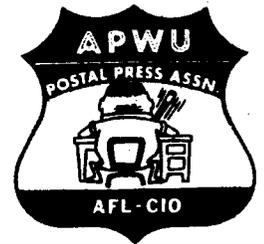




FARGO TOUR GUIDE



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FARGO, NORTH DAKOTA

WINTER 2000

USPS PAYS OCR CLERKS LEVEL 5 BACKPAY

PRESIDENT'S REPORT

BY JOHN DURHAM



FARGO OCR OPERATORS RECEIVE XMAS BONUS!!!!

On December 24, 1999 Fargo OCR Operators finally received settlement checks from the Postal Service for the August 1998 National Arbitration award that upgraded the Mail Processors, PS-04 to OCR Operators, PS-05. It took the USPS sixteen months to finally comply with the arbitrator's decision, which was to compensate the employees for the higher level work performed since 1988. Despite fighting with union officials every step of the process, the APWU stayed persistent in attaining the award for our members. It

wasn't until the USPS was threatened with legal actions in the court systems that it decided to finally compensate our people.

I would like to take this opportunity to give special thanks to Lyle Krueth, National Business Agent, Clerk Division, for the Minneapolis Region. Lyle was the main negotiator and focal point for the APWU on attaining this final settlement. Lyle spent many hours talking with management, going over figures, and working out a mutual solution. Thanks for all your hard work and efforts Lyle!

For those of you here in Fargo that received a check from this settlement, you have Jeremy Cahill to thank directly. It was Jeremy's grievance that he initiated back in late 1987 that resulted in to what we have today---Level 5 OCR Operators instead of Level 4 Mail Processors, and over \$360,000 is settlement backpay!! Stop out to the NDSU Station, or give Jeremy a call and tell him thanks! He did not have to file this grievance, but made the correct decision to pursue the issue. Thanks to his expertise and knowledge the APWU can boast of another great victory for the craft employees!

Special thanks go to Dana Klassen and Rick Morales. Dana and Rick attended the National Clerk Conference this past October. They spent a lot of time and effort explaining our situation to our national officers, informing them of our year-long wait on our award. This resulted in National Vice

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Y2K

BY RICK MORALES
TOUR I STEWARD

Happy New Year!! The year 2000 is now upon us.
The headline of the day

The Y2K Bug Has Been EXTERMINATED!

Or has it? The reason I ask this question is because Y2K was an issue due to computers being unable to interpret the double zero entry within the date. Millions of dollars were spent to correct this problem. Money that has been well spent as of now. I'm sure everyone reading this column is wondering where I'm going with this.

Now that I have your attention I would like to take this moment to bring up our Local's Y2K problems. Our 1998 - 2000 Collective Bargaining

Fargo Area Local APWU Now Provides A \$500.00 Scholarship

The Fargo Area Local APWU is now taking Scholarship Applications. This is the first year our local has offered a \$500.00 scholarship. Any son, daughter, stepchild, or legally adopted child of an active or deceased APWU member can apply. The scholarship must be used towards pursuing an undergraduate degree. To get more information concerning the scholarship rules and regulations or to receive an application please contact your steward. If your interested in applying you must hurry because applications are being accepted thru April 1, 2000. We will announce our first scholarship winner in May 2000.

Agreement will expire in November. Local Management has expressed last year that they will open talks on the Local Agreement once a new Collective Bargaining Agreement is in place. Management unsuccessfully challenged our present Local Agreement this year. New automation equipment will be installed at the Fargo Processing and Distribution Center in the year 2000 (New DBCS and FSM 100 just to name a few). This means jobs will be affected. Also, as we experienced over the holidays; space is a major issue. We're running out of it and Management continues to place new equipment where no space exists, creating real safety concerns. Additionally, stewards are getting burnt out and nobody is volunteering for the job.

I call attention to our LOCALS Y2K problems because we're not prepared. Lack of preparation leads to indecisiveness and ineffectiveness. Everyone reading this article is a union representative. Individuals like myself only give the speeches. Without the members we are speechless. It's easy to blame a union representative for we bear the burden when we fail. But without a steward there is no opportunity to fail. I'm not asking for sympathy just informing the membership we have a very hard future ahead of us and we need to be unified. Your local representatives need your input, we need everyone, and I mean everyone to step up.

How do we go about fixing our Y2K problems? Every clerk employed by the Postal Service should be a American Postal Workers Union member. All members should make an attempt to attend a local meeting and offer direction. All union members should vote in all national and local elections. Elections give members a voice and the opportunity to elect a leader to represent them. Finally, every member should submit opinions and suggestions on resolutions which provide a future direction for our local union.

Any union member that does not step up should not blame. I'm tired of the complaints, the bickering, and the finger pointing. Lets roll up our sleeves and work together in resolving all our Y2K problems. Failure to plan now will make us weak and nonexistent. The future success of our local will be based on what we do today.

USPS PAYS OCR CLERKS LEVEL 5 BACKPAY

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President Bill Burrus stepping in and taking action. Dana and Rick represented the Fargo employees well at the conference. If it weren't for the efforts of these two dedicated union officials, we would still be waiting for our settlement checks.

Lastly, and most importantly, we have the APWU members to thank. If it were not for dues-paying members, our local union would not have had the funds necessary to process such a large grievance. The union dues helped pay for the training that Jeremy received, the manuals that had to be used, the mailing and copying of numerous documents. Jeremy also was required to fly to Washington, DC to testify at the hearing of this grievance. All of these expenses, and many others, were paid for by union members. If we have no members, we have no grievances, period. Thank you APWU members, for all your support!

There are still a number of employees who have not received payment, or did not receive the correct amount. These people include retired Mail Processors, employees who are deceased, and other employees who may have had unusual circumstances in their work history. Lyle and I are already working to resolve these issues and finalize settlement of this award. I will keep the membership informed as soon as more details are known.

TEs ARE RETURNING TO FARGO

By the time this you read this, Fargo will probably have Transitional Employees (TEs) on the rolls again. This is due to the anticipated arrival of the new FSM 100 machine in November of this year. Because of the projected impact on the clerk complement in Fargo and surrounding offices, Article 12 of the National Agreement will be in effect. The parties will be applying the 1991 TE Agreement signed by APWU and USPS officials at the national level.

Management issued an impact statement to our local in December. Fargo was listed as losing six positions, and Wahpeton listed as losing one. West Fargo did not show any impact. Although the initial numbers look gloomy, I am optimistic that the projected impact will not be as severe as indicated by management. Most positions will probably be taken up through attrition, as we have several employees projected for retirement, transfer, ..etc. Updates to this situation will be provided at upcoming monthly union meetings.

Without going into the fine details of the TE agreement, I would like to give a brief overview of what is going to happen in the next few months.

As FSM Operator positions become vacant through normal bidding, they will be placed in a status called, "held pending reversion". Basically management will be holding these jobs until the new FSM arrives. Upon the arrival of this new machine, these held positions will be officially reverted.

Because the new FSM machine is not due until November, the current FSM positions that become vacant must still be worked by someone. This is where the TEs enter the picture. Because training is involved in operating the FSM, the parties have agreed to utilize PTFs on the FSM to fill these vacancies. The basic premise is that PTFs are career employees, and the parties would rather invest training in career employees versus temporary employees. The TE will backfill into the position from which the PTF previously occupied. Upon arrival of the new FSM machine, the PTFs would return to their previous duties, and the TEs would be terminated. Of course, there are many other details involved in this process. I simply wanted to "give it to you in a nutshell". Much more details will be available at the upcoming monthly union meetings.

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HR 22 AND HOW WE BLEW IT

**By Howard Evans, Communications Dir.,
Central New York Area Local #257
Reprinted from Salt city Post**

First, let's do a quick review of the status of postal reform legislation (largely for those of you who haven't been paying attention.)

John McHugh is the Congressman for Watertown and the northern tier. He is a moderate Republican, with approximately a 50% lifetime voting record on AFL-CIO litmus issues. John and his staff have always been honest and responsive in their dealings with this local, and we've always supported John's candidacies. John has chaired the House Postal Subcommittee (of the Government Reform Committee) since 1994, and is the House Republicans undisputed expert on the postal service and postal reform.

John McHugh's Postal Reform bill, HR22 has been in development for several years. It was passed by the subcommittee late in the last session and reintroduced this year. HR22 is the result of negotiation and compromise between McHugh's staff, the other postal labor unions, the postal service's competition, and groups representing pretty much every variety of postal customers. All these groups are supporting - accent on the "were" - HR22.

This legislation is something we need. Without it, we have no clear right to compete against private industry except in areas close to our letter-mail monopoly - areas such as express and priority mail, direct advertising and package delivery. Witness the package wrapping service and postal stores that got dumped by the Postal Rate Commission, and the electronic postmark that's being challenged in court.

Without new legislation we also haven't the ability to compete: UPS and FedEx can buy fleets of planes and offer volume discounts, but not little old quasi-governmental us.

And, we need to solidify our presence in these collateral products, and expand into new ones. All those electronic means of sending things - the internet, wire transfers, e-mail, et al - will slowly, but surely, replace hard copy communication over the next couple of decades.

Absent diversification, and the legislation enabling it, the United States Postal Service will simply fade away.

John McHugh's version of postal reform was four years in the making, and negotiated by everyone involved in any way with the USPS. It's time is now, largely because this is John's last term as subcommittee chair.

You may remember Newt Gingrich and his "Contract With America". One of it's many insanity clauses called for Congressional term limits. Oddly enough, once the conservative Republicans got control of Congress, the idea of figuratively falling on their swords every few years began to seem just a wee bit extreme. So, to honor the "contract" without becoming "unemployed", they enacted three-term limits for committee and subcommittee chairs - essentially trading a stupid idea for an utterly retarded one.

Thus, HR22's time is not merely now, but literally now-or-never.

HR22, while the youngest and only functional version of postal reform, is not the only one out there. Duncan Hunter (R-CA) has a bill, introduced annually for several years now, that would confine us to the letter mail monopoly - period. Phil Crane's (R-IN) bill would sell the USPS to the highest bidder, and has been submitted every year since the Carter administration.

Sooner or later, the Congress will pass some version of one of these or some other equally inane bill.

Of course, there are problems with McHugh's bill. Basically, it would put a cap on annual letter-mail price increases, generally set at inflation minus one percent. This cap could be raised only if postal management could show that unavoidable costs made larger increases necessary. HR22's current language should make negotiated wage increases such an "unavoidable cost" - the operative word being should.

Moe Biller believes that lack of certainty could impair future wage bargaining. And - as we all know from the endless stream of propaganda in the national magazine, news service and special mailings - he wants HR22 dead, dead, dead. So rather than negotiate like the other unions have done, Moe slammed the door and started a shooting war last summer.

Now, maybe it's just me, but telling a guy who wants to negotiate a horse-trade to bugger off "cause his horse is too ugly ain't a bright thing to do when the alternative is two other guys who just want to shoot the horse you already got. Apparently Moe's come to a similar conclusion, since he recently began meeting with Bob Taub, Subcommittee Chief Counsel, and Cary Brick, McHugh's Chief of Staff. Of course, Moe's still kept the propaganda machine running at full-tilt, switching at will from meeting to beating and back again.

A second problem with HR22, which we're not even sure Moe's addressing, is the "private law corporation" it would create. This is a wholly-owned USPS subsidiary which would have no special status - and thus be subject to all the same laws as a private company. If such an entity is created, there should be some guarantee that it would be required to give preference in hiring to employees riffed from the USPS - a distinct possibility in the new century. (Although, personally, I think we should be working to kill the concept of a private law corp. altogether.)

The damn thing is, it may be too late to change HR22, or even accept it in its current form.

While Moe's been ranting that HR22's a giveaway to UPS and FedEx, UPS has taken to ranting itself. They say the "reformed" USPS will be able to crush private concerns (like UPS) by artificially lowering prices on competitive products and making up the difference by bilking the general public out of billions of dollars with unjustified stamp price hikes. They cite this past January's penny increase as an example thereof.

So UPS, and their lackeys at the Teamsters, now adamantly oppose HR22. They even have a Congressman on retainer to kill the bill. Steven LaTourette (R-OH) would like to be Ohio's next Attorney General, the campaign for which will be expensive. In an amazing coincidence, Steve realized he wanted to submit a substi-

Dear Brother Biller:

March 1, 1999

I have read the testimony from the APWU and all the other labor organizations. My understanding is that no one labor organization is in full agreement with the bill as it stands. I also fully understand your opposition to the bill as proposed.

What I don't understand is why the APWU is not meeting with McHugh's staff to either try to convince them of why our position is better, or explain more thoroughly to us in the field why McHugh's proposals will ultimately degrade our livelihoods as well as the service we now give the American people.

I also believe that this may be an opportune time for labor to achieve legislation for the potential of an agency shop and also the possibility of the right to strike.

Moe, please don't take this as an indication that I am trying to undermine any of the decisions that have already been made. I just believe that McHugh has opened the door for us not only to be included in our legislative future, but that there could be some other significant gains to be made for labor as a whole. I think we may be missing the boat that is getting ready to leave without us.

Thank you for taking the time to listen to me. Always a Brother in Solidarity;

Yours in Unionism,
Mike LaPoint
President APWU Local #257

April 12, 1999

Michael E. LaPoint, President
Central New York Area Local
PO Box 2233
Syracuse, NY 13220

Dear Brother La Point

I understand your concerns about meeting with McHugh's staff, but I want you to be clear that our lawyers and economists did meet with his people numerous times last year to try to find a way to address our concerns. In the end, we did not achieve any real progress on the price cap issues, and I saw no point in further talks.

I am not foreclosing discussions with Chairman McHugh and his staff, but I also fear that Fed Ex's and UPS' influence on this legislation will make it difficult to make meaningful progress

With kindest regards, I remain

Yours in union solidarity
Moe Biller

Dear Brother Biller:

May 24, 1999

I want to thank you for your response to my letter regarding HR22. I want to assure you that I am clear about our lawyers and economist meeting with McHugh's staff last year. However, that was then and the bill is still in the "making". I'm a firm believer, if you don't drive your visions the first time, second time, etc., you keep trying until you do. Although this bill may not make it in its entirety this year, I don't feel we have done justice to our membership and the American public.

I was glad to see that we are going back to meet with McHugh's staff. Only the APWU can impress upon them what we feel is the best for our membership and the American public. With the lack of support now by UPS, now is the time to get our views heard again. If there still remains an impasse, we cannot give up and walk away. Some of the other labor organizations have already done what they believe is enough. We know there is more to do to make HR22 right for our needs.

McHugh has stated in writing that there would be no impact on collective bargaining. This must now be carried forward to the actual bill itself. I firmly believe that our lawyers and legislative staff should be in the middle of this fight with amendments that would solidify our membership foundation; Agency Shop.

Yours in Unionism,
Mike La Point
President APWU Local #257

April 29, 1999

Mrs. William C. Randall
Vice-President, Central New York Local
American Postal Workers Union
PO Box 788
Watertown, NY 13601

Dear Bill:

Earlier today the Subcommittee on the Postal Service completed action on Congressman McHugh's Postal Modernization Act of 1999. It passed on a voice vote, without opposition. I am enclosing a copy of the Congressman's opening statement, a section-by-section review of the legislation, as well as a copy of the legislation itself.

Please note that John specifically pointed out the legislation "in no way effects the collective bargaining provisions of the law."

I also want to point out that United Parcel Service is very much opposed to some provisions of the bill, saying that it is too favorable to the Postal Service. On the other hand, Moe Biller believes it will destroy the Postal Service! That notwithstanding, I can assure you that as H.R.22 moves through the legislative process, our door will remain open to Moe personally and to his staff, as it has been from day one.

I would very much appreciate sharing the enclosed information with Mike La Point and any other concerned APWU members in your local.

If you have any questions, please feel free to give me or Robert Taub a call at any time.

With every good wish, I am

Sincerely,
Cary R Brick

HR 22 AND HOW WE BLEW IT

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tute for HR22 at almost exactly the same time that UPS and the Teamsters decided Steve would make such a great AG that they wanted to donate lots of money to his campaign.

While Stevie siphoned off six or eight votes on the Republican side with his "world according to UPS" bill, ranking Democrat Henry Waxman will change almost all of the Democrats votes from aye to nay with his own substitute bill. Waxman's bill - known on the hill as "HR22 Lite" - is a watered-down version of the original and is intended solely to kill it. The common belief is that Waxman would rather 86 real reform than let it be passed while conservative Republican Dan Burton chairs the Government Reform Committee. (Rep. Burton is the round-faced guy with the bad haircut oft seen standing next to Dan Quayle on the campaign trail).

So, we may have missed our one chance for real postal reform. Of course, if the Democrats recapture Congress in 2000, they might revive and reshape HR22. John might even get another shot, since the House Republican leadership keeps making noise about combining the Postal and Civil Service Subcommittees, in which case, under their bizarre rules, McHugh could be eligible for three more terms.

(I think it depends on whether they call it "Post Office & Civil Service Subcommittee" or vice versa. Or maybe it depends on which day of the week they appoint. No, wait a minute, now I remember: if the ranking minority member comes to bat with two men on and two out, and hits an amendment to shallow ...um, no, that's the infield fly rule. Just skip it - congressional committee rules make postal regulations look functional.)

In any event, serious reform could be resurrected, but the odds are dicey.

This was our best shot, and we blew it. I'm sure Moe will take credit for beating HR22 - in fact, he already has. Don't believe it. Moe's legitimate concerns with the bill and his all-out propaganda war didn't take it out. UPS fear of competition and petty political intrigue killed the beast. Although, in one context, the APWU was the agent of its demise. Our active support, starting last summer, might have kept enough Democrats on board to pass the bill this year. And we might very well have gotten the changes we needed in the process.

I hope we learned something from this, but I doubt it. It's always politically easier to rail against change than it is to embrace and attempt to shape it, and it probably still will be the next time.

Without a fundamental change in the laws which govern our operations, we are going to watch most of our business dry up and the rest be taken by our unfettered competitors. But, the next time we'll probably still focus myopically of unpalatable details and ignore the big picture.

Worst of all, next time around, local union leaders across the country will commit the same sin they did this time. Almost every local paper has run a negative article on HR22 in the last year. Yet, even a quick read makes it clear that almost every writer just regurgitated handouts from the Moe Biller Propaganda Mill Inc. - and never bothered to do any independent research on the

issue. Hell, the only articles that disagreed with Moe were two that wanted somebody taken out and shot because John McHugh got APWU COPA money in 1996. (And yes, I've been guilty of the same inattention and shortcuts on other issues; I won't be again.)

But check this space again in sixty days: John McHugh may still pull a rabbit out of his hat. He might even do it with Moe Biller's help.

It could happen.

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Remember--although TEs are temporary employees, they are part of the bargaining unit. Unlike casuals, they are represented by the APWU and have several rights. One of these rights is the ability to take an in-house examination for career appointment. As a result, many TEs have a very good chance of becoming PTFs.

Treat the Transitional Employees, and casual employees with respect!! Don't simply say, "they're just casuals or TEs!" For some of us our memories are short, as we too were once casual or transitional employees. Many casual employees also serve as RCAs or Postmaster Reliefs. Some of these employees will eventually be promoted to postmasters in their offices. Don't think they won't remember your unkind words if you attempt to transfer to one of these smaller offices! Remember the Golden Rule!

RECENT HOLIDAY SCHEDULES A MESS!!

Fargo management has fouled up recent holiday schedules for the PTFs here in Fargo, resulting in overtime violations and childish retaliation by local managers in purposely omitting the start times, end times, and number of hours from the weekly schedules for the PTF employees.

This all started after Tour III posted the holiday schedule for Veteran's Day. For unknown reasons and motives, management purposely did not list the end times or number of hours for the Tour III PTFs on the 9th, 10th, and 11th of November. After pointing this error out, management responded by correctly placing "8"s on the schedule, indicating

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a scheduled 8 hour day. However, management proceeded to schedule the PTFs for overtime on the night of the 9th and 10th, violating our local overtime pecking order. Because a grievance was filed on this violation, management responded by eliminating end times and hours on the schedules for all PTFs.

The PTFs here in Fargo are guaranteed four hours of work for any day they are scheduled to work. If a supervisor does not inform you that you are to stay longer than the four hour guarantee, you may consider yourself as not desired or needed for the day and leave. If management can not give you the courtesy of advance notice of work, I do not feel they deserve the courtesy of telling them "good-bye" when you leave work for the day. Employees on the Overtime Desired List do not stay any longer hours unless the are instructed by management to do so. PTFs should also not stay any additional hours over four unless they too are instructed by management. To stay beyond the four hours without permission or instructions may result in an overtime violation, and discipline.

Since local management implemented their "games" here in Fargo with the PTFs, there has been an large increase in unnecessary grievances. PTFs have been short 40 hours and been paid. PTFs have worked over 40 hours, resulting in compensation to the OTDL. How long will management keep up this temper tantrum? Probably longer than my five year old daughter would. That's because my daughter Sara is bright enough to listen to reason.

FARGO WILL GET NEW POSTMASTER

Fargo Postmaster Doug Chipps recently accepted a postmaster position in Kansas, and is due to depart from his current position in sometime in January.

Mr. Chipps had very little interest in labor relations during his tenure, and avoided dealing with the APWU and the membership as much as possible. Many workers who were here during his entire four year stay don't even recognize him. Several members have told me that he would never answer



phone calls or letters, pawning off the duties to his Plant Manager or other supervisors. As APWU President for almost three years, I have been in his office only twice. Most requested communications with him were either ignored or given to someone else. He virtually was non-existent during last year's local negotiations, leaving most of those duties to Greg Johnson.

Some might say that he was too busy. Too busy to met and discuss matters with his largest union? Others might say he was good at delegating authority. Whatever the real reason, Mr. Chipps sent a clear and distinct signal to the Fargo APWU that he didn't really care about dealing with concerns of the union. I guess we weren't good enough to talk with. He had too many other important things to do-like fly off to Florida. Remember his first Christmas with us? Tour III sure does, as that was the first Christmas in over 20 years that Tour III was not allowed to submit schedule changes on Christmas Eve to allow employees to go home early. Mr. Chipps immediately changed that policy, forcing everyone to stay until midnight because "the mail had to go". Meanwhile, Mr. "Scrooge" is soaking up rays in the Sunshine State. Nice policy improvement for the workers.

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IF DISCIPLINE IS POSSIBLE... YOUR RIGHTS TO UNION REPRESENTATION

THE WEINGARTEN RIGHTS

Weingarten

The Supreme Court's decision in Weingarten gives employees the right to union representation when a management representative attempts to commence an investigatory interview.

The fundamental distinction between the two categories of rights is that Miranda is primarily an exclusionary rule. Failure to abide by this rule is grounds for excluding evidence in a subsequent criminal proceeding.

Weingarten rights, by contrast, exist without regard to whether there is a subsequent proceeding of any sort.

Further, Miranda vindicates the right of a defendant not to incriminate himself.

Weingarten exists not so much to prevent self-incrimination, but to allow the union to represent the employee in any decision or procedure which might impact on the terms and conditions of employment.

The Weingarten case sets forth the Union's right to represent employees in investigatory interviews. It allows employees the right of pre-interview consultation and the right to make requests of the union representative for clarification or information during the interview. Postal Inspectors interviewing employees are not obligated to bargain or discuss the issues with the union representative. However, if the employee's rights under Weingarten are denied, no information gathered during the interview can be used as the basis of any disciplinary action.

Weingarten rights attach to any interview which the employee reasonable believes may result in disciplinary action. The employee must assert the right for union representation. If he/she is silent the employer is allowed to proceed with the interview without a union representative present. In the event that no representative is available, under most circumstances, the employer is allowed to proceed with the interview.

Once an employee does make a request for union representation, the employer is permitted one of the three options:

The employer may:

1. Grant the request
2. Discontinue the interview
3. Offer the employee the choice between continuing the interview unaccompanied by a union representative or having no interview at all.

Under no circumstances may the employer continue the interview without granting the employee union representation, unless the employee voluntarily agrees to remain unrepresented after having been presented with the options set forth above.

While an employee may at first refuse to request Weingarten rights, he or she may reassert them at any sage of the interview. Any time the employee asserts Weingarten rights, the employer must present the options set forth above and abide by the employee's choice.

If such a request for union representation is granted, the employee must proceed with the interview.

There have been limitations placed on Weingarten rights since the case was decided. An employee's right to union representation does not extend to the representative of his or her choice.

The right relates to investigatory interviews - that is, interviews arranged to elicit facts which may form the basis for discipline. No Weingarten rights attach to a meeting called for that purpose of merely announcing a disciplinary measure that the employer has already decided to take. Weingarten rights may, however, attach to so-called "counseling" interviews if during the course of such discussion, the employer gathers information which may become the grounds for later discipline.

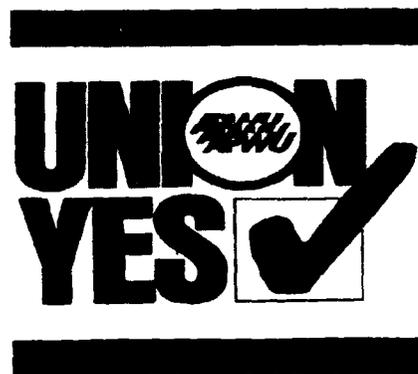
Members should be aware that mere satisfaction of an employee's Miranda rights does not satisfy Weingarten rights in those instances where information derived from a criminal investigation is used to support disciplinary action.

Significantly, the activities of stewards or union representatives while representing employees in investigative interviews are also protected under the Act against interference or threats of reprisal. No union representative can be disciplined for responding to an employee request under Weingarten.

In reviewing Weingarten and Miranda, it must be understood that they relate to different rights under the law. Both cases vindicate the right to pre-interview consultation. Weingarten, however, relates to possible adverse action concerning employment, discharge, suspension, etc. Miranda pertains to criminal investigations and proceedings.

An employer is only obligated to inform the employee of the Weingarten rights upon request.

The subject of a criminal investigation must be informed of his/her Miranda rights regardless of whether they are asserted, prior to the initiation of an interview with a prospective defendant.



POLICEMEN ARE YOUR FRIENDS

By Don Delgman, President, Suncoast Area Local APWU

I was raised hearing these words. Police Departments around the country have spent millions of dollars on programs like the *Officer Friendly Program* to get this message out. I was taught to believe they were the finders of the truth and the guardians of the innocent.

When I became a postal employee, I transferred this belief to the Inspection Service. They are, in fact, police officers. They require a college education and train their officers. I naively believed they would be the independent finders of fact who would remove the thieves from among us and protect the innocent from false accusations of over-zealous or vindictive supervisors.

They are police officers! They have an obligation to be *neutral*, and after a full and fair investigation, to report the facts, *all of the facts!*

It did not take me long to find out I was wrong. The Inspection Service is management's equivalent to the Russian KGB. Management tells them what you want proved on an employee and the inspectors obey. They will pass right over and ignore information that may prove an employee's innocence, and yet collect the tiniest bits of hearsay and innuendo that make it appear the employee was guilty.

It is even unfair to call these people police officers. It is an insult to those professionals who risk their lives (for very little pay) to protect us and our rights. Instead of calling them police officers, let's name the inspectors what they are -- *Management's Mercenaries!*

To be fair, I am sure there are some excellent inspectors who are doing their best, within the system, to be impartial. I am sure we have some sharp professionals investigating mail fraud cases. And I have no use for the thieves who make all postal employees look bad. I also detest those individuals who are committing OWCP fraud, because they are stealing from us all.

I recently became involved in a couple of cases where the same inspector appears to have participated in what seems to be a framing of the employee(s) involved. They were OWCP cases. In one case the inspector wrote a statement documenting an interview with the doctor. The inspector alleged the doctor made strong accusations of misconduct by the employee.

Documents in the file proved these allegations were false, and the inspectors could not have missed these documents and facts. In the official "Investigative Memorandum" issued by the inspectors, the inspector strongly quoted the *false* accusations.

In the interview of the employee, the inspector asked a compound question of the employee, "Would you mind telling me if you think....."

The employee responded, "Absolutely, I would hope not. I think the doctor....."

Want to guess what the inspector's typed record of the interview shows the employee's answer to be? "Absolutely."

"Absolutely" was not the answer given to the charge, but the employee's response to "Would you mind telling me...." A dirty trick used to make it appear the employee was admitting guilt!

When I requested the handwritten notes of the interview, I was told they had been destroyed. Big surprise. Well, I have my notes!

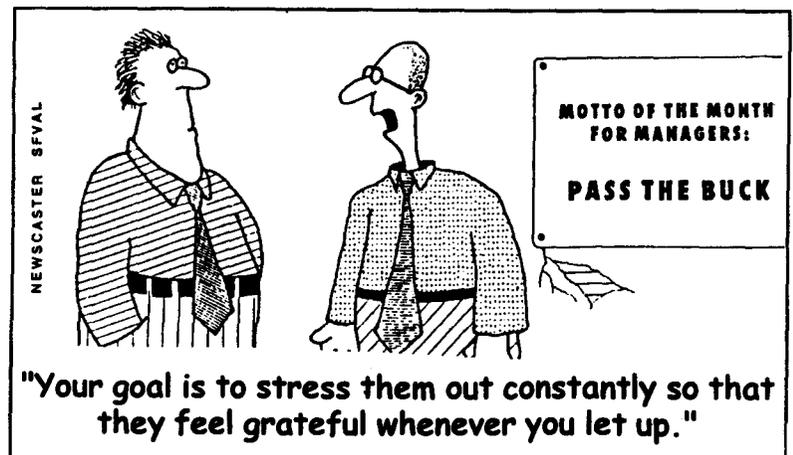
The truth of the matter is, there is no evidence against this employee because he did nothing wrong. Why, then, is management sending their management mercenary after him? How many of you would be surprised to learn this employee is an officer in our union? Not many, I'll bet!

I spoke with Floyd Pawson, the Tampa Area Local President. Floyd told me this same inspector and the inspector's assistant have been going to the houses of people out on OWCP. The assistant would introduce herself as an administrative assistant working for the Suncoast District and say she was there to see if the employee was doing all right and had any questions.

She would fail to introduce her "helper" who was the postal inspector. They were really there to look for statements and actions they can use against the employee.

Don't let them in, and don't believe that "Management's Mercenaries" will be honest and treat you fairly. *Never* speak to an inspector without asking for a steward!

Robo-clerk!



PRESIDENT'S **REPORT**

BY JOHN DURHAM

Continued from Page 7

I guess I can't complain though. We could have had a postmaster like Bismarck, North Dakota put up with. For a postmaster who doesn't care about his employees, and thinks PTFs are a half a step above scum (as evident by recent scheduling charades), I guess we could have had worse.

LOCAL APWU ELECTIONS IN FEB!

January 22, 2000 is the date of next monthly meeting, and is the deadline for nominations to be accepted for the elected positions. This year the position of Financial Secretary, Recording Secretary, and Trustee is up for election. Anyone seeking more information may contact a union official.

This year we must also elect members to attend our State and National APWU Conventions. The State Convention will be in Jamestown, ND on April 27-29, 2000. The National Convention will be July 24-28 in Anaheim, CA. Anyone interested should contact a union official before the January deadline.

The number of members showing interest in volunteering for these union positions have historically been very low, as have voters. Several positions last year ran unopposed. One year I even had to fill a position by appointment because no one ran for it. By the amount of complaints and comments I get every day at work on union issues, I know that many of you are interested in your union. You should be, as dues-paying members. But remember, one person does not make a union. The APWU is not the President. It is not the Vice President. It is not the Shop Steward. The Fargo Area Local APWU has 230 members. We are the union, together. If you chose not to participate and help, than you weaken the only tool you have to represent yourself. You may think your current officials are doing a fine job. But like anyplace else, if you rely on the same people for too long, they become burnt out and disgusted.

EMPLOYEES RECEIVE INCORRECT PAY!!!!

Recently it was discovered that several employees here in Fargo were incorrectly promoted to a higher level of pay. Although this may sound like a nice error, you can be assured that the USPS will catch these errors and demand repayment from the employee. For this reason, I urge you to verify your pay stubs to ensure you are getting paid the correct amount. In the case of these employees mentioned, the Postal Service slotted them in to the new pay scale several months too early. Because it takes the USPS several pay periods to correct errors once they are detected, the employee is overpaid. This results in the issuance of a Letter of Demand, requesting repayment of the error. If you receive any such notice of repayment, or you notice that your pay is incorrect, see a shop steward immediately.

That's all for now. Submit a letter or article to be printed in this newsletter. This is your newsletter, not mine. If you don't like what I say, write back and we'll print it. If you do like what I say, let me know. I can't tell from our union meetings what members think about this newsletter, because few members show up. Take care, and don't let anyone give you the SHAFT-OLA!!!

WAHPETON MERGES WITH FARGO LOCAL

By John Durham, President
Local #88, Fargo, ND

The APWU members of the Wahpeton Post Office unanimously approved merger with the Fargo Area Local APWU, officially becoming members of the local in December 1999! Thank you Wahpeton members for allowing the Fargo Local to join forces with you! Together with the West Fargo Post Office we now represent over 270 employees. Lisa Burns is now certified as Shop Steward for the Wahpeton Post Office. Thanks go to Lisa for stepping up to the challenge and volunteering her time and efforts to help maintain and improve working conditions and benefits in her office. By working together, we hope to strengthen and build on issues of work in Wahpeton.

IF THE MOB RAN THE POSTAL SERVICE...

By Toni Neri, Maintenance Craft Director
Florida APWU

By writing this article I'm not suggesting that I condone criminal activity. In fact, my ideals are quite the contrary. Although a proponent of law and order, I believe in a simple truth: lessons can be learned in many forums.

My idea of having the Mob run the Postal Service is logical. Although it is a criminal element, the Mob is recognized as being very organized.

Have you ever gotten upset because something was too organized? Probably not!

Is the Postal Service organized?

Starting from the top... If we were say, the Mob Postal Service, the Postmaster General or the Don, as he might prefer to be known, would be acknowledged as more than a figurehead. He would be a dynamic force to be reckoned with, feared and respected by all.

If this were the Mob Postal Service and UPS and Federal Express pressured us over rate fairness, both in and out of court constantly, the Don would send some vice presidents out to visit. They'd work things out in a simpler, less formal fashion. They'd sit down, talk nice, *botta bing, botta boom*, like that. There's a lot to be said for the "make them an offer they can't refuse" business strategy.

All those little hole-in-the-wall Mail Box ETC that are opening up all over the place by mom and pop independents, muscling in on our turf would be no more.

Bill Gates would never refer to the Postal Service as "snail mail" - at least not out loud.

I'm not saying that going to the mattresses (starting a war) would be in order, but it's amazing what a visit from someone appropriately named "Frankie Nine-fingers" does for leverage just prior to a business meeting with one's competitor.

The Emery bosses, leaches that they are, would surely be swimming with the fishes instead of being our bedfellows. How about when we are scammed by bulk mailers - trying to cheat on their accounts. Forget-about-it. I shudder to think what would happen to them.

We wouldn't need the Gestapo tactics of the postal inspection service anymore, just a few strategically-placed informational posters in each office warning that thieves will be fitted with cement shoes, silhouetted against a back drop of some murky body of water. They'll get the picture.

Postalvision would run 24 hours a day, airing only the essentials: *The Godfather I, II, and III*.

As silly as this may sound, in many regards the Postal Service is already, at least in the eyes of its accusers, above the law.

How many big money arbitration awards do we, the union, win, and then watch as management pays only pennies on the dollar or just ignores the decision? Management knows what a hassle it is to reopen a settled case.

How many employees does management remove because of a degenerative illness when the paperwork is not exactly the way management deems it should be?

Have many of you gotten a lump sum travel settlement? Did you know that management is not paying anyone who is off the rolls for more than 25 months and is not paying the beneficiaries of deceased maintenance employees who were due the money?

Is FMLA (Family Medical Leave Act.) a problem in your office?

The brutality doesn't have to be brutal to leave a scar. Sexual harassment, discrimination, favoritism and lawlessness are already here.

If the Mob ran the Postal Service they would surely take better care of their own family than the existing leaders do. We probably wouldn't have a contract but that's not much different than the reality of the situation as it stands now, is it?

We are in a business that spends millions upon millions of dollars for machines (that don't work) to keep competitive with other business interests. Our organization often schedules one manager hovering over as few as two other employees, in an environment that, for some of us, lacks the cerebral challenge of playing scrabble with barn animals. Wouldn't you say we could use a little more organization at this time?

If by the time you are reading this article we still have no conclusions to the pay anomaly or other items that enticed some to vote "YES" for the ratification of the 1998-2000 National Agreement, do not lose hope. We will be negotiating a new agreement before you know it and maybe this time our National Officers will be a little more organized and withhold all signatures until they actually understand what they are signing.

Hay! Maybe the Union should be run by the Mob. What a concept! I will save that subject for another day.

Reprinted from "The Florida Postal worker"

POSTAL SHORTS

AN OLD FRIEND:

Remember Marvin Runyon, the Postmaster General who said we were 30 percent overpaid? You might be interested to know that even though he's left the Service, he hasn't forgotten us. He and some of his cronies have raised \$30 million to open a new outfit called Stamps.com. This company will enable people to buy and prints postage directly onto envelopes using their home computers, thus eliminating the jobs of some window clerks. It's nice to know he still cares about us....

NO SICK LEAVE:

Management in Fox Valley, IL is denying a log of leave requests. They are even denying sick leave, "due to the needs of the service." It is not clear how they expect someone who is incapacitated by illness to come in and work....

NEW TOUR 3 UNION STEWARD APPOINTED

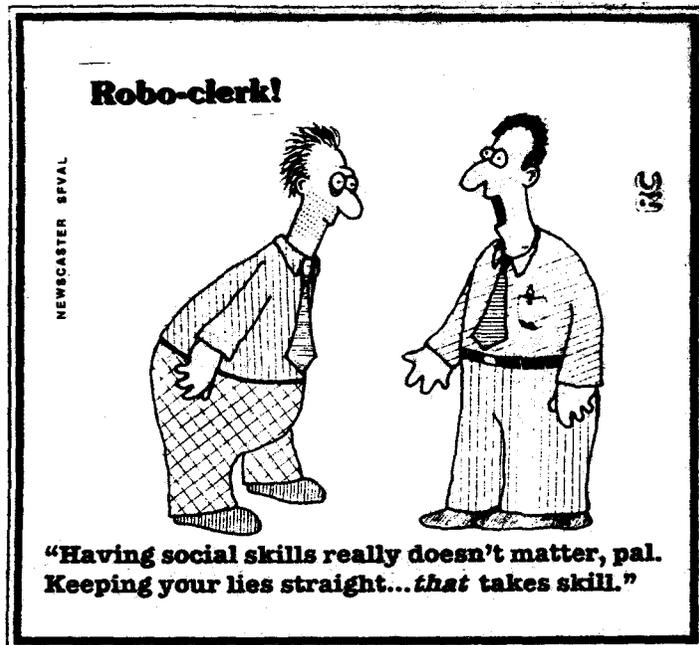
You may or may not know, that the Fargo main post office has a new steward on tour 3,, it is me, Jeff Knutson.

I was appointed steward this past December, by our president, John Durham.

I do not claim to know 100% of our contract, and all the local memorandums we have at this time, but I can assure you that with the help of our other very knowledgeable stewards I will do everything possible to help resolve any questions or problems anyone may have.

What I want everyone to know is, that if you feel you are being treated unfairly, or you may have been skipped for overtime, or you have any questions at all about the conditions in which you are working, please tell a supervisor that you request steward time, and either myself, or any other of the fine quality stewards we have, will do the best we can to help you resolve your questions, or concerns.

I would also like to let you know that I am the APWU representative of the housekeeping committee, so if you have any comments or suggestions regarding the housekeeping of the Fargo main plant, which if you work in it I am sure you probably do, feel free to let me know, and I will let you know if it has been addressed, or I will address it at our next inspection, which we do quarterly.



FARGO AREA LOCAL

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OFFICERS

President..... John Durham
Vice President..... Dana Klassen
Financial Secretary Amy Tuscherer
Recording Secretary Mary Gillespie
Trustee Jeff Knutson
Trustee Sherri Hilleson
Trustee Pam Glaesman
Tour 1 Rick Morales
Tour 1 Alt Vacant
Tour 2 Stations & Branches Beth Parrow
Tour 2 Alt Dana Klassen
Tour 3 Bernie Cruz
Tour 3 Alt..... John Durham
CFS Sue Carnahan
CFS Alt Marlene Perez
Maintenance
Tour I..... Curt Christianson
Tour II..... Vacant
Tour III..... Vacant

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