



The
Northwest Illinois Area Local

American Postal Workers Union, AFL-CIO

194 W. Lake Street

Elmhurst, IL. 60126

630-833-0088

BASIC JOB RIGHTS OF NWIAL/APWU REPRESENTED POSTAL EMPLOYEES

By Stanley F. Slupik, NWIAL President

1. **You have the right to file a grievance.** To file a grievance, you should ask your immediate supervisor for a step 1 grievance, and a union steward to represent you. You do not have to tell the supervisor in any great detail, why you want a step 1 grievance; you need only tell them the general nature of the problem, such as “Article 8”. You should ask for the step 1 as soon as possible after the violation occurs. If you do not request the step 1 within 14 days of the violation, you can no longer file a grievance on that issue. If you do not see the steward within 2 hours, you should attempt to notify any steward on your break or lunch. You have the right to dispute what management does regarding the workplace. Management is prohibited by law and the contract, from retaliating against you for filing a grievance. Many employees do not realize this, and do not challenge many unfair management actions. Of course, the grievance may not prove to be successful in every instance. But you should get into the habit of checking with your union steward, when any of these actions occur. Here are some examples of grievable issues:

- a. If you call in for an absence, and management disapproves your PS 3971 (request for leave), you can file a grievance.
- b. If management marks your PS 3971 as “unscheduled”, and you feel it should be “scheduled”, you can file a grievance. An “unscheduled” absence can be used against you in future disciplinary action, a “scheduled” absence cannot. To have your absence regarded as “scheduled”, it must be requested and approved in advance. There are some exceptions.
- c. If you receive a letter of demand for payment of alleged money owed, you can file a grievance. If you have money taken from your check by management, you can file a grievance. Management must first give you a letter of demand, that fully explains the debt, and they cannot collect the debt as long as your grievance is still in the grievance procedure.
- d. If you are in your bid assignment, and assigned to another job, while junior employees stay in your bid, or non-bidders stay in your bid assignment, you can file a grievance. If you are moved from your bid assignment, and replaced by a junior employee or an employee who does not have a bid in your assignment, you can file a grievance.
- e. If you are disciplined, you can file a grievance. Even if you feel you “deserved” the discipline, you should still see your steward. A “probation” that reduces the length of time the discipline is in your file, is usually attainable in a settlement.
- f. If you feel you are improperly bypassed for overtime or holiday work, you can file a grievance. If you feel you are improperly required to work overtime or on the holiday schedule, you can file a grievance.
- g. If an employee from another craft or level works in your bid assignment, and you are on the overtime desired list, you can file a grievance.
- h. If your supervisor makes up a new work rule, you can file a grievance.
- i. If you are not paid properly, you can file a grievance.
- j. If you are harassed or discriminated against, you can file a grievance.
- k. If a supervisor does bargaining unit work in your unit, you can file a grievance.

- l. If you do not receive your step increase, you can file a grievance.
- m. If you feel you should have received your first vacation selection, and did not, you can grieve it.
- n. If you do not receive your proper holiday pay, you can file a grievance.
- o. If you do not get a bid you feel you should have received, you can file a grievance.
- p. If your bid job is abolished, you can file a grievance.
- q. If your transfer request is denied, you can file a grievance.
- r. If your light duty request is denied, you can file a grievance. If you do not receive 40 hours per week of light duty work, you can file a grievance.
- s. If you see a safety violation, or an unsafe work practice, you can file a grievance.
- t. If you ask for a step 1, and do not see a steward within 2 hours, you can file a grievance.
- u. If you are put off the clock for any reason, you can file a grievance.
- v. If someone junior to you gets a detailed assignment, you can file a grievance.
- w. If a bid is not posted properly, or in a timely manner, you can file a grievance.
- x. If you do not receive a proper uniform allowance, you can file a grievance.
- y. If your new bid requires training, and it is not proper, you can file a grievance.
- z. If management is using outside contractors to do work that you are capable of doing, you can file a grievance.
- aa. If management forces you to use your own vehicle to do postal work, you can file a grievance.
- bb. If your request for advance annual leave is disapproved, you can file a grievance.
- cc. If a supervisor retaliates against you for filing a grievance, you can file a grievance.
- dd. If you are a part-time flexible employee, and you are not getting 40 hours in a week, and management has casuals at the facility, you can file a grievance.

There are many more issues that can be, and are, the subject of grievances. The point is to check with your union steward about any questionable issue. Do not just automatically believe what your supervisor tells you. They often do not know, since most supervisors do not know the contract. Other supervisors deliberately mislead you.

2. You have the right to make more money. If you need more money for any reason, there are various ways to go about this.

- a. If you are a full-time employee, you can get on the overtime desired list (ODL). Being on the ODL gives you a greater right to overtime opportunities in your section.
- b. If you are a full-time employee, you can volunteer to work the three days of the holiday schedule. These selections are made by seniority on your tour and section. You can also volunteer to work in other sections, and other tours, for any job that you are qualified for. Management must take all volunteers before they require anyone to work on a day of the holiday schedule.
- c. If you are a full-time employee, you can bid to a job in which the scheduled hours of work are between 6 PM and 6 AM. You are paid an additional "night differential rate" for any hours worked during this time.
- d. If you are a full-time employee, you can bid to a job in which the scheduled days of work include Sunday. You are paid an additional Sunday premium pay, which is 25% of your normal straight time hourly rate, for all hours worked on Sunday. In addition, if your scheduled tour of duty includes any part of the 24 hours of Sunday, you receive the Sunday premium for all 8 hours of that tour of duty. For example, if you bid on a job with non-scheduled days of Tuesday and Wednesday, and a starting time of 5 PM, you would be paid 8 hours of Sunday premium pay for every Saturday, and 8 hours of Sunday premium pay for every Sunday you work.

- e. If you are a full-time employee, you can bid on a job that pays a higher level.
- f. If you work (including paid leave) over 60 hours in a service week (Saturday thru Friday), you are entitled to an additional 50% of your straight time hourly rate for all hours worked over 60. This is not an automatic payment in the payroll system. You must file a grievance to get this money. These grievances are almost always settled immediately, at step 1.
- g. If you are a part-time flexible employee, and you are not receiving 40 hours per week, you can request a transfer to another office, that would work you for more hours.
- h. If you are a part-time flexible employee, and bids are posted that no full-time employee bids on, you can then bid for these jobs, and gain the extra benefits of full-time employees described above.
- i. If you have training that makes you qualified for higher level work in another craft, you have preferred rights for reassignment to this craft and this higher level work. You can take the tests to demonstrate your higher level job qualifications.

3. If you are a full-time employee, you have the right to bid and/or apply for jobs that you prefer to your own. Bidding rights are different in each office. You should see your steward for details. All bids must be posted in designated areas, for 10 days, in every office. Craft bidding procedures are different.

4. You have the right to take leave covered by the Family and Medical Leave Act. This leave cannot be cited in discipline. FMLA leave can be sick leave, annual leave, and sometimes LWOP, depending on the circumstances. It can be taken for several reasons:

- a. Your own serious illness or injury.
- b. For a chronic illness that you have.
- c. Pregnancy, or adoption/placement of a child.
- d. To care for an immediate family member in a condition described in (a), (b), or (c). An immediate family member is defined as a mother, father, spouse, or child under 18 years old (unless the child is permanently incapable of caring for him/herself.)

There are a few other reasons for which FMLA can be taken. There are also different documentation requirements for FMLA. Your medical statement on the FMLA form, does NOT have to contain a diagnosis, or give details about your illness or injury. For more information, see your steward.

5. You have the right to take up to 80 hours of sick leave per calendar year to care for a member of your immediate family who is ill or injured. An immediate family member is as described in 4d above. This is called “dependent care”.

6. You have the right to a vacation, and to incidental annual leave. These provisions are different in every office, and are found in the Local Memorandum of Understanding for your office, in Items 4 through 12. However, the National Agreement guarantees that every employee in every office will receive a vacation. The choice dates of vacations are determined by employee seniority. You may not get your first choice of dates, but you are entitled to a vacation.

- 7. You have the right to file an EEO Complaint.** This is another right guaranteed by federal law, and the contract. Management is also prohibited from retaliating against you for filing such a complaint. An EEO complaint can arise over any of the examples listed in (1) above, and it must be because you feel you were discriminated against because of your sex, race, color, religion, age (over 40), handicap, or national origin. You should seek an experienced person to represent you in the EEO process. Our Local has stewards who are familiar with the EEO procedure. **The EEO Counselor/Investigator is a Postal Service Manager.** They are not there to represent your interests. Quite often they are only trying to talk you out of filing the complaint.
- 8. If you suffer an injury or illness on the job or due to the job, you have the right to file an OWCP claim.** The Postal Service is then responsible for any loss of pay, benefits and medical bills. If you are a union member, the Local will assist you with this claim. Legally and contractually, management cannot retaliate against you because of this claim.
- 9. If you suffer an injury or illness that is not job related, that causes you to be unable to perform your normal bid duties, you have the right to light duty.** Under some very, very, rare circumstances, management may be able to deny you 40 hours per week of light duty work. However, these circumstances have yet to occur in our Local. Management periodically attempts to say that there is no light duty work available, but so far we have been successful when grievances are filed over this violation.
- 10. You have the right to obtain your health benefits through the postal service.** Because of Article 21 of the National Agreement, the employer pays approximately 80% of your bi-weekly health insurance premium, depending on what plan you choose. There are over 50 plans to choose from. If you get health insurance outside of the job, from a private firm, your premium would be, on the average, 5 times as high as it is when you take insurance at work.
- 11. You have the right to be the successful bidder five times during the life of the contract.** If you obtain a higher level bid, (for example, if you are a level 4 mail processor, and obtain a level 5 manual distribution clerk bid), then that bid does not count towards the 5 bids. If your job is abolished, and you then obtain a bid, that bid does not count towards the 5 bids.
- 12. You cannot be disciplined, unless management can prove “just cause” for the discipline.** “Just cause” in plain English, means a “good reason”.
- 13. You do not have to talk to postal inspectors, unless a union steward is present to advise you, and participate in the interview.** You must, however, ask for a steward. Once you have asked for a steward, do not say another word, except to ask for a steward again. Do not talk about the weather, TV shows, sports, anything. Just shut up. If your supervisor is interviewing you about a matter that you believe may lead to discipline, you have the same rights.
- 14. You have the right to file an employee claim, subject to at \$10 minimum, for loss or damage of your personal property while at work.** Management is required to provide the form to you upon request. The loss cannot be as a result of negligence on your part. Claims such as these can be for damaged clothes, lost or stolen property, etc. You can also file a claim under the Federal Tort Claims Act if your motor vehicle is damaged on postal property.

15. **You have the right to be paid court leave, for jury duty, or when subpoenaed.** This is a type of “administrative leave” that you are paid, at your regular straight time hourly rate, as if you were working at your job. For jury duty, you do have to return the small amount the government pays you for your time, but you do not have to pay back the very small transportation fee they pay you.

16. **You have the right to use your earned sick leave.** However, unscheduled sick leave, that is not Family and Medical Leave Act sick leave, is often cited against you, by management, in disciplinary action for “failure to be regular in attendance”, if it is used too often. You also have certain Privacy Act rights regarding your sick leave. Here are some tips about use of sick leave.

- a. When you call in for sick leave, DO NOT give any details of your illness. Simply say that you are unable to perform your regular postal duties, and you want sick leave. If the manager on the phone asks for details, do not tell them.
- b. Under some circumstances, management has the right to require a medical statement verifying your inability to perform your normal postal duties. They can do this when you request more than 24 hours of sick leave consecutively. They can require a medical statement for an absence of less than 24 hours of sick leave only to “protect the interests of the postal service”. This phrase has been interpreted to mean they have this right when in recent months you have had a poor record regarding unscheduled absences. Another example would be if you call in for sick leave on the same day that you requested annual leave for, but that request was disapproved. This requirement of medical documentation can only be made over the phone by a supervisor; if a clerk answers the phone, they do not have the authority to give such an order.
- c. If the supervisor on the phone does require a medical statement, you should usually follow the order. Upon your return, you should check with your steward to see if the supervisor had the authority to require a medical, based on your record. If they did not have the authority and in fact violated the contract, the union has been successful in grievances on this issue, that would make management repay you the cost of the doctor bill, pay you mileage to and from the doctor’s office, and pay you overtime for the time spent going to and from the doctor, and at the doctor, if you did so outside of your regularly scheduled hours of work.
- d. Your medical statement should never give any details. A statement such as “unable to perform normal postal duties on June 14 and 15, 2001”, is sufficient.
- e. You should always make a copy, and keep a copy of your medical statement before you turn it in to management. You should always make and keep a copy of any document you turn in to management.
- f. When you return to duty after a call-in, you must sign a PS 3971. Management must allow you to do this on the clock. Since you did not fill out the 3971, read it carefully before you sign it. If it is inaccurately filled out, fill out a new one yourself. You should also make sure that no medical information is on the 3971. In the “remarks” section, there should be no information such as “headache”, or “flu”.
- g. You also have the right to use sick leave for medical and dental appointments.
- h. You should try to make your sick leave absence “scheduled” whenever possible. You can do this by submitting your medical statement and PS 3971 in advance of the start of your absence. Then, per the EL-510-83-9 regulations, the absence must be scheduled and cannot be cited in discipline. For example, if you are non-scheduled Sunday and Monday, and you are sick, and the doctor tells you on Monday that you will be unable to work on Tuesday and Wednesday, get the statement from him and get it to management on Monday, either through a friend (with

a PS 3971), or by fax. Your absence of Tuesday and Wednesday will then be “scheduled”. By notifying management in advance of your absence, you have given them sufficient notice to schedule a replacement for you, and they cannot say that you hurt their operation by an “unscheduled absence”. By submitting the medical documentation, they have no doubt that you are unable to work. Therefore they have no valid reason not to approve the absence on that Monday. This makes the absence requested and approved in advance, and therefore “scheduled”.

17. You have the right to review your Official Personnel Folder, and protest any inaccurate or incomplete information that is in your folder. You can make an appointment through personnel. When you review your folder, often you will find copies of old discipline letters, or discipline letters that have been rescinded. You should immediately ask for a copy of each improper document in your OPF, and management must give you a copy. Then you should write a letter specifying exactly what you want taken out of your folder, or changed. In the letter, you should request written confirmation from management that the information has been corrected. You can ask your steward to assist you with the letter, or simply file a grievance. (If you have a two year gap in which no discipline is issued, all discipline must be removed from your OPF.) After writing a letter requesting a correction, and you get a response, you should review your OPF again to see if it was done. You should review your OPF periodically throughout your postal career.

These are some basic job rights that NWIAL/APWU represented employees have, that not all employees are aware of. We will be adding to this list from time to time.

PostalEASE phone number: 1-877-477-3273. The postalEASE system is how you can set up or change your paycheck to be directly deposited, electronically, to your designated bank account. You can also use the postalEASE system for other personnel actions, such as changing your thrift savings account deduction, etc. You must know your postal PIN number in order to use postalEASE. You should have been sent your PIN number in the mail. If you lost it, or did not receive it, you can request that it be mailed to your house, through the postalEASE number. The Employee Benefits Line is 1-800-474-7195. The phone bidding line is 1-800-222-2415. (Phone bidding is only done in some offices.)

OTHER SUGGESTIONS

One right you do not have is to steal credit cards, coins, jewelry, etc., on the job. You have a good, secure job, with decent pay and benefits. It simply does not make sense to risk all that by stealing.

Another common reason for discipline, is the “failure to follow instructions” of the supervisor. As a general rule, you should follow the instructions when they are given, and tell the supervisor that you want to file a grievance about the violation. This would apply, for example, if they assign you out of your bid to a different area, and assign a junior employee to your bid. There are some rare examples of instructions you do not have to follow, such as:

1. The supervisor gives you an order to help him steal from the mails.
2. The supervisor gives you an order that is unsafe, such as lifting a 100 pound sack of mail.
3. The supervisor orders you to go out on a date with him/her.
4. The supervisor orders you not to file a grievance, or an EEO complaint.
5. The supervisor orders you to sign a postal form with false information on it.

Another right you do not have is to threaten another employee or supervisor, or get into a fight at work. Unfortunately, we continue to occasionally see these types of incidents. Here is some advice on this issue:

HOW TO AVOID WORKPLACE ARGUMENTS AND KEEP YOUR JOB

As a union official, I have talked to many employees, and stewards, who have been involved in conflicts with other employees or stewards, at the postal job. I have standard advice that I am offering for your consideration now.

1. Realize that disagreements at work will occur. The postal workforce is almost as wide and diverse as the world's population. People have widely different personalities, even when they have the same background and similar life experiences, and perhaps even more so when they come from backgrounds as different as our workforce.
2. Develop a plan in advance, to deal with disagreements. Make sure you use it when a difference of opinion occurs.
3. Recognize that it takes two to have an argument. You can always walk away from someone who is looking for an argument. You can also change the subject. You can also be silent. You have other options, besides arguing back.
4. If you see the person is in a bad mood, consider discussing the matter with them at a different time. If someone is loud, rude, out of control, overcome with some emotion, under the influence of drugs or alcohol, etc., they are not likely to listen to any reasonable argument anyway. You may be much more successful in achieving a satisfactory resolution to a conflict, by simply waiting a few hours, or a day, to address the problem with the person.
5. If you are in a bad mood, or having a bad day, loud, emotional, etc., don't pick that day to discuss your disagreements with someone else.
6. When you discuss your differences with someone, try to do it in a private, one on one setting.
7. Discuss your differences in a calm, rational, logical manner. Avoid personal insults or unnecessary negative adjectives.
8. If you are unsuccessful in achieving an agreement, don't prolong the discussion, especially if you see tempers beginning to flare. You can always end the discussion, by agreeing to disagree, without being disagreeable.
9. If the matter involves another person's seriously offensive behavior that you feel must be stopped, take the matter to the appropriate authority and seek resolution. Avoid at all cost taking the matter into your own hands and seeking a violent solution, through threats and/or physical force.
10. If you find yourself getting into a lot of arguments with a particular person, avoid talking to him/her.
11. Recognize that successful handling of conflicts and disagreements are very important to your health and well-being, your ability to keep your job, stay out of prison, avoid getting sued, etc. The USPS is now enforcing a "zero tolerance" policy towards threats and violence in the workplace. After years of ignoring obvious potentially violent situations, they are now overreacting and firing people for minor incidents. Therefore you need to avoid these situations while at work. Sometimes you must swallow your ego and pride, or walk away from a challenge or a fight. That's a very small price to pay, when the alternative is to lose your job.

ADDITIONAL BENEFITS FOR UNION MEMBERS

Here are some additional benefits that only union members enjoy. If you are not in the union, isn't it about time you joined? See your steward today. You will receive a free apron, two free T-shirts, and a chance to win a raffle, that includes a full expense paid vacation for two, anywhere in the continental United States.

1. You get to vote on the contract, whether to accept or reject it.
2. You can vote in the National and Local union elections.
3. You can attend membership meetings, make motions, vote on motions, and get free food.
4. You get the National and Local newsletter mailed to your home. You are better informed of your rights. You get to read my brilliant writing.
5. You can run for union office. You can be a steward.
6. If you are hurt on the job, you get free representation.
7. You can attend our wonderful Human Relations Seminar, and get free drinks in the hospitality room.
8. You can apply for scholarships for your children, that are given every year by the national union and by the state union organizations.
9. You can have a clear conscience, knowing you are not a freeloader, and that you are paying your share.

Although the union is legally required to give a good faith effort to represent non-members when they have legitimate grievances, and this is the official Local Union policy, the reality may be that non-members do not receive the same representation as members. Union stewards and officers are only human, and in general do not work as hard for non-member grievances.

The reality is also that if everyone were a non-member, then we would have no rights. We would be casuals. Union dues are needed to pay for the representation provided that gains us benefits. For example, our national union contract is currently in arbitration. Arbitration costs a lot of money. If we had no money from dues, we would just be stuck accepting management's offer of tiny bonuses, and no pay raise. We would have no money to take grievances to arbitration, to pay for computers, copiers, office supplies, to educate stewards, etc.

If you are a union member, you are part of the great worldwide movement and struggle to gain greater benefits for working people, who make up 99% of the world's population. If you are not a member, see your steward for an 1187 form, and sign up today to join the struggle. There is strength in solidarity.