes from the January 24, 2009 Council meeting were reviewed and corrected. A motion was made by Branch President Gerald Billings and seconded by Branch President Herman Watson to accept the minutes with its cosmetic corrections and additions. The motion carried unanimously.
 - A) The corrections to the January 24, 2009 minutes were:
 - Page 3 of 8, the first bullet, change the word "there" to "their" on the first and second line;
 - Page 5 of 8, first and last bullet, add the word "Executive" before "Board Pay"
 - Page 5 of 8, next to last bullet, change the Stewards pay from "\$228" to "\$227.50";
 - Capitalize the word "Union" throughout.
2. The minutes from the January 25, 2009 Council meeting were reviewed and corrected. A motion was made by Branch President Frank Murphy and seconded by Branch President Charles Washington to accept the minutes with its cosmetic corrections and additions. The motion passed unanimously.
 - A) The corrections to the January 25, 2009 minutes were:
 - Page 1 of 8, under item #1, change the word "began" to "begin", and add a letter "s" to the end of the word "President" on the fourth line; under item #4, second line, change the word "there" to "their";
 - Page 4 of 8, under item #10, first line, change "**Article III**" to "**Article III**";

- Page 5 of 8, under Contract Administration, item 1, replace the word “arbitration” with “Step 3”; and under the last bullet, remove the word “arbitration”;
- Page 6 of 8, item #4, correct the spelling of “casual”;
- Page 7 of 8, item #10, remove the last letter “s” in the word “release”.

Branch Activities Discussion:

President Hayes reviewed and discussed the changes and requirements of the Monthly Report, Expense Report, and other Branch activities: The following highlights were noted:

1. The Monthly Report can be mailed or faxed no later than the 10th of each month. The Branch President should not mail a hard copy if the report has already been faxed. If mailed it must be postmarked by the 10th. Any delay in sending the Monthly Report could impede the compensation process for all Branches in the Local.
2. The Branch President is required to provide in the monthly report the number of Mail Handlers assigned to each tour in all facilities that they are responsible for. This will ensure that the Steward Certification is correct and that the Union is in compliance with article 17.2 of the National Agreement.
 - This will prevent management from arguing that a Steward is not properly certified to file a particular grievance.
 - An error in reporting the correct number of Mail Handlers could cause delay in compensation.
3. The report should include grievance activity of all stewards and a copy of the Required Reading File signature sheet.
 - The Branch President should have a file for information sent from the National or Local office that Stewards are required to read. The Steward must sign the “Required Reading” signature sheet that indicates that they have done so.
4. The Branch President can spend no more than \$100 for office supplies, anything over that must be discussed with President Hayes for approval. The Branch Presidents may no longer order print cartridges, but must contact the Office Manager John Dudley to obtain the cartridges.
5. If there is only one computer in the Branch office it is to be utilized by the Branch President and all Stewards. However, if there are additional computers in the office, the Branch President may have one solely for his or her use.
6. In general, the Expense Report and the Claim for Union Wages Report must be filed within a thirty-day (30) time limit from the date of the expense. Exceptions for small amounts maybe allowed.
 - All original and itemized receipts must be attached to all expense reports including those spent for Branch meetings.
7. The information for the Annual Affair must be sent to the Local office by April 15, 2010. There must be a Branch meeting notice posted throughout the facility

informing the membership that the details of the Annual Affair will be discussed at the next meeting.

- The expenses of the Branch meeting will be deducted from the budget of the Annual Affair.
- It was noted that there is a financial benefit for the Local when several facilities combine to do an Annual Affair.

Contract Administration Report:

CAD Director Kevin Fletcher gave the following updates concerning the Contract Administration Department:

1. He discussed the Article 12, Rights and Benefits document that was distributed for review. The document covered the rights and benefits of Mail Handlers under article 12 of the National Agreement, when Mail Handlers are being reassigned to another building. Reassignments, excessing, and the consolidating of facilities are becoming increasingly prevalent due to the economical state of the Postal Service. The discussion covered:
 - Arbitration cases supporting the Nationals position on various issues;
 - Commuting area;
 - 60-day written notification;
 - Relocation benefits and travel for all employees, which are covered in the F-12 and F-15 Postal Handbooks;
 - If there are any questions or issues in the field concerning reassignments, the Branch President should notify President Hayes or CAD Director, Kevin Fletcher.
2. Director Fletcher also discussed the potential problem presented by an OIG report that speaks negatively on how the Postal Service is not effectively handling attendance control problems. This could give rise to an increase of attendance related discipline in the field, which he noted are difficult to deal with in arbitration. According to a memo from the Postal Service, they may initiate the following steps in response to the OIG's report:
 - Provide a refresher course to supervisors and classroom training for newly promoted supervisors;
 - Internal controls to evaluate supervisor's compliance;
 - Managers will review the supervisor's actions to ensure that they are in compliance;
3. A lengthy discussion ensued concerning unscheduled absences and the arguments that Stewards should use:
 - Stewards should argue that the discipline is untimely if management goes back one year or more; argue whether or not the discipline is corrective in nature; and whether or not the employee was seen quarterly to discuss the attendance problem.
 - We were reminded to inform the Mail Handlers that they should review the PS-3971 prior to signing for an absence; to ensure that the proper information is being recorded by the supervisor.

4. It was also stated that it is the Mail Handler's responsibility to make a request to the supervisor to remove any discipline from their file; and that the employee should not serve a suspension if a step 2 decision was not issued or if it was not issued in a timely manner. However, the Steward must be able to prove that a decision was not rendered or that it was untimely.
5. Grievance activity appealed to step 3:
 - Grievances filed to step 3 = 609
 - Total class action grv. = 280
 - Total individual grv. = 187
 - Total discipline grv. = 143
6. Branch Presidents are responsible for the grievance activity in their respective facilities and they must ensure that all Stewards are using the proper grievance numbering system to allow for proper tracking of the grievance. The numbering system is as follows: the first 4 letters represent the facility, the two digit number representing the year, the three letters representing the Stewards initials, and then the grievance number i.e. ASNC-10-KAF-02. If there are any questions call Director Fletcher.
7. The Branch President should give Director Fletcher a fair assessment of the grievances being filed at step 3.
8. When filing step 3 appeals the grievance will be mailed to the Local office, to the Eastern Area office in Bensalem, PA, and to the Grievance and Processing Center in Chester, Pa. The grievance file mailed to the Postal Service at the Grievance and Processing Center is the only copy that **must be certified**. This is the Union's proof that it was filed timely.
9. If a grievance is consequently settled after it has been filed to step 3, or is settled prior to arbitration, the Branch President must inform the Local office of the settlement so that Director Fletcher will avoid scheduling the grievance for arbitration or so that he may remove it from the arbitration docket if it has already been scheduled.
10. There was a lengthy discussion concerning OWCP and the affects that injured employees have on bid assignments in the facility. The Postal Regulations that govern this area can be found in Handbook EL-505 and Elm 546.
11. There was a discussion concerning Letters of Demands and the need for the employee to challenge the Postal Service. Director Fletcher distributed documents to the Council concerning this issue.
12. MDSEBM Ed Evans conducted a presentation on article 16 and the use of the argument on whether discipline is "timely and relevant" when filing grievances. He also discussed issues of official discussions; review and concurrences of upper level managers; arbitration awards; dissimilar tracks of discipline; and disparity of treatment.
13. President Hayes disseminated copies of the Union Member Rights and Officer Responsibility Under the LMRDA and instructed all the Branch Presidents to post on Union bulletin boards. He also distributed a copy of the VEBA Trust Agreement to each Council member. This concluded the CAD report.

Being no further business before the Council on the day, a motion was made by Branch President Charles Washington, seconded by Branch President Jannell Walker to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 5:15 P.M.

Fraternally yours,

A handwritten signature in black ink, appearing to read 'Derrick Carr', with a long horizontal flourish extending to the right.

Derrick Carr
Recording Secretary

LOCAL 305 UNION COUNCIL MEMBERS-2010

Roll Call

February 05, 2010

Kenneth Hayes	President	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Charles Manago	Vice President	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Yam D. Cardin	Treasurer	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Derrick Carr	Recording Secretary	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Mary Naylor	DC SEBM	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Ed Evans	MD SEBM	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Michael Lawrence	NC SEBM	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Teresa Harmon	VA SEBM	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Kevin Fletcher	WV SEBM	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Gregory Hooker	Baltimore, MD	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Orson M. Smith	Baltimore, MDAMF	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Christina Hicks	Easton, MD	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Charles Baer	Frederick, MD	Present	<input type="checkbox"/>	Absent	<input checked="" type="checkbox"/>
Jannell Walker	Southern, MD	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
John Macklen	Cumberland, MD	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Charles Washington	Waldorf, MD, DDU	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Nora Linton	Fayetteville, NC	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Theresia Moberg	Greensboro, NC P & DC	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Vince Perry	Greensboro, NC BMC	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Gerald Billings	Hickory, NC	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Felandria Jackson	Raleigh, NC	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Phillip Johnson	Rocky Mount, NC	Present	<input type="checkbox"/>	Absent	<input checked="" type="checkbox"/>
Pete Hirschbine	Asheville, NC	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Danny Mangan	Charlotte, NC	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Robert Ricketts	Lynchburg, VA	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Michael Stanford Sr.	Norfolk, VA	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Millard Cooper	Bristol, VA	Present	<input type="checkbox"/>	Absent	<input checked="" type="checkbox"/>
Leslie Hamlett	Richmond, VA	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Charles P. Perdue	Roanoke, VA	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Frank Murphy	Charlottesville, VA	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Fred Blaebaum	Kinston, N.C.	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Jose Pena	Dulles, VA	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
James Beane II	Charleston, WV	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Herman D. Watson	Clarksburg, WV	Present	<input checked="" type="checkbox"/>	Absent	<input type="checkbox"/>
Nathan Fields	Huntington, WV	Present	<input type="checkbox"/>	Absent	<input checked="" type="checkbox"/>

TOTAL

Present 31 Absent 4