

# The Local Line

"A PPA Award Winning Publication"

The Official Voice of the  
Northwest Illinois Area Local

Floor Edition

Update by: Jackie Engelhart

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## **Kenis Denies Union's Non-Compliance Case, No Guaranteed Pay...**

After two hearings, and almost four years after the grievance was filed on 2-13-10, we received the Award for grievance number P1100050 filed for non-compliance of the Kenis Award #1. Kenis #1 returned 15 Palatine Clerks who had volunteered senior in lieu of to the MH Craft. When the grievance was filed management had not paid the employees anything but after it was filed paid them the out of schedule pay but no guaranteed pay. The grievance was moved to arbitration and we asked that it be advanced to the top of the docket. Our NBA agreed to move it up but said she could not do the case so we would have to provide our own Advocate. I spoke with Dave Baskin who filed the grievance and he said he could not be the Advocate because he was a witness so I asked our National Advocate Doreene Motley to do the case. She knew it would be a difficult case but she agreed to do it. She did an excellent job but we lost the case.

*"The Union's grievance initially alleged that the USPS failed to comply with the Kenis 1 and 2 awards. According to the Union's grievance, no compensation had been paid to the aggrieved employees and "it is not known if management ever plans on complying with the award..." The USPS Step 2 denial addressed that issue and stated that management was in the process of implementing the monetary remedy as expeditiously as possible. It is true that the Union identified the various forms of financial remuneration it was seeking and no issue was taken by the USPS at Step 2. However, from management's point of view, it was in the process of complying with Kenis 1 and 2 by computing the out-of-schedule and guaranteed pay, lost overtime, Sunday premium and night differential sought by the Union. It was not until later, after the USPS began compensating the affected employees following the pre-arbitration settlement, that it became evident that the parties had very different views as to who was eligible for*

*guaranteed time. The USPS took the position that it properly paid guaranteed time to the PTF employees working less than a 40 hour work week, while the Union argued in its Step 2 additions and corrections that the remaining aggrieved employees were entitled to guaranteed time for the entire span from June 2007 through December 2009, despite the fact that they had been fully employed during that time period. Once the scope of the Union's position became evident, it was addressed by the USPS at Step 3...Based on the foregoing, it must be concluded that the payments made to the aggrieved employees were properly made in accordance with Kenis 1 and 2, the provisions of the CBA, the ELM and Handbook F-401. Because employees cannot earn guaranteed time while on the clock, the Union was unable to meet its burden of proving that the aggrieved employees were improperly compensated or that pay for guaranteed time was owed to the employees who were fully employed during the time period at issue. The grievance hereby denied."*

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### **Special points of interest:**

Kenis Denies Union's Non-Compliance Case, No Guaranteed Pay  
Bidding problems at Palatine  
Palatine Retreat Rights  
Carol Stream Bidding  
ADRP Grievance  
Guaranteed Pay...  
The USPS is Ever-Changing

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### **Bidding Problems at Palatine**

The Clerk bidding at Palatine was anything but smooth as employees had problems with their new pins and the phone bidding was down for significant amounts of time. The USPS was the target of a data breach in September and October causing management to require all employees select a new 8 digit password as a security measure. Employees would not be able to access HR functions on Liteblue without having a new password. Some employees did not have a new password and had to apply for one so they could bid on-line. One employee waited over ten days for her new password and did not get it before the bids went down, even after management agreed to extend the posting time for several days due to problems. Employees who could not bid on-line tried to bid by phone which takes longer but the phone line was down for extended periods. It's a miracle that most Clerks were able to submit their bids by the extended deadline on 12-17. Management extended the posting but did not agree to accept paper bids because Shared Services would not agree to it, probably because it would be more work. The Union informed management that no employee should be denied the right to submit paper bids if they were unable to bid by phone or on-line. Management said they received two paper bids in the Clerk bid box and they are asking Shared Services to accept them. If they are not accepted we will have to file a grievance that the paper bids were not accepted.

### **A Warning to C.S Clerks**

Avoid the problems experienced by Palatine Clerks and get a new password now if you do not already have one. You will need it to bid on-line and it may take a few days to get one after you submit your request on Liteblue.

### **Palatine Retreat Rights...**

Recently I resolved a grievance at Step 2 to retreat seven employees to the Clerk Craft at Palatine. The settlement listed the next seven people on the Lakeland Retreat Right List starting just below the last person who had retreated. Steward Dave Baskin said the list is wrong because some people are missing and/or have not been offered their retreat rights. Back on 5-30-13 he gave management a list of missing employees that they never bothered to verify. Their response from In-Plant Support Manager Esther Smith on 6-19-13 was to request documentation from the Union to contradict the retreat right list provided by HR. I asked Mr. Baskin long before I signed this settlement who he thought should be the next seven employees to be retreated but he never gave me a straight answer. I made several written requests for input from Mr. Baskin and his response was to give me a list that included employees who had volunteered senior in lieu of and do not have retreat rights and others who had already been returned. Mr. Baskin told me there were 111 Clerks with retreat rights but he did not identify who they were. I reviewed several contradictory lists provided by management and the list provided by Mr. Baskin. Based on the last person who had retreated, I agreed to return the next seven on the Lakeland List. Management excessed 200 Clerks out of Palatine from 2005 to 2010 and did not keep the best records. Their lists are suspect because some employees shows on one list as having retreat rights and on another list as a senior volunteer. This settlement has been put on hold until we can determine who should be returned. Based on management's records and the lack of cooperation I have gotten on this issue it could take awhile.

### **Carol Stream Bidding**

I spoke with Carol Stream Plant Manager Mike Kotula recently and told him we would do whatever we can to ensure that bidding is done correctly per the contract. We will be meeting with In-Plant Support Manager Doug St. John next week to review the bids by section to determine who matches and which sections will be closed. \*All CS Clerks should make sure they have an updated password.

### **ADRP Grievance**

I contacted the national union for help with the non-compliance on the tour 1 ADRP grievance, and I got a call from Labor asking me why they were getting a call from headquarters. Labor gave me a figure for out of schedule at noon on Friday 12-19-14 and said that I could get back to them by 3pm or they would be gone until 1-5-15. I called back at 2:50 with my figure but we were \$3,000 apart, so I will have to wait until 1-5-15 for my counterpart to return to work.

### **Guaranteed Pay...**

The Kenis #3 Award was mostly about whether employees who worked out of schedule were entitled to guaranteed pay and Kenis, a regional arbitrator, said "no". Both sides were watching the outcome of this hearing and we know management will use this Award going forward. Guaranteed pay is usually included in grievances we file where the employee was not working in the right schedule due to bidding issues but we cannot promise that we will get G-pay. Management is in agreement on the out of schedule for the ADRP but they do not agree to G-pay.

### **The USPS is Ever-changing...**

PMG Donahoe has been replaced by Megan Brenan. Tour 2 is coming back in 2015. Our contract expires in 2015 and we will have to negotiate (fight) for a new one. As we end 2014 we wish all our members a Happy New Year!

