

The Local Line

“A PPA Award Winning Publication”

The Official Voice of the
Northwest Illinois Area Local

Floor Edition

Update by: Jackie Engelhart

January 26, 2012

Local Pays \$9700.00 for Election Lawsuit

The Local has thus far paid \$9700.00 for legal fees for a lawsuit filed pro se by Mary Corner. The suit was dismissed for lack of jurisdiction in October and the Judge advised her she still had time to file an appeal with the Department of Labor, which she did. The Judge's ruling said that Congress clearly intended to lodge exclusive responsibility for post-election lawsuits challenging the validity of a union election with the Secretary of Labor. He said the law prevents union members from initiating a private suit to set aside an election. After the court decision we decided we should have our attorney file a motion for sanctions to have Corner repay the legal expenses of the Local for this lawsuit. Mary continues to sign documents as “Mary Corner NWIAL President Local 7140”. On 1-9-12 Maria Porch-Clark and Mary Corner filed a lawsuit in state court.

More Legal Fees...

Porch-Clark and Corner filed essentially the same lawsuit that Corner had filed in federal court but this time in state court. As with the first lawsuit this one also was filed pro se where the plaintiff acts as their own lawyer. The Executive Board had no choice but to defend against the second suit and pay more legal fees. We notified our attorney to ask that she inform the Judge that Corner is now involved in a second suit against the Local for the very same issue so he had this information before ruling on our motion for sanctions on 1-17-12. Our attorney prepared a supplemental reply in support of our motion for Rule 11 sanctions ahead of the 1-17-12 court date. The Judge denied our motion for sanctions but cautioned Corner that if she does not dismiss her state lawsuit by 1-24-12, if the case if moved to federal court she will be ordered to show cause why she should not be sanctioned for filing a frivolous lawsuit.

Department of Labor Dismissed Complaint

The Department of Labor dismissed Corners appeal on 11-7-11 and provided their reasons on 12-28-11. *“The Department conducted an investigation of your allegation. As a result of the investigation, the Department has concluded that no violation occurred....The DCO report lists Engelhart as “NO DED” for the period February 27, 2010 – March 11, 2011, Baskin from February 27, 2010– September 23, 2010; and Retel from April 24, 2010– March 11, 2011. However, the investigation revealed that the DCO reports only reflect contributions collected by the employer, the USPS through automatic dues check off arrangement. They do not reflect contributions by members paying cash dues or contributions deducted by the Local on behalf of its officers...For the reasons set forth above, the Department has concluded that there was no violation of Title IV of the LRMDA, and I have closed the file on this matter.”*

Jackie Engelhart
President
Walter Elerby Jr.
News Director
Dave Baskin
Vice President

Special points of interest:

Local Pays \$9700.00 for Election Lawsuit
More Legal Fees...
Department of Labor Dismissed Complaint
APWU Warning of Risks in USPS Campaign for Transfers to the Letter Carrier Craft
USPS Asks PRC to Expedite Review of Network and Service Changes
Retreat Right Issue
Management Ups & Downs

Northwest Illinois Area Local
American Postal Workers Union
194 W. Lake Street
Elmhurst, IL 60126
Phone: 630-833-0088
Fax: 630-833-0248
Email: nwialapwu@hotmail.com
Web: www.nwial.com

APWU Warning of Risks in USPS Campaign for Transfers to the Letter Carrier Craft

In a letter dated 1-3-12 the Union was notified that management will be mailing out a letter to all career APWU and NPMHU employees to encourage them to volunteer for reassignment to the Carrier craft. I received this letter on 1-25-12. Employees transferring to a new craft begin a new period of seniority and APWU employees would lose their no-layoff protection if they transfer to the Carrier craft. In the past management has stated that even employees involuntarily excessed to the Carrier craft will not have no-layoff protection until they are in the Craft for five years. The APWU position is that once an employee obtains no layoff protection they retain it for life. The APWU has negotiated no layoff protection through 11-20-15. The APWU contract places a 50 mile limit on excessing but there is no limit in the NALC contract. Most APWU employees are not interested in carrying mail but for those few who might consider a voluntary transfer consider you will lose your seniority and USPS takes your no layoff protection. Contract negotiations between the USPS and the Mail Handler Union and the Letter Carrier Union have reached an impasse. On 1-20-12 the NALC announced that USPS declined to extend the negotiations. At impasse the parties enter a 60 day mediation period, and if mediation is not successful the issues will be submitted for final and binding resolution before an "interest arbitration" panel. Both contracts expired on 11-20-11. Rural Carriers reached impasse last year and still have no contract. Only APWU has a new contract.

USPS Asks PRC to Expedite Review of Network and Service Changes...

The Postal Service voluntarily agreed to a moratorium on the closing of post offices in response to congressional requests in the hope that Congress would pass comprehensive postal legislation. This has not happened as of yet but Congress is back in session and bipartisan Senate bill S 1789 may be brought to the floor soon. In the meantime the USPS wants the Postal Regulatory Commission to issue it's non-binding advisory opinion by 4-15-12 so they can proceed with plant closings when the moratorium ends on 5-15-12. USPS is prepared to close plants if Congress fails to pass legislation that addresses the dire financial situation by the 5-15-12 deadline.

Retreat Right Issue

The Palatine tour 3 Manual Section has been closed since the AMP excessing on 5-22-10. All Clerks on the retreat right list had a chance to retreat by the end of 2010 and the section was open. The next vacancy in this section did not occur until late 2011 and it was at this time that a Clerk came forward claiming retreat rights. S/he was excessed from the Manual Section in 2010 but was left off of the retreat right list by management and never included in the closed section bidding. S/he did not become aware of the problem until a junior Clerk retreated back to the section in on 12-18-10 and came to the Union sometime later. We have looked into the issue and cannot account for why it took so long for the Clerk to come forward but in the end s/he is entitled to retreat rights because s/he was left off of management's list and was never offered retreat rights.

Management Ups & Downs

1. Palatine grievance filed when-Plant Manager Johnson denied option letters to tour 3 Automation Clerks to be arbitrated on 2-3-12.
2. Palatine Labor Representative Steve Saylor denies grievance for failure to schedule an OT make-up within 90 days because the employee bid to another unit.
3. Palatine Labor Representative Steve Saylor advises management they can assign unencumbered Clerks to tour 3 with no assigned area to avoid a grievance because Clerks remain excessed from tour 3 Automation. These unencumbered Clerks are not assigned to any unit but must be assigned to a section for leave, holiday, and OT.
4. Palatine Senior MDO Ramion wants vacations scheduled by the percent scheduled in each day to reduce the number allowed leave but the LMOU says 14% of the whole section are allowed off.
5. Mount Prospect Postmaster Mike Naranjo is playing games with vacation time for APWU employees because we did not agree with his LMOU proposal to change the sections for vacations. This office has other problems.
6. Glenview Postmaster Young met with the Union to discuss bid changes that were reasonable.
7. Palatine Plant Manager Sciurba moves supervisor generating complaints for disrespectful and abusive treatment of employees to utilize him in In-Plant Support.
8. Carol Stream Plant Manager Johnson returns most of the 123 Clerks back to their bids after they were abolished when management posted 123 6-day NTFT jobs.
9. Palatine Maintenance Manager Hilliard creates potential liability regarding the reposting of all-Maintenance Support positions.

JZ