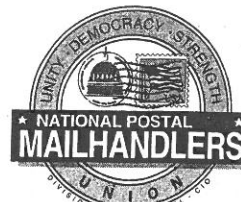


# LOCAL 305 MIDATLANTIC MAIL HANDLERS



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

**A.F.L./C.I.O.**

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

The Executive Board Meeting  
National Postal Mail Handlers Union – Local 305  
4907 Fitzhugh Avenue, Suite #100  
Richmond, Virginia 23230-3533  
February 8, 2010



### **In attendance:**

**Kenneth Hayes-Local President**

**Charles Manago-Vice President**

**Yam Cardin-Treasurer**

**Derrick Carr-Recording Secretary**

**Mary Naylor-District of Columbia State Executive Board Member**

**Ed Evans-Maryland State Executive Board Member**

**Michael Lawrence-North Carolina State Executive Board Member**

**Teresa Harmon-Virginia State Executive Board Member**

**Kevin Fletcher-West 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. All Board members were present. The newest member to the Executive Board, Vice President Charles Manago was given a hearty welcome.

### **Review of the Minutes:**

1. The minutes from the December 28, 2009 board meeting were distributed for review.
2. The following corrections and/or additions were noted:

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- a) Page 2 of 6, change DCSEBM Mary Naylor's role call status from "Absent" to Present; and add "Due to unforeseen circumstances." After Teresa Harmon's name;
- b) Page 3 of 6, item (d), add the letter "y" to the word "Rock"; item #5, change "Greensboro NC" to "Greensboro, NC BMC"; change "tier 2 facility" to "tier 2 NDC"; add "There were" to the beginning of the last sentence and change "tier 1 facility" to "tier 1 NDC facility";
- c) Page 4 of 6, item (c), remove the word "is" and the "d" after the second "and"; under item (d), the first bullet, change "Merrifield VA" to "Dulles, VA";
- d) Page 5 of 6, the first bullet, last sentence, remove the letter "s" from the word "offices"; second bullet, change the last sentence to read as follows, "*The cost for arbitration dates cancelled within 30 days will be prorated*"; fourth bullet, add "was given" after the word "update"; and the last bulleted item, second dash, replace the word "give" with "list";
- e) Page 6 of 6, first paragraph, second sentence, replace "that a" with "for the" and remove the comma from the sentence.
- f) A motion was made by MDSEBM Ed Evans and seconded by VASEBM Teresa Harmon to accept the December 28, 2009 Executive Board minutes with the cosmetic corrections and additions. Motion carried unanimously.

## **Old Business**

### VEBA Report:

President Hayes reported that the VEBA Trust Plan has been updated and will be disseminated to all Branch Presidents and Officers. It will be posted on the Local's Web site as well. It has been several years since the Plan has been updated and circulated in accordance with the Local's by-laws.

The budget from the VEBA Trust that is used for Scholarships, Death Benefits, and the Sick Pay Benefits for this year is approximately \$82,000, which is 2% of the net worth of the VEBA Trust. It is projected that we will spend approximately \$20,000 from the VEBA Trust on Scholarship Awards and that the scholarship notices will be sent to the field by the end of the February 2010. If there is any money remaining at the end of this year it will be forwarded to the next year's budget.

The VEBA Trustees will meet in May 2010 in Washington, D.C. to research and interview with several investment firms to ensure that we have the best firm managing the finances in the VEBA Trust.

### Article 12 Report:

President Hayes reported on the Postal Service's plan to consolidate some facilities within the Local's jurisdiction. Their plan is to close the Charlottesville, VA P&DF.

There are approximately 35 Mail Handlers who maybe excessed to Staunton, VA; Harrisonburg, VA; or Richmond, VA. The mail maybe diverted to Staunton, VA and Harrisonburg, Virginia. Presently there aren't any Mail Handlers assigned to these facilities, however the union will observe these facilities to see how the craft will be impacted by the closing of the facility. The Richmond, VA facility will have to secure residual vacancies in order to place the excessed Mail Handlers from Charlottesville, VA, into.

There may be 5-6 Mail Handlers impacted in Hickory, NC according to a report President Hayes reviewed. Those Mail Handlers may go to Greensboro, NC. Residual vacancies will be needed to place the impacted Mail Handlers into.

When Mail Handlers are excessed from a facility or section, the junior fulltime regulars will be the employees impacted. Once President Hayes receives official notification indicating which facilities will be affected, he and the Director of the Contract Administration Department (CAD) Kevin Fletcher will visit those facilities to address the concerns of the Mail Handlers.

Kinston, NC may lose some of the mail that they process but have already lost Mail Handlers through attrition; it doesn't appear that they will experience any further impact to the Mail Handler craft at this time.

There were some problems noted in the recent consolidation of the HASP facility into the Southern, MD facility. Management failed to report the casuals properly, they did not issue PS Form 50's to the HASP Mail Handlers in a timely fashion, and there were problems with the manual bidding. President Hayes stated that most of the problems were caused by management not issuing the PS Form 50s on the exact day of the reassignment.

It was noted that not all the facilities are being negatively affected by consolidations. The Dulles, VA facility will see an increase in Mail Handlers because of the employees being reassigned form Philadelphia, PA and from the Winchester, VA facility.

There was some discussion on the seniority date of a reassigned employee; the difference in seniority if they are coming from the Mail Handler craft or another craft; and the circumstances requiring written notices. Director Fletcher will research whether management has to give a written notice to employees and/or the Union once they rescind a decision to excess employees.

#### National Reassessment Process (NRP) Report:

There has not been much of an impact within our jurisdiction concerning the NRP. Management is nearing the completion of phase 2, which includes an interview to see what assignment best fits the employees restrictions; and if necessary finding employment outside the Postal Service. If any issues arise in the field then the Branch President should notify the Local office.

There was a lengthy discussion concerning limited duty employees and their rights to overtime. It was determined that if the work needed during overtime is within the employee's limitation then they should be included. However, another concern was if the employees who are on permanent limited duty or who have been given a modified job assignment are they considered part of the section in respect to overtime, when the LMOU specifically states that overtime will be done by section? After further discussion it was determined that the answer depends on the facility and what is written in the LMOU concerning this matter.

#### National Labor Relations Board (NLRB) Report:

There have been a few NLRB charges filed against the Local that have been handled by the Director of CAD, Kevin Fletcher. This reduces the cost to the Local by not having all NLRB charges handled by the Local's Attorney, Chip Temple. The Attorneys will continue to handle any charges that appear to be too complicated to handle.

There have been several instances where the Postal Service has failed to properly assist Mail Handlers with initiating OWCP claims. In accordance with federal law and handbook EL-505, management has ten (10) days to initiate a claim with OWCP for an injury sustained on the job. There have been several problems noted throughout the Local with OWCP claims not being properly filed by management; therefore President Hayes informed the office of the Area Labor Relations office. When management is not in compliance with the federal law a grievance must be filed.

The Board discussed unemployment compensation and the various questions that have emanated from the field concerning this issue. It was determined that as a general rule the entitlement to unemployment varies from state to state. In some cases an Attorney would be better suited to handle any problems concerning the denial of unemployment compensation.

#### General Discussion:

1. The issue of Veterans being excessed from a facility, a tour, or another section was raised. The discussion centered on whether a preference eligible veteran received saved grade and for how long. The issue was tabled until clarification could be given by the National office.

#### **New Business**

#### Training Report:

To reduce cost the Local will conduct Shop Steward training in the field. The training is tentatively scheduled to begin in March 2010. Both basic and advance steward training will be offered. The training will be centrally located in several areas to allow several

facilities to participate. The advanced training will cover difficult areas like articles 7, 12, and issues concerning the supplemental work force (Casuals).

It is unclear what the total cost of the training will be because the Branch Presidents have not selected the number of Mail Handlers from their respective facilities to be trained. However, it is certain that the cost of the training will exceed \$5,000 due to Union wages paid and expenses associated with traveling to the training site. President Hayes made a motion to approve spending in excess of \$5,000 for the shop steward training, which was seconded by MDSEBM Evans. The motion passed unanimously.

The Branch Presidents should select Mail Handlers for training that they expect to use as primary Shop Stewards and as Chief Stewards. The training will also serve as a refresher course for those Shop Stewards who are already certified.

General Discussion:

1. There was a lengthy discussion on the Last Chance Agreements (LCA) and the importance of how the Shop Stewards in the field should negotiate them. We were reminded that when grieving a LCA, the Union is arguing the merits of the LCA and whether the grievant was in compliance with its terms and conditions. Generally the Union can not argue the principles of just cause in a LCA.
2. President Hayes stated that the following cost cutting measures will take place:
  - Branch Presidents will only visit the Delivery Stations in their jurisdiction on an as needed basis.
  - State Executive Board Members are no longer required to visit the facilities within their State.
  - Arbitration Advocates will have their grievances mailed to them instead of obtaining and reviewing them at the Local office. However, MDSEBM Evans will continue to oversee the grievance case load.
3. President Hayes stated that the Branch Presidents are not allowed to spend over \$100 per month for supplies; if they have to spend over \$100 they are to contact him prior to doing so; and they can no longer order ink cartridges. All ink cartridges will be supplied by the Local office by contacting the Office Manager John Dudley.
4. A brief discussion on whether the Postal Service can issue Letters of Demand to employees for debts that occurred prior to a certain time period. It would appear that there is no time limit as to how far back management can go to collect a debt that they believe is owed to the Postal Service. There is some question however, as to the origin of a document that DCSEBM Naylor provided from the Postal Service stating that the Postal Service can not go beyond a certain time period to collect a debt. The origin of this letter will be investigated to see if it will be beneficial to the Union.

The Board recessed for lunch at 1:05 P.M. and reconvened at 1:30 P.M.

5. President Hayes made a motion to appoint Nathan Fields to the vacant Branch President position at Huntington, WV and Wes Cooper to the vacant Branch President position in Bristol, VA. The motion was seconded by NCSEBM Lawrence. Motion carried unanimously. The two positions were vacant because there were not any nominations for the position in the last election.
6. For those Branch Presidents who were duly elected but were unable to attend the Installation Service to be sworn in, President Hayes will get authority from the National President John Hegarty to install them as Branch Presidents.

#### **Financial Report:**

1. An extensive budget analysis and balance sheet as of February 8, 2010 was distributed to the Board for review. President Hayes gave a historical presentation of the Local's finances since the year 2003 and the expenses needed to operate the Local. It was also noted where and how the Local will cut cost in the coming year. After a lengthy discussion NCSEBM Lawrence moved to accept the financial report. Vice President Charles Manago seconded the motion. Motion passed unanimously.

#### **New Business: (Continued)**

The Executive Board reviewed and discussed Article X charges that were previously filed. The Article X withdrawn by charging party without prejudice to their present position.

(E3 E3000)  
charges party

Being no further business VASEBM Harmon made a motion to adjourn and NCSEBM Lawrence seconded it. Motion passed unanimously. Meeting adjourned at 4:00 P.M.

Fraternally yours,



Derrick Carr  
Recording Secretary