



Local 88 Box 1874
Fargo, N. Dak. 58107

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FARGO, NORTH DAKOTA

Spring 2000

"FARGO AWARD" BACK IN ARBITRATION

BY JOHN DURHAM

Four union members from the Fargo Area Local APWU went to Washington D.C. this past April to assist our union in a national arbitration hearing.

The hearing took place at USPS Headquarters on Friday, April 28, 2000 in front of Arbitrator Mittenthal. The four-hour hearing centered around the infamous "Fargo Award" that Mittenthal decided in the union's favor way back in August of 1998. This award ordered the Postal Service to reidentify Level 4 Mail Processors to Level 5 OCR Operators retroactively to the date of the filing of the grievance, which was early 1988. Although this award was heard at the national level, Arbitrator Mittenthal stated in his decision that this award applies only to Fargo. The USPS took this statement literally, and has since refused to apply this award anywhere nationwide except in Fargo, North Dakota. The APWU translates this statement to mean the award applies only to Fargo and similar installations nation-wide. The union reads the award in this fashion because it was decided before the Fargo case was heard that it would be considered a

national grievance. In fact, it was the Postal Service that insisted the Fargo case be heard in National Arbitration. As a result, the parties agreed to go back to the arbitrator and clarify his decision.

Dondi Koenig, Julie Engelking, Rick Morales and I went to Washington to help the APWU help resolve this most critical issue. Dondi and Julie are Level 4 Mail Processors, while Rick is a Level 5 OCR Operator. Rick is also a Tour III Steward, and was recently elected as Vice President of the North Dakota APWU. We spent the entire day on Thursday at APWU Headquarters helping the various officials prepare for Friday's hearing. Attorney Daryl Anderson, Executive Vice President Bill Burrus, Clerk Craft Director Cliff Guffey, Assistant Clerk Craft Directors Jim McCarthy and Rob Strunk, and National Business Agent Lyle Krueth from the Minneapolis Region were all involved in helping prepare for the hearing.

The hearing started with a lot of arguments from the Postal Service on procedural issues. The USPS reminded the arbitrator that he was barred from rewriting his decision, and was limited to clarification only. Management also tried to confuse

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PRESIDENT'S REPORT

BY JOHN DURHAM

LETTER CARRIERS PERFORM CLERK WORK- APWU MEMBERS CASH IN!!

In two separate grievances, letter carriers were directed by management to perform clerk work, resulting in overtime payment to the displaced employees.

On Saturday, June 26, 1999 letter carriers at the West Fargo Post Office had an unusually light workload and were caught up with their duties. Seeing plenty of clerk duties available, management ordered letter carriers to box, distribute, measure mail and perform a variety of other APWU assignments. Management might have even ordered letter carriers to work at the window if given enough time to find uniforms and extra cash drawers. After the smoke cleared, a total of 4.5 hours of clerk work was performed by NALC employees. As a result, the APWU initiated a grievance, asking for compensation for the displaced clerks. The union claimed the two clerks on duty that day should have been maximized, including the payment of overtime. Management denied the grievance through Steps 1, 2, and 3, claiming Article 3 of the National Agreement allows it full right to manage as it sees fit. It was only after the APWU certified the grievance for arbitration did management finally decide to settle the grievance and sustain the grievance in full. The two West Fargo Clerks were compensated 2.25 hours each at the overtime rate. Credit goes to Shop Steward Beth Parrow for filing this grievance and gathering all the necessary information. Maybe someday the Postal Service will wake up and finally add more career clerks to the West Fargo Post Office, and avoid all of the recent problems and grievances.

In the second grievance, a letter carrier from the Trollwood Station on light duty was directed by management to work in the Finance and Accounting Office at the Fargo Post Office, performing duties of

our finance clerks. This violation initially went undetected by the union. It wasn't until a postal official inadvertently mentioned the action in a monthly Labor/Management that the union first became aware of the infraction. This action was puzzling to the APWU, because NALC President Rick Olek stated in supporting papers there was plenty of light duty work available in the letter carrier craft. Management settled the grievance at Step 2, agreeing to pay the displaced finance clerk \$50.00. Additionally, the Postal Service agreed to give official notice to the APWU before any light duty employees enter the Clerk Craft. Credit goes to Dana Klassen and Rick Morales for processing this grievance.

Thank you to Rick Olek, for his support of the APWU in our local grievances. Rick understands our grievances are with local management, and are not targeted towards any letter carrier. The employees involved were simply following directions given by management. The American Postal Workers Union encourages all employees to follow the instructions (if safe and lawful) from a supervisor, regardless if they violate the contract. We do not want employees to be insubordinate. Simply inform a union official afterwards and we will take appropriate action.

I would also like to thank National Business Agents Lyle Krueth and John Akey. It was their efforts that led to the pre-arbitration settlement with management for the West Fargo clerks. Our NBAs come through for the Fargo Area Local APWU again-good job guys!

PTFs SEE CASH-OLA!

In another pre-arbitration settlement, five PTF clerks at the Fargo Post Office received a total of 15 hours of pay for time short of 40 hours in a work week.

The grievance was filed in the fall of 1999. During that time, several PTF employees worked 38 hours in a week. At the same time, casual employees worked during hours the PTFs were qualified and available. Many times the PTF was sent home after six hours at the same time a casual employee was reporting to work. Again

PRESIDENT'S REPORT

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management denied this grievance through Steps 1, 2, and 3, claiming career PTF employees have no rights above a casual employee. Fortunately our National Business Agents were able to convince management officials at the Midwest Area level that a clear violation had occurred. The grievance was sustained in full, compensating the affected employees for all hours short of 40. Some PTFs were paid six hours, while others received only an hour. Credit goes to Vice President Dana Klassen for processing the grievance.

ARBITRATION HEARING HELD IN FARGO ON MAY 19, 2000

A grievance concerning the CFS (Central Forwarding System) section in Fargo was finally heard in front of Arbitrator John Remington on Friday, May 19, 2000.

The issue centered around a long-standing policy in the CFS section relating to surrendered annual leave. If leave was surrendered by a CFS employee, the next senior employee who had previously applied for leave on that day and was denied would now be given an opportunity for the leave. This practice existed for approximately fifteen years in the CFS unit, with virtually no problems or complaints.

In 1998 new management took over in the CFS section, Supervisor Cindy Sellner. Sellner's inability to comprehend and administer the policy, combined with her unwillingness to negotiate with APWU officials, prompted her to eliminate this popular annual leave practice. The Postal Service defended Sellner's action, claiming it was simply a "courtesy" extended by management to the clerks for the past fifteen years, and not a binding part of the Local Memorandum of Understanding. The Union argued the unilateral action was a violation of Article 5 of the National Agreement, as well as Section 8 of the National Labor Relations Act. These regulations state that changes affecting

wages, benefits, and working conditions must be negotiated by the parties, and can not be arbitrarily changed by either party.

At the time this article was submitted for print, no decision had been received on this grievance.

The Fargo Area Local APWU would like to thank the following employees for their assistance and support in providing information and testimony in preparing for this case. Without the help of these individuals the processing of this grievance would not be possible: Sue Larson, June Dahnke, Marlene Perez, Lois Marsh, Nancy Carlsrud, Denise Enervold, Cheryl Schaeffe, and Sue Carnahan.

Fargo Area Local APWU \$500 Scholarship Winner

Congratulations Jennifer Lee Cossette, the daughter of Ron and Lee Cossette. Jennifer is the first scholarship winner of the Fargo Area Local's Scholarship Program. Below is a portion of Jennifer's "The Union Way of Life" essay:

I truly believe that the guarantees and benefits that my parents' Unions have provided have made my family stronger. Now I am at the point in my life where I wish to continue my education so that I can attain the tools and knowledge to be a productive person in the work force. After I pursue my education and enter the work force full-time, the Union may possibly play as important of a role in my life as it did for my parents. Because of this, I will always support and respect the Union as a key tool for the working class as it is good for the family as well as for America.

Best wishes on a successful future and congratulations again go out to Jennifer Cossette!

"FARGO AWARD" BACK IN ARBITRATION

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the arbitrator with various technical arguments, and attempted to muddy the issue with quotes from the Arbitration Code of Ethics. Basically, the Postal Service told the Arbitrator Mittenthal that any additional wording whatsoever would be considered a "rewriting" of his original award, thus a violation. As final arguments, management stated it had fully complied with the award, even converting Mail Processors to OCR Operators in all installations that were identical to Fargo. However, the Postal Service added that in most places, Mail Processors were not performing duties that even came close to those in Fargo.

The APWU strongly argued the Postal Service has deliberately ignored Arbitrator Mittenthal's 1998 Fargo award. The Union presented USPS reports that showed approximately 200 OCR Operators nation-wide before the 1998 award, and only 300 OCR Operators a year after the award. The Postal Service fiercely objected to any documents and information submitted after the August 1998 date, deeming them immaterial. Nonetheless, the Union was able to show the arbitrator just how poorly the USPS has implemented his own decision.

Although the Postal Service had no witnesses during the hearing, Burrus and Guffey took the stand for the Union. Both did an excellent job in explaining how the Postal Service never sincerely intended to implement this award. The union was even able to present an inter-office memo from a senior postal official that directed field managers not to implement the award or settle any like issues. Despite raging objections from the postal advocate, it was allowed into evidence and examined by the arbitrator.

June 16, 2000 was set as the deadline date for both parties to submit their written briefs. From the comments made by the arbitrator when discussing a possible date of decision, it sounded like an award would be unlikely before November of this year.

I personally want to thank Dondi, Julie, and Rick for going to Washington, D.C. on such short notice in effort to help the American Postal Workers Union. All three have families at home, and to leave them for several days at a moments notice truly shows you are dedicated and caring individuals. On behalf of all Mail Processors across the United States--THANK YOU!

I SHOULD'A BEEN A CSRS

By Neil Bjierke

When we "FERS" people become eligible for retirement, some of us are in for a surprise.

A person with 10 to 15 years of service will receive an annuity of about \$400.00 a month depending upon high three years (salary).

If that annuitant still needs basic life insurance, it costs \$112.00 a month and of course health insurance costs \$187.00 a month. That leaves approximately \$101.00 a month for Viagra.

The above situation (although hypothetical) is the reason I urge all postal employees in FERS or CSRS to put the maximum in the Thrift Savings Plan each and every month.

Your retirement is your responsibility

Non-Members Receive Cash!

The following is a list of the employees here in Fargo that chose not to support the APWU by being a non-member, and the cash they received from the Mail Processor settlement. The award was paid to the employees on Christmas Eve of 1999:

Terry Strand	\$250.00
Marlys Enstad	\$700.00
Sheryl Gaulrapp	\$2,400.00
Donna Yellowbird	\$7,150.00
Kathy Legvold	\$12,550.00
Dennis Brudwick	\$13,500.00

FEDERAL DIARY

By Mike Causey, *The Washington Post*

Plenty of Reasons for Paying Dues

If you are an active-duty federal worker who doesn't belong to a group that lobbies on your behalf, ask yourself this: Why not? Are your reasons for nonmembership any of the following:

- You don't like the politics and agenda of the group purporting to represent you.
- You have never been a joiner.
- You are, admit it, too cheap to pay dues.

If you don't like running with the herd, do you bargain for yourself and reject those things (like a bigger pay raise) that some union or association manages to pry out of Congress or the White House?

Two facts: Most white-collar federal workers don't belong to a union or association. Most white-collar federal workers are represented by same. Those groups tell management, Congress and the White House what you supposedly want and think. By failing to join, you forgo voting against policies or leaders you don't like.

Many federal workers fume when leaders they didn't elect speak for them and endorse a political candidate (nearly always a Democrat) or a cause.

Although it's true that not all federal unions consult members over political endorsements, a few do. More would, probably, if enough members made it a major issue.

But whatever your status, in or out, the fact is that one of these groups whose names sounds like alphabet soup--FMA, AFGE, NARFE, NTEU, APWU, NALC, SEA, PMA, NFFE or NAGE--speaks for you. And they did a beautiful job last year. They won--or laid the groundwork for--legislation that will benefit most federal employees and retirees big time. In most cases, nonmembers (known in union circles as "free riders") will benefit too.

For seven years, most unions (but not associations) went along with the Clinton administration's downsizing and reinvention campaign, which eliminated 300,000 jobs and potential promotions for lots of employees. In effect, the White House was nicer to union leaders and unions as organizations than to individual union members. None of the union leaders lost a job or a promotion or suffered a shaved pay raise.

To win converts for the reinvention campaign, top administration officials often had to demonstrate--in major media events and on TV--that government was overstaffed, ineffective and broken so badly that it needed to be fixed.

The elimination of middle-management jobs (those held by the people who got most of the 130,000 buyouts) mean fewer promotions for rank-and-file federal workers and the likelihood that some of the best jobs will continue to be farmed out to the private sector.

But warts and all, unions (and the less-partisan or nonpartisan professional groups and associations) had a very, very good year in 1999.

Even die-hard Democratic union leaders joined in an end run of a White House plan to limit this year's federal pay raise to 4.4 percent. They went with the Republican plan, which yielded a 4.8 percent military-civil service raise. The change will pay off big time (in salary and benefits) over time for federal workers.

Groups representing federal employees and retirees managed to head off proposals to tamper with retiree annuity increases and cut payroll funding. They got Congress to pass legislation requiring agencies to pay half the cost of professional liability insurance for managers and supervisors/ They set the stage for group-rate long-term care insurance for federal military personnel, retirees and some family members. And they blocked a plan to set up medical savings accounts in the federal health insurance program, a plan that critics say would have hurt low-income federal workers. (Backers of medical savings accounts say they would save money for workers, retirees and taxpayers.)

Finally, those groups--with or without your dues--have set the stage for this year for a possible modification (but not repeal) of laws that limit the Social Security benefits of some federal retirees.

PRESIDENT'S REPORT

BY JOHN DURHAM

PTF CLERKS CASH IN WITH GRIEVANCE WIN IN WEST FARGO P.O.!!

Two PTF clerks at the West Fargo Post Office were recently awarded a total of 520 hours of pay in a long-awaited grievance decision. The decision came on March 22, 2000, almost three years after the issue was originally raised in the office.

The grievance, filed by the APWU in July 1997, dealt with the issue of management performing bargaining unit work. Supervisor Larry Graves sorted mail into the box section at least two hours every day from June or July of 1997 through the summer of 1999. The Postal Service argued that management was allowed to perform this work because the position description of the supervisor allowed for such work. In addition, the USPS argued that the work was needed in order to meet service needs, and no other employees were available.

The Union argued that Item 12 of the supervisor's job description states, "to perform certain non-supervisory tasks in order to meet established service needs," does not permit the performance of bargaining unit work. Furthermore, the APWU pointed out that the PTF hours had decreased during this time frame to 30 hours per week, while Supervisor Graves received pay for working over 50 hours per week.

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AMERICAN POSTAL WORKERS UNION
INDUSTRIAL RELATIONS DEPARTMENT
EVA SPECIAL PAY STATISTICS BY
STATE, LOCAL & FINANCE NUMBER
05/08/00

NORTH DAKOTA
0088-FARGO AREA LOCAL

FINANCE #	LAST NAME	FIRST	MI	LEVEL	TITLE	EVA PAYMENT
373056	BUCHOLZ	LORRIE	A	17	HUMAN RESOURCES SPECIALIS	\$1,806.78
373056	BURKE	BRENDA	K	16	SUPV DIST OPERATIONS	\$555.38
373056	CASEY	BETTY	J	16	SUPV CUSTOMER SERVICES	\$463.33
373056	DOCKTER	STEPHEN	L	21	MGR MAIL PROCESSING OPERA	\$2,641.39
373056	DUNN	ALAN	M	19	MGR IN-PLANT SUPPORT	\$1,693.70
373056	EBERHARDT	ARTHUR	J	16	SUPV DIST OPERATIONS	\$2,102.11
373056	FARSDALE	DEBRA	K	16	SUPV CUSTOMER SERVICES	\$1,388.41
373056	FEIST	MARK	A	20	MGR CUSTOMER SERVICES	\$2,452.36
373056	FIALA	LARRY	A	18	MGR DISTRIBUTION OPRNS (E	\$2,183.46
373056	FLAA	KATHY	J	15	HUMAN RESOURCES SPECIALIS	\$1,968.48
373056	GRIFFIN	MICHAEL	K	16	SUPV CUSTOMER SERVICES	\$978.03
373056	HANES	ROGER	W	16	SUPV CUSTOMER SERVICES	\$1,684.50
373056	HOLM	TERRE	R	16	SUPV DIST OPERATIONS	\$1,361.69
373056	HOLTER	JON	R	13	POSTMASTER	\$1,847.64
373056	KRUGER	STEVEN	J	17	OPERATIONS SUPPORT SPECIA	\$2,206.65
373056	LARSON	BRIAN	L	15	NETWORKS SPECIALIST	\$1,968.48
373056	MALHEIM	DONALD	A	16	OPERATIONS SUPPORT SPECIA	\$2,106.56
373056	OLSON	JANICE	K	22	MGR CUSTOMER SERVICES	\$2,248.53
373056	PARROW	WILLIAM	J	16	SUPV DIST OPERATIONS	\$555.38
373056	PIERSON	LESLIE	A	17	OPERATIONS QUALITY IMPROV	\$2,293.24
373056	ROEHRICH	LAURINE	A	17	CUSTOMER RELATIONS COORDI	\$2,265.36
373056	SADOWSKY	KERRY	J	16	MGR FIELD MAINTENANCE OPE	\$2,051.82
373056	SELLNER	CYNTHIA	R	16	SUPV CPTR MAIL FORWARDING	\$1,215.06
373056	SEVERN	WILLIAM	K	15	ASSOCIATE SUPERVISOR - CS	\$34.18
373056	SLABIK	PETER	J	16	SUPV DIST OPERATIONS	\$1,391.21
373056	STALBOERGER	MICHAEL	L	18	MGR DISTRIBUTION OPRNS (E	\$2,303.57
373056	SULLIVAN	KELLY	J	19	MGR MAINTENANCE	\$2,504.92
*TOTAL FINANCE 373056						\$46,272.22
379168	GRAVES	LARRY	D	16	SUPV CUSTOMER SERVICES	\$2,005.15
379168	JOHNSON	EDMUND	A	20	POSTMASTER	\$2,367.80
*TOTAL FINANCE 379168						\$4,372.95
*TOTAL LOCAL 0088-FARGO AREA LOCAL						\$50,645.17

THANKS JACK

Thanks Jack.

For some twenty years now the North Dakota APWU has had the luck to have had as its President Jim Vanyo. At our most recent 2000 State Convention, Jim was very clear in his resolve to pass the leadership torch on to a new President.

Since 1984, the ND State APWU has also had (with a short break, excuse the pun) as an officer our own Merle Bakkegard. Again, at the convention, Merle decided it was also his time to step down.

Many, many stewards and officers have learned their crafts at the seminars and conventions that were organized by the State APWU. Certainly, all the current local presidents, officers, and stewards were indoctrinated at one of the activities planned by these men. This legacy will live on for many years to come.

In April of 1997, we were attending the State Convention in Minot. As usual, Jim and Merle had arranged for an educational experience for the delegates that year. Jim and Merle went about the convention in their usual businesslike manner, and the convention went off without a hitch. Probably only a few of the members that were not from Grand Forks knew that Jim and his wife Kaye had been staying as Merle's and Karen's guests since evacuating their neighborhood in Grand Forks. It was during this convention that Jim laid the groundwork for the APWU Red River Valley Disaster Relief Fund which was to help so many members after that hellish spring. They were still talking about ways of putting the thing together when we drove into Jim and Kaye's neighborhood that Sunday. It was the first day that homeowners were allowed back into their neighborhoods, and only for the day. It had to be hard to walk into that house that day, not knowing what the flood had left. They live in that same house today.

As always, these two men demonstrated what brotherhood is really about, helping each other, and helping others, pondering their own plight after taking care of the business at hand.

I really can't put into words how much the State APWU and the locals and MALs of North Dakota owe these two men. You'll be missed, but always remembered. Thanks and God Bless.

Jeremy Cahill

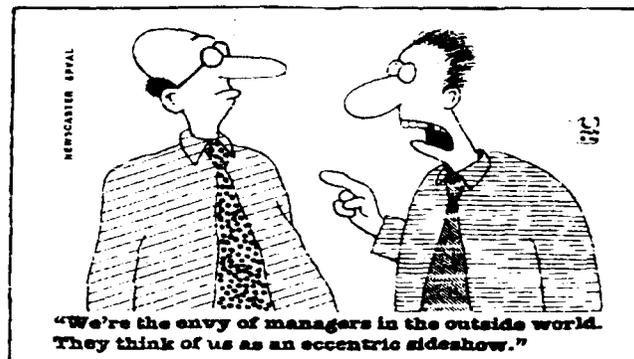
PTF CLERKS CASH IN WITH GRIEVANCE WIN IN WEST FARGO P.O.!!

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Arbitrator John Remington sustained the union's position in the grievance, and ordered the USPS to compensate PTFs Julie Hanratty and Theresa Black-Gaukler 260 hours each. The arbitrator also ordered the United States Postal Service to cease from performing bargaining unit work, finding a violation of the National Agreement.

Special thanks go to Jeremy Cahill and Beth Parrow for their work as Shop Stewards on this important grievance. Thanks also go to Gary Johnson, Tom Miller, and Joyce Neuschwander for their help in gathering information and preparing for the arbitration hearing. And finally, National Business Agent Lyle Krueth also deserves a huge thanks from the Fargo Area Local for his success in preparing and presenting the grievance at the arbitration hearing on behalf of the union. Lyle spent many hours compiling a stack of exhibits and arguments, resulting in an impressive stack of documents twelve inches high! Good job Lyle!

Robo-clerk!



HOW THE APWU PROTECTED MAIL PROCESSORS AND MANUAL CLERKS

By Ranny Erskine, NBA, Clerk Craft

In 1981-82, Management established a Level 4 Manual Mail Distributor position in the Clerk Craft. The intent was that any Clerk not required to learn a scheme would be paid Level 4. The APWU grieved and was successful at National Arbitration. On May 18, 1984, Arbitrator Mittenthal ruled in part: "The grievance is granted. Those persons who hold (or who held) the Mail Distributor position (Level 4) should be reimbursed for their loss of earning... They should be placed in the Distribution Clerk position (Level 5)." In June of 1982, Management informed the Union that a new position would be assigned to the APWU Clerk Craft; i.e. Mail Processor, Level 3. The APWU grieved as the Union wanted Level 5.

On April 24, 1985, Arbitrator Aaron said the Mail Processor would be a Level 4. The Level 3 employees were made whole and upgraded to Level 4. Then, the Mailhandlers claimed

We have concluded the National level arbitration case concerning Level 4 Mail Processors. The APWU claims that Level 4 Mail Processors have regularly been required to perform Level 5 without the pay. The award should be out within 60 days. Considering the enhanced bidding rights, positions, locations and pay, does it pay to belong to the Clerk Craft represented by the APWU?? You bet it does!!

Now, how about explaining this to the non-member and ask him/her to join and help us help them!!

the Mail Processor for their craft. Previously, the Mailhandlers had attempted to take the Mail Distributor from the Clerks. The Mailhandlers were successful both times. On August 31, 1983, Arbitrator Aaron ruled the non-scheme work was traditionally Clerk work, and it stayed in the Clerk Craft.

Arbitrator Zumas told the Mailhandlers, "NO" when they tried to take the Mail Processor position.

On July 14, 1986, he ruled that the position belonged in the Clerk Craft. He ruled that traditionally all classes of OCR mail was Clerk work and that new jobs created by technological changes should be performed by the craft previously performing similar work (Clerk Craft).

As of March 1997, the difference between first step, Level 3, and the first step, Level 4 is \$2,346! The difference between first step, Level 4 and Level 5 is \$1,464! Add up the savings to the Manual Clerk and Mail Processor because APWU saved them from Management and the Mailhandlers.

FARGO AREA LOCAL
P.O. Box 1874
Fargo, ND 58107

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