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LOCAL 305 MAIL HANDLERS MIDATLANTIC



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

Clara Jackson
Vice President

Derrick Carr
Recording Secretary

Mary Naylor
Washington, DC

Ed Evans
Maryland

Michael Lawrence
North Carolina

Teresa Harmon
Virginia

Kevin Fletcher
West Virginia

JAN 29 2010

OFFICIAL MINUTES

The Executive Board Meeting
National Postal Mail Handlers Union – Local 305
4907 Fitzhugh Avenue, Suite #100
Richmond, Virginia 23230-3533
December 28, 2009

In attendance:

Kenneth Hayes-Local President

Clara Jackson-Vice President

Yam Cardin-Treasurer

Derrick Carr-Recording Secretary

Ed Evans-Maryland State Executive Board Member

Michael Lawrence-North Carolina State Executive Board Member

Kevin Fletcher-West Virginia State Executive Board Member

Absent:

Mary Naylor-District of Columbia State Executive Board Member

Teresa Harmon-Virginia State Executive Board Member

Opening of the Executive Board Meeting:

1. President Kenneth Hayes called the meeting to order at 10:15 A.M.
2. Recording Secretary Derrick Carr did the invocation and called roll. There were seven (7) board members present which constituted a quorum.

Review of the Minutes:

1. The minutes from the August 31, 2009 board meeting were passed out for review.
2. The following corrections and/or additions were noted:

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- a) On the first page, third line from the bottom, add the letter "s" to the word "question" to make it plural;
 - b) A motion to accept the minutes with the cosmetic correction and addition was made by MDSEBM Ed Evans and seconded by NCSEBM Michael Lawrence. Motion carried unanimously.
3. The minutes from the October 2, 2009 board meeting were passed out for review.
 4. After a lengthy discussion and clarification concerning the exact language for the amendments to the Sick Pay Plan previously voted on, the following corrections and additions were noted:
 - a) On page 2 of 3, the last paragraph for Article III.~C, remove the following language in the second sentence: "*who have not previously received Sick Pay benefits...*" and remove the word "and" after "Plan".
 - b) A motion to accept the minutes with the correction was made by MDSEBM Evans and seconded by NCSEBM Lawrence. Motion carried unanimously.

Old Business:

1. During the discussion of the October 2, 2009 board minutes, DCSEBM Mary Naylor raised a concern about the time limit established for a member to file a sick pay claim and what constitutes a member being in good standing.
 - a) President Hayes stated that a member in good standing could not go back more than six (6) months to file a claim.
 - b) It was noted that the June 8, 2009 minutes of the Executive Board reflect that the VEBA rules already establish that a member must be in good standing five (5) years preceding the date that the claim is filed.
 - c) It was also noted that it is the responsibility of the member to ensure that their dues are paid. A member has 90 days from the date that the dues are in arrears to pay the dues.
2. President Hayes gave an update on the VEBA Trust Fund:
 - a) VEBA Trustees will be reviewing the performance of the company that handles the VEBA Trust account and make comparisons with other investment companies to determine who will best serve our investment needs. This review is done every year and will be taking place in May of 2010.
 - b) The Trustees will modify the plan booklet to reflect the changes made to the VEBA rules and regulations. Once completed and reviewed, President Hayes will forward a copy to each Branch President and have it posted on the Union's web site. The tentative date for completion is the end of the calendar year 2009 or shortly thereafter.
 - c) President Hayes reminded the board that due to federal laws the Union can only spend 2% of the net worth of the VEBA Trust to ensure that it will never be depleted.
3. The board briefly discussed the following issues: facilities being considered for closing or consolidation; facilities that were already consolidated or closed; the

problems with the bid postings; the role of the U.S. Postal Service Complement Coordinator; and the various Town Hall meetings conducted by the Postal Service.

- a) The HASP facility in Lanham, MD was closed and the Mail Handlers were consolidated with the Southern MD facility effective November 16, 2009.
 - b) The consolidation of the facilities is what allows for the Union and the Postal Service to open negotiations for the Local Memorandum of Understanding. Per President Hayes instructions, the Southern MD facility will open their Local Memorandum of Understanding to address various situations that were affected by the consolidation.
 - c) The only issue noted with the consolidation thus far was a problem with the seniority of one Mail Handler.
 - d) The Postal Service, which had initially planned to close the Rock Mount, NC facility, has rescinded that decision.
 - e) There has not been any official word from the Postal Service concerning the closing of any other Postal facilities.
 - f) The town hall meetings conducted by the Postal Service did not appear to go well in several locations. There were problems with the Postal Service effectively answering questions and giving informed answers.
 - g) President Hayes stated that the purpose of the Complement Committee is responsible for determining if a facility needed additional personnel and to review the jobs and assignments in each facility.
4. Upon further investigation it was decided not to utilize the benefit plan offered by the American Income Life Insurance Company as previously discussed. President Hayes stated that the problem with the benefit plan was the possibility of the Union being responsible for coverage of members who received benefits after they allowed their Union membership to lapse. It would be difficult to give the Insurance Company an updated membership roster on a daily basis.
 5. There is not much to report concerning the BMC Task Force. However it was noted that due to the Greensboro NC becoming a tier 2 facility they have picked up additional mail. Not many changes from the Southern MD facility becoming a tier 1 facility.
 6. President Hayes stated that during the next round of negotiations for the National Agreement, he anticipates that both the Union and the Postal Service will look extensively at article 12, especially in the area of dealing with unassigned regulars. President Hayes has already expressed some concerns and suggestions to the National Office in reference to this matter. There was also a lengthy discussion concerning saved grade, military veterans and their rights under the Merit System Protection Board when being excessed, as well as other factors affecting Mail Handlers under article 12.
 - a) It appears that the JCTM facility in Washington, D.C. has a number of veterans that are unassigned.
 - b) It is the understanding of some of the members of the Board that an unassigned veteran who holds a level 05 position when being excessed

will be given a comparable level 05 position and not just given level 05 pay. The concern is whether or not this applies to a veteran, who is being excessed from one section on a tour to another, or when being excessed from one tour to another, or when being excessed from one facility to another.

- c) The WVSEBM Kevin Fletcher, who also serves as the Local's Contract Administration Director, will research this issue and give an update at the next meeting.
- d) President Hayes gave a reminder that we could expect some changes in the future because of the decline in mail volume and the impact of automation.
 - DCSEBM Naylor gave a brief presentation on her tour of the Merrifield VA facility to see how the Flat Sorter Sequencing machine functioned.
 - There was a brief discussion about the issue of handling empty equipment and potentially, the positive affect on the Mail Handler craft when the Postal Service decides to close some of the contracted MTEC facilities.
 - If the facilities are closed it will be incumbent upon the Stewards in the field to keep watch on how the local managers handle the equipment to ensure that there are no cross craft violations.
7. President Hayes stated that the installation ceremony for the new and returning officers and the meetings for both the Executive Board and Council meetings will be scheduled for February 5-8, 2010; with the installation ceremony being held on Friday, February 5, 2010 and the meetings will be held on the following days. The tentative dates for Steward training will be in March 10-11, 2010.
8. President Hayes appointed Pete Hirschbine as the Acting Branch President of Asheville, NC. The position became vacant in October 2009 upon the retirement of Branch President Charles McCurry. Initially Michael Lang was appointed to the position but has since relinquished the position for personal reasons. The Board extends their well wishes to Brother McCurry in his retirement and their gratitude on behalf of the Mail Handlers and the entire Local for his past work and support.

The Board recessed for lunch at 11:45 P.M. and reconvened at 12:40 P.M.

Contract Administration Department (CAD) Report:

Kevin Fletcher, the CAD Director gave a report to include the following issues:

1. The National parties of both the Union and the Postal Service met December 14, 2009 to discuss article 12 issues and the National Reassessment Program (NRP).
 - A settlement resolving the NRP grievance was reached at the National level to protect the rights of the Mail Handlers. The NRP process will not

affect the established rules from the ELM provision of section 546. A copy of the settlement was issued to the field previously.

- One provision of the settlement is the protection it affords to the light duty employees. Under normal circumstances a light duty employee will not be displaced from an assignment acquired under article 13 of the Agreement to be given to a limited duty employee.
- Some facilities in Virginia and West Virginia are entering into phase 2 of the NRP process, which is when a limited duty employee is called in for an interview to discuss their injury and their ability to work. It appears that most are being offered modified jobs. There have been no reports of anyone being sent home.
 - If there are any questions or concerns about the NRP settlement in the field call the Local offices.
- The Advocates in the Local have heard approximately 70 arbitrations this year. The cost for the Arbitrators alone in these cases is approximately \$100,000. That's why it is important for the Branch President to ensure that they communicate with the Local office concerning any grievance that has been settled prior to being arbitrated. Generally, the Local office receives dates for arbitrations 60 days in advance. However, if the case is settled at the facility and the case can be cancelled at least 30 days prior to the arbitration date, CAD Fletcher can cancel the date and there will be no cost for the Arbitrator. Any cancellation of dates within 30 days the cost is prorated.
 - It was noted that the primary goal and focus of this Local is to represent the members and we will continue to do so.
- Concerning Last Chance Agreements we were reminded that in those cases in general the argument is not just cause or any other principles of the contract, but the argument is whether or not the provisions of the Last Chance Agreement have been violated. It was also noted that the Stewards in the field should ensure that the Last Chance Agreement should be confined to the infraction involved or the problem area, i.e. a zero tolerance violation should not have provisions that include attendance related concerns.
- An update on Mail Transport Equipment Service Centers (MTEESC) and the approximately 8 MTEESC facilities that may close.
- The Board reviewed impending impacts that affect our Local. When an employee in any craft or from any facility can be excessed, this is considered an impact.
 - Two Article 12 Impact handouts covering the Eastern Area and the Cap Metro District were distributed to the board.
 - The handouts give the facilities affected; the distance; the reason for the impact; anticipated date of impact; the coverage area; the craft affected; and the number of personnel affected.
 - There are a large number of pending impacts in the Eastern Area.

- A lengthy discussion ensued about the affects that function 4 reviews and mail volume changes have had on facilities; these factors are causes for a facility to be impacted. It is imperative that a Steward or the Mail Handler being reviewed, to keep a diary of the work they perform on a daily basis in order to combat the findings of the function 4 review and to be able to justify the need for positions.
- Various charges from the National Labor Relations Board (NLRB) have been handled locally by the office to cut down on cost associated with the use of attorneys. Most of the charges have been either dropped or dismissed by the NLRB. However, if the need arises, the Local's attorneys will handle the complaints.
- The Board discussed the issue of being able to represent a Mail Handler who is no longer in the craft or has just retired. It was determined that it all depends on the circumstances of the case involved. If there is any doubt, file the grievance and get the Local office involved.

Financial Report:

1. Treasurer Cardin disseminated and the Board reviewed the Balance Sheet as of December 1, 2009 and reviewed the Operating Expense Budget Data. Special emphasis was made on the results of the changes that both the Board and the Council instituted earlier in the year to deal with the impending deficit for the 2009 calendar year. It was noted that there were great savings made during this past year and that the Local is in better financial shape than in previous years. After a lengthy discussion, and question and answer period DCSEBM Naylor moved to accept the financial report. NCSEBM Lawrence seconded the motion. Motion passed unanimously.

President Hayes opened the floor up for any new business or concerns. Being no further business, MDSEBM Evans made a motion to adjourn the meeting and DCSEBM Naylor seconded it. Motion passed unanimously. Meeting adjourned at 2:40 P.M.

Fraternally yours,



Derrick Carr
Recording Secretary