

# The Philadelphia POSTAL WORKER

Vol. 20 No. 2

A Member of the APWU Postal Press Association

March/April 2010

## Olney They Didn't



**Gwen Ivey,**  
**President**

The Postal Service posted fliers in the Olney Station announcing a public meeting at the Grover Washington Middle School to discuss plans for the embattled city station that remains on the Postal Service

hit-list. You would think the Postal Service would have had the decency to notify the union of their planned public meeting...oh no they didn't. Maybe the Postal Service thought the APWU wouldn't learn about this sneaky end run? Or thought we would stand idly by while they sprung more service cuts on the people of Philadelphia and eliminated more of our jobs. Trust me, they don't think so now.

The steward at the station informed the officers of the Local and we turned out for the meeting. At the meeting I gave postal management a piece of my mind on how they are short-changing the community and customers with their service cuts and that the APWU will not stand for it, that the community will not stand for it.

I really think the Postal Service thought they were just going to tell the community residents who showed up what they were going to do and that was going to be that. Of course, that's not how things turned out. The meeting started out with a presen-

tation from a rather smug and condescending real estate acquisitions manager from the Postal Service, who came up from North Carolina. In my opinion he was rather arrogant and spoke down to the community residents. He told them the Olney Station is being closed because it is "too big" and "a smaller storefront would open up some time in the future."

The community members were furious! They really let the Postal Service representatives know what they felt. They talked about how crowded the service area was, how long the waits were for service because of how understaffed the facility is, and about how much the community needed and wanted the station to remain as is. When I rose to speak on behalf of the APWU my anger and distress at the way that both the community and employees were being treated, or more accurately

*(continued on page 4)*

## FMLA Information



**Mark Reeves,**  
**Vice**  
**President**

Hello Brothers and Sisters! I wanted to address some concerns and problems with FMLA certifications being processed. It was brought to my attention that some of our members have experienced delays

in having their FMLA request certified. When this occurs it creates problems for the employee when management on the workroom floor does not recognize the employees FMLA protection and cites occasions of sick leave or call outs for discipline.

I recently met with Marlana Wilson, FMLA Coordinator and newly placed FMLA Coordinator Mr. Len Holmquist III, to discuss these ongoing problems and work to resolve these issues. One of the main reasons that contributed to certification delays was the lack of staffing in the FMLA Coordinators office. With the addition of Mr. Holmquist III and the division of areas of responsibility there should be fewer problems with timely FMLA certification.

Marlana Wilson, FMLA Coordinator: 215-863-5019 is responsible for the following areas 189, 190, 191, 193, 194, VMF, District Office. And Len Holmquist III, FMLA Coordinator: 215-863-5031 is responsible for Philadelphia P&DC, Philadelphia NDC, Southeastern P&DC.

All original certifications must be mailed to: 3190 S. 70<sup>th</sup> Street, Room 646, Philadelphia PA. 19153-9445. No faxes or scanned copies of certifications will be accepted, original certifications must be on file.

Additionally when requesting FMLA the Coordinator's office will send you a form WH-380 and Publication 71. Publication 71 is a Postal Service form that gives notice to employees requesting leave for conditions covered by FMLA, and it explains an employee's rights and responsibilities. Wage and Hour Division (WHD) Publication 1420 is the Department of Labor equivalent to the Postal Service form; and also explains that employees have certain obligations to provide notice and information such as medical certification to their employer, and lists the employers responsibilities as well what recourse employees have when they feel their rights under this law have been violated.

*(continued on page 2)*

The Philadelphia  
**POSTAL WORKER**

*Published bi-monthly except  
July and August.*

*Official Publication of the*

**AMERICAN POSTAL WORKERS UNION  
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*The opinions and views expressed in this paper are those of the writer and do not necessarily represent the opinions of the Editor or the Executive Board of this Local.*

Send all communication to the Editor at the above address or via e-mail to [dstevenson@phillyapwu.com](mailto:dstevenson@phillyapwu.com).

Articles must be submitted by the second Thursday of the month. They must be typed. Letters must be signed. Name withheld upon request.

Visit our web site at  
[www.phillyapwu.org](http://www.phillyapwu.org)

# FMLA Information

*(continued from page 1)*

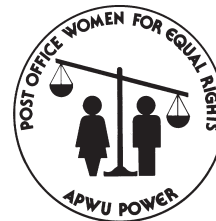
You may utilize the agreed upon APWU forms for certification of an FMLA qualifying condition, FMLA regulations do not require that certification be provided on any particular form, or in any particular format, as long as the information is complete and sufficient.

Management must make a case-by-case determination if the documentation provided is complete and sufficient. If it's not, they are required to explain to the employee, in writing, what they must do to make the form complete and sufficient. They cannot require the use of the optional DOL forms. In addition, the optional DOL forms contain space for doctors to provide information that is not required by the regulations. The APWU continues to encourage our members to use the APWU forms.

If you have any other questions about FMLA please contact the steward in your section or call the union hall at 610-522-4520. □

# POWER

**Post Office Women for  
Equal Rights**



Meeting Date:  
Thursday, April 15, 2010  
6:30 p.m.  
864 Main Street  
Darby, PA 19023

*A Woman's Place is In Her Union!*

Next Meeting:  
Thursday, May 20, 2010

# General Membership Meeting

**Thursday, April 15, 2010  
7:30 p.m.  
864 Main Street  
Darby, PA 19023**

Shuttle Service from Lindbergh  
to the  
Union Hall Available

Light Refreshments Will be Served

*Following Meeting: May 20, 2010*

# No COLA



**Stacey  
Franklin,  
Treasurer**

The Cost of Living Adjustment (COLA) is based on the National Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). According to our Collective Bargaining Agreement, each employee covered by this

Agreement shall receive cost of living adjustments. Our seventh COLA of this agreement is scheduled to take effect during pay period seven (March 13, 2010) and was based on the release of the January 2010 CPI-W.

Our national union reported that in the month of January the CPI-W rose to 633.176, still well below the July 2008 index of 644.303, upon which our last COLA was based. After the final month of the six-month measuring period the seventh COLA under the 2006 National Agreement and the Operating Services Agreement will be zero. The fifth and sixth COLAs were also zero.

Our next scheduled adjustment will be the eighth and final COLA under the 2006 National Agreement and Operating Services Agreement and will be based on the July 2010 CPI; if there is an adjustment it will be implemented during Pay Period 19 (August 28, 2010).

## The Fed's New Rules for Credit Card Companies

Effective February 22, 2010, the Federal Reserve issued new rules for credit card companies that provide consumers with better protection. The new rules are as follows:

- Before your credit card company increases your rate or other fees, they must give you 45 days notice prior to any change.
- If the credit card company plans to make changes to the terms of your card, the company has to give you the option to cancel your card before certain fee increases take effect, however if you choose to cancel the company may close your account and increase monthly payments, subject to certain limitations.
- Your monthly credit card bill should now include information on how long it will take you to pay off your balance if you only make the minimum payments.
- The monthly statement must include language in reference to additional fees and/or increases in interest rates for late payments.
- The credit card company cannot increase your rate for the first 12 months after you open an account unless your card has a variable interest rate tied to an index, if you are more than 60 days late paying your bill, or if you have a workout agreement and you fail to make payments as agreed. Additionally, if the company offers an introductory rate, it has to be in place for at least 6 months, and then it can be increased to the regular rate. Also, if any of these circumstances apply, the company does not have to give you 45 days notice prior to any changes.
- If your interest rate is increased after the first 12

months the new rate can only apply to new purchases, your old balance will retain the previous interest rate.

- You must tell your credit card company that you wish to opt-in over the limit transactions or the company may not process a transaction that will take you over your credit limit. If you do not opt-in and you exceed your credit limit and the company processes the transaction, they cannot charge you an over-the-limit fee.
- If you pay an application fee or an annual fee, the fees cannot exceed more than 25% of the initial credit limit.
- Anyone under 21 years of age will have to show that they are able to make payments or obtain a cosigner in order to open a credit card account. If a cosigner is obtained, the cosigner must agree in writing before a requested increase in the limit is applied.
- The credit card company must mail or deliver your credit card bill at least 21 days before your payment is due. Also, if your payment due date falls on a weekend or holiday, when the company does not process payments, your payment will be recorded on time as long as it is received on the next business day.
- Credit card companies can only impose interest charges on balances in the current billing cycle.

## eRetire

Some time around March or April of 2010, a new feature, called eRetire, will be added to the LiteBlue web site. eRetire will allow employees to view an annuity estimate as if they are within five years of retirement, download a retirement packet or order a retirement packet to be mailed, and begin the retirement process by selecting their desired retirement date. Remember, eRetire does not take the place of contacting Shared Services to begin the retirement process or discussing individual questions with a specialist before or during the process; it is just an additional tool that you may find useful in deciding your retirement plans.

## Where Is The Loyalty?

Husch Blackwell Sanders' Government Contracts Practice Group released its list of the top 10 USPS suppliers for fiscal year 2009. The report stated that the compiled information was obtained under the Freedom of Information Act. Although it may sound like an oxymoron, for the 7<sup>th</sup> straight year FedEx is the Postal Service's top supplier. FedEx earned from the Post Office revenues that totaled 1.4

*(continued on page 6)*

# Olney They Didn't

(continued from  
page 1)

mistreated, came ringing through. I expressed the anger and frustration that our customers and employees feel about the sheer lack of commitment to service the Postal Service has shown.

It seems the Postal Service's strategy for responding to its financial problems can be summed up in just one word – cut; cut service, cut jobs, cut the postal network. I believe the Postal Service's effort to cut stations and branches, with little opportunity for input from citizens, legislative representatives, community leaders and workers are just the latest act of the Postal Service trying to undermine itself. You see, when the USPS is no longer a fixture in communities, no longer available for every day services, and no longer the cornerstone, literally and figuratively, that communities wrap themselves around – there will no longer be a need for the Postal Service.

Maintaining community presence and community service standards is the very reason that the Postal Service exists. Congress assigned the USPS the general duties to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the nation will, consistent with reasonable economics of postal operations, have ready access to essential postal services, according to Title 39, Section 403(b) of the Code of Federal Regulations (CFR). In fact, even the Postmaster General himself has publicly acknowledged the savings from closing stations would be, "modest, at best."

Closing stations is a bad idea, and you can rest assured that this Local will oppose every station closing in this, and all communities, and every other misguided and unfortunate effort to harm our members, our communities and the Postal Service in general. I am 100% certain the members of the Philadelphia PA Area Local are opposed to station closings and support the officers of the Local in standing tall and representing the truth. Frankly, I will continue to express the opinions of this Local and look out for its members, and our customers, whether it meets with postal management's approval or not.

## NRP Update

In mid-December, the APWU was notified that Phase 1 of the National Reassessment Process (NRP) had been implemented nationwide. The Postal Service estimates that 33,707 limited duty and rehabilitation postal employees will be reassessed under NRP, which was previously known as "Outplacement." All 85 USPS Districts began Phase 1 of this national program on Nov. 6, 2006.

During a pilot period that began in 2004, 1,077 limited duty and rehab employees were evaluated, with 168 (15.6 percent) being told that there was no longer any "medically suitable" work available for them. They were referred to the Office of Workers' Compensation Programs (OWCP) and sent home. Most are expected to be placed in OWCP's voca-

tional-rehabilitation program for re-employment.

On May 29, 2009, the Postal Service completed a pilot program which was implemented in four Postal Service Districts and was designed to reassess limited duty jobs (limited duty jobs are for temporary medical conditions resulting from accepted on-the-job injuries).

Application of this NRP-Limited Duty program can result in the injured employee being offered work for a full day, a partial day, or not offered any work at all. These work availability decisions can be made by management on a day-to-day basis. It is important to know that any maximum medical improvement (MMI) employees who have not already been reassessed by the original NRP will be reassessed, initially, through this new program.

The pilot program demonstrated the dramatic impact of this new Limited Duty NRP. The Postal Service informed the APWU that of the 2,230 injured employees (all crafts) reassessed during the pilot, only 41% received "full day" job offers, 30% were assigned to "partial day" jobs, and a devastating 29% were told that there was no work available.

There is a Class Action EEO case for Postal Employees placed under the NRP. This Class Action case will cover all permanent Rehabilitation and Limited Duty employees at the USPS who have been subjected to the NRP Process since 2006.

Any employee who is impacted by the NRP Process is urged to file a grievance, EEO complaint and is also eligible to file a Merit System Protection Board (MSPB) complaint even if you're not a veteran.

Remember it is always important to keep your medical restrictions up-to-date, but even more important with this NRP Process. Make sure your doctor lists what you can do besides stating what you cannot do!

Currently the Philadelphia District in under Phase II of the NRP, interviews of injured workers have started at the city stations. Members are urged to contact their union steward if contacted concerning a NRP interview. Every member has the right to have union representation with them at the interview.

## Six-Day Delivery

The national APWU is calling on all union members and their families to contact their elected representatives and encourage them to co-sponsor HR-173. The resolution was introduced by Rep. Sam Graves (R-MO), and expresses the "sense of the House of Representatives that the United States Postal Service should take all appropriate measures to ensure the continuation of its six-day mail delivery service."

In a message to legislative activists, National

(continued on page 8)

# MVS Report



**Ken Prinz,**  
**Director,**  
**MVS Craft**

The time is now for all non-union members to join the union. The Postal Service has reduced the number of employees from a peak of 800,000 to the current 600,000. This has a direct effect on the number

of dues paying members. We no longer are able to carry the non-union members who are free-loading off the backs of the rest of us and not paying their fair share.

Contract negotiations will be starting soon and it will be very expensive just to maintain what we have already achieved over the years. There is going to have to be a dues increase because of the shrinking number of members. One person can't get the non-members to sign up; everyone must make an effort to convince them to pay their own way, because if not the dues increase will have to be higher to cover the expenses.

## Why Join?

The Postal Service spent 4.9 million dollars to have three consulting firms prepare a revenue forecast so PMG Potter can hold a news conference to

proclaim, "The projections going forward are not great."

PMG Potter's plan calls for five day delivery, which could reduce the employees by about another 20%, reduce the efficiency of mail delivery from one to three days, depending on the distance traveled to two to five days, plus increase the cost of first class stamps from 44 cents and close some more offices.

The Postal Service is probably going to try to take away the Cost of Living, reduce annual and sick leave, increase insurance contributions and do away with the no layoff clause for any employee that hasn't achieved it.

The time is NOW for all non-members to join the union because the truth is, you can't afford not to be a member. □

# Maintenance Report



**Robert Austin,**  
**Asst. Director,**  
**Maintenance Craft**

Hello union brothers and sisters! There have been several questions that need to be clarified at this time. Many people have considered the grievance procedure as some type of money generating entity, and are always counting

on some type of monetary settlement, be it right or wrong. Listen, some cases do end up in some type of money resolve, but not all, in fact, the majority of cases do not result in a monetary pay out.

Another myth that I need to dispel is that when we are successful in achieving a monetary award as the result of a settlement or arbitration award that it guarantees we'll have an ongoing cash flow from that settlement or award if management continues to violate the language of the contract on that issue. This just isn't true. If management continues to violate the contract we have to continue to file grievances, which may or may not result in a monetary result.

## The MS-47 Case

A prime example is the MS-47 grievance. Some quick background on this issue; the MS-47 is the handbook that is used in determining custodial staffing. In 2001, management unilaterally made changes to the handbook. The union filed a grievance arguing the changes made by the Postal Service were not fair, reasonable or equitable. In essence this grievance wasn't about getting people paid, it was about management's failure to abide by the contract. That grievance was heard by Arbitrator Shyam Das, and we won that argument at the national level. Arbitrator Das ordered the changes

made in MS-47 Handbook in 2001 be rescinded and the previous language be reinstated. Arbitrator Das also stated that the appropriate monetary settlement would go back to the parties to be determined, which is what led to the negotiated settlement amount of \$1.75 million.

Only those employees in the harmed occupational groups were awarded any part of the settlement, which was divided among approximately 4,100 people, which entitled each person to \$2,700. To those who feel they should have been paid who were not, or paid more than they were, I think National APWU Maintenance Director Raymer summed it up best when he said, "While individuals may believe they were slighted by the terms of the settlement, the case was not about individual loss, rather it was about a loss to the Union and our bargaining units."

The language of the settlement instructed management they had 30 days to adhere to the findings of the Arbitrator and make any corrections necessary. The issue is settled, no further money will be paid as a result of that settlement, no part two to that grievance. If further violations occurred of the same nature new grievances would have to be filed and run their course through the grievance/arbitration process. I hope I have answered any questions you might have on this issue and the process in general. □

# No COLA

(continued from  
page 3)

billion dollars by transporting Express, Priority, and First Class Mail. UPS came in 18<sup>th</sup> place, receiving 83 million dollars in postal revenue. The report states that transportation and technology suppliers, i.e. Hewlett-Packard & Acenture, topped the list, and that new suppliers may have difficulty getting their feet in the door, but once they become established their opportunities for obtaining additional work are easier to capture.

Some of the companies that made the top suppliers list recognized significant revenue gains during a time period where mail volume continued to decline. Go figure. The USPS has already started the implementation of the Flat Sorter Sequencing Machines (FSS) and one can only imagine the cost of the machinery, while management reports that flat mail has declined by 26% since 2005. How many years will it take for the USPS to realize a profit, if one exists, on this new venture? It appears that the only cost-cutting measure the USPS is vigorously exploring is its' plan to reduce work hours for bargaining unit employees.

In fact, according to an article on the Postal Reporter website, the USPS continues to reduce work hours, with the highest reduction in work hours occurring in mail processing and customer services/retail, 10% and 12.7% respectively. The article also stated that from the years 2000 – 2009, USPS craft employees work hours were reduced by 21.12% while USPS Headquarters positions increased by 34.76% during the same time frame.

Additionally, the USPS has plans to launch another summer sale for direct mailers. According to the president of Mailing and Shipping Services, "The USPS wants to again reward its' most loyal customers and demonstrate the value of their business." What do you call a customer that continually patronizes their local Post Office despite standing in long lines due to understaffing, and receive no incentives? If that isn't loyalty I don't know what is.

## Everyday Saving Tips

More and more people are starting to save money and becoming thrifter than ever before, due to the performance of our economy. The following information may be helpful in saving a few hundred dollars annually without using money that is already allocated for something else.

Driving sensibly – speeding, rapid acceleration and braking does waste gas. Aggressive driving can lower gas mileage by 33% on the highway and 5% on the city streets. By eliminating aggressive driving you can save an average of 14 – 91 cents a gallon, which can equate to hundreds of dollars saved annually in your pocket and also reduce stress.

Observing the speed limit – experts state that every time you drive 5 miles per hour over 60 miles per hour is like paying an extra 24 cents per gallon at the pump. By maintaining the posted speed limit

you can save 19 – 63 cents a gallon, which will also equate to hundreds of dollars saved annually in your pocket. Of course, observing the speed limit is also safer.

Remove excess weight in your vehicle – although this mainly applies to smaller cars than larger ones, carrying an extra 100 pounds of weight in your car could cause you to reduce your fuel mileage. Removing extra weight in your vehicle could save 3-6 cents a gallon of gas.

Conserve home energy – if possible keep your home's thermostat to 65 degrees in winter and wear a sweater, and for the truly brave, set it down to 60 degrees before you go to bed. In the summer, set the air conditioning at 70 degrees. This suggestion may be helpful if your health or the health of your family members allows it; if you or a family member has a medical condition, or have somebody who is elderly or have small children in the household, this suggestion may not be feasible. However, adjusting your home thermostat could save hundreds of dollars annually.

Brown bag it or cook at home – if you bring your lunch to work every day it could save you over a \$1,000 a year. The U.S. Bureau of Labor Statistics reported that the typical American household spends about \$2,500 a year dining out.

If you like to rent movies regularly – most Free Libraries rent DVD movies with a small fee or no fee. The newer movies may be released for viewing a little slower than the major retailers, but if you have a little patience it can save you hundreds of dollars a year.

Eat before you shop – do not shop on an empty stomach it may cause you to spend more money buying food that you don't really need.

Pay with cash or checks when possible instead of credit cards – it can amount to a huge savings.

If affordable, pay more than the minimum required payment on your monthly credit card bill; and always keep looking for companies with better interest rates, smaller fees, or no fees at all. In Solidarity! □

Spring  
Has  
Sprung

# Prime-Time Vacation Period



**Eugene  
Chieffo,  
Director,  
Industrial  
Relations**

The submission period for all annual leave requests, for choice vacation periods of one week or more, shall be from April 1st to April 15th and all requests must be acted on no later than two weeks after

the final submission date. The choice vacation period will be May 15 through September 15. The submission date notice must be posted for at least two weeks, and no earlier than March 1st, but no later than March 15th. A duplicate Form 3971, prepared by the employee, must be returned to the employee, indicating the action taken by Management, within two weeks following the closing date established. Where there has been no official action taken by Management within the two (2) week period, the requested leave shall be automatically approved.

Vacation schedules must be arranged so as to provide each full-time employee, part-time flexible and part-time regular employee with their desired periods whenever and wherever possible. Annual leave may be granted up to the maximum amount of time credited to any employee. Employees will not be granted more than two "First Choice Selections" during the choice vacation period. The two First Choice Selections cannot exceed units of either five or ten working days in conjunction with employee's non-scheduled days.

The beginning day of the vacation period shall be the first day that is noted on the Form 3971 (Request for, or Notification of, Absence). Drop days that immediately precede the first day noted on the Form 3971, will be considered part of the vacation period (at the employee's option). Selection of scheduled vacation periods shall be made on a seniority basis. Cancelled selection vacation periods shall be posted and awarded on a seniority basis. The approved vacation selections shall be posted in each work section/tour and shall remain posted during the selection vacation period(s). Leave will be accredited in accordance with the Fair Labor Standards Act (FLSA).

Employees may be granted two vacations during the prime vacation period. In order to take advantage of this benefit, you should submit three sets of leave slips (Form 3971) for each of the two vacations, identifying them as follows:

Vacation #1, 1st Choice	Vacation #2, 1st Choice
Vacation #1, 2nd Choice	Vacation #2, 2nd Choice
Vacation #1, 3rd Choice	Vacation #2, 3rd Choice

By submitting three choices for each vacation you improve your chances of getting the vacations of your choice. If you submit only one choice for each vacation and those weeks are closed, you will have to wait until all the vacations have been awarded and then choose from whatever is left over. However, a junior em-

ployee may have received a week that would have been your second or third choice.

When management awards vacations, they will begin with the senior employee's selections for both vacations. If the first choice selections are closed, management will award the employee their second choice. If the second choice is closed, management will award the employee their third choice. Then they will review the selections submitted by the next senior employee. This process will continue down to the most junior employee.

Management will review all the leave slips and award vacations wherever possible. Once this process is complete, management will post those weeks that are still available. At that time, those employees who were awarded only one vacation or who were not awarded any vacation may submit leave slips for the available periods. If you submit leave slips only for your first choice, you may be one of those who have to choose from what is left.

Employees who earn 13 days annual leave per year may be granted a single vacation of up to 10 days during the choice vacation if they prefer. Employees who earn 20 or 26 days annual leave per year may be granted a single vacation of up to 15 days during the choice vacation period if they prefer.

Management must approve or disapprove the vacation leave slips and return them to the employees within two weeks of the March 15 closing date. Where management fails to do so, the leave will be considered automatically approved.

The leave program must be done separately by section, station. □



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## Olney They Didn't

*(continued from page 4)*

APWU Political Director Myke Reid warns that, "if accepted by Congress, five-day delivery would begin a death spiral for the USPS" and "in addition to thousands of jobs lost, there will undoubtedly be an erosion of confidence in the Postal Service's ability to provide the services the public relies on."

Please call your Congressional Representative today and ask them to co-sponsor HR-173, also call Senators Casey and Specter and ask them to support this measure when it comes before them in the Senate.

On an upbeat note, in an interview posted on YouTube, President Obama said that privatization of the USPS would be a "bad idea." Regarding the Postal Service, he said, "Everybody would love to have that high-end part of the business," such as business-to-business delivery. But private companies would not want responsibility for the other services that the Postal Service provides, such as delivering a postcard to a remote area.

President Obama has promised strong support for the USPS. The Obama administration's 2011 budget calls for a continuation of six-day delivery and says the White House "will work with the Postal Service, its employee unions, the Congress, and other stakeholders to make sure the Postal Service has the tools and authorities it needs to remain viable as a pillar of the American economy and vital public resource through the current crisis and over the long haul."

### Census

Everyone needs to fill out and return their 2010 Census.

Census data is used to determine the number of representatives your state has in Congress, as well as your state legislature. Government agencies use the data to make funding decisions on programs like college grant and loan programs, public transportation, road and community improvements, public health services, senior services, etc.

The Census is also generating approximately \$200 million in revenue for the Postal Service, as well as allowing us to provide a valuable community service from the most trusted governmental agency in existence. So stand up and be counted!

In closing let me remind you that you are the eyes and ears of this Local, if you see a violation please report it to your steward or call the union hall immediately at 610-522-4520. Together we stand, divided we will fall. In Solidarity! ☐

