

NALC

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Bulletin

Supreme Court hears arguments in union fees case

The Supreme Court heard oral arguments in late February in *Janus v. American Federation of State, County, and Municipal Employees (AFSCME), Council 31*, a case that could threaten the future of state and local public-sector unions.

The issue centers on the fees that many public-sector unions collect from non-members to cover the cost of collective-bargaining activities. To fund their operations, these unions rely largely on dues and other contributions from their members. But they also can collect smaller fees from non-members who benefit from the results of the unions' collective bargaining, including higher wages and better working conditions.

Twenty-three states allow their public-sector unions to collect these fees. The Supreme Court upheld the system in the 1977 case *Abood v. Detroit Board of Education*. Under *Abood*, unions can collect the fees without violating the Constitution as long as they use the revenue only to cover costs directly related to their collective-bargaining work. At the same time, the Court said, the money can't be used to pay for a union's political activities.

At NALC, political activities are paid through voluntary contributions to the Letter Carrier Political Fund. The plaintiff in this case, Mark Janus, is an Illinois state employee. He argues that the non-member fees are coerced speech that violate his First Amendment rights, and is seeking to overturn a decades-old precedent. He contends that collective bargaining with government entities is a public-policy issue because it has to do with taxes and how the government chooses to spend its money.

Many unions maintain that these fees are necessary to help fund the collective-bargaining work they still would be required to do on behalf of non-members, and further that such employees would be "free-riders." Unions work because we all pay our fair share and we all benefit from what we negotiate together. Fair share fees provide public service workers with the power in numbers they need to negotiate better wages, benefits and protections that improve work conditions and set standards for everyone," AFSCME said in a statement.

Several powerful anti-union entities are backing Janus in his case, including the National Right to Work Foundation, which seeks to chip away at labor's collective-bargaining rights and at unions in general.

Oral arguments in the case previously were made in 2016, but after the death of Justice Antonin Scalia, the court deadlocked 4-4. With President Trump's chosen replacement for Scalia, Justice Neil Gorsuch, now on the bench, the arguments were brought forward again in a new case. The debates within the courtroom provided no signs of evolving positions among the original eight justices, while Justice Gorsuch remained silent, giving no indication of his position.

It was expected that Justice Scalia would have ruled against union fees and many observers anticipate the same from Justice Gorsuch. Such a ruling would be a serious blow to unions that represent teachers and other public-sector employees at state and local levels.

The case is not expected to have a direct impact on NALC dues, as the union does not collect fees from non-members, even though it is required to represent non-members in collective bargaining.

A decision is not expected until the end of June. For more on the case's implications, see NALC President Fredric Rolando's message in the April *Postal Record*.



Union members rallied in Washington, DC, to stress the importance of union fees to allowing them to perform their collective-bargaining responsibilities.

April a reminder to focus on workers' physical and emotional safety

With April being the Employee Assistance Program (EAP) Awareness Month and April 28 being Workers Memorial Day, this is a good time to account for the physical and emotional safety of yourself, your co-workers and your family.

Dignity and Respect

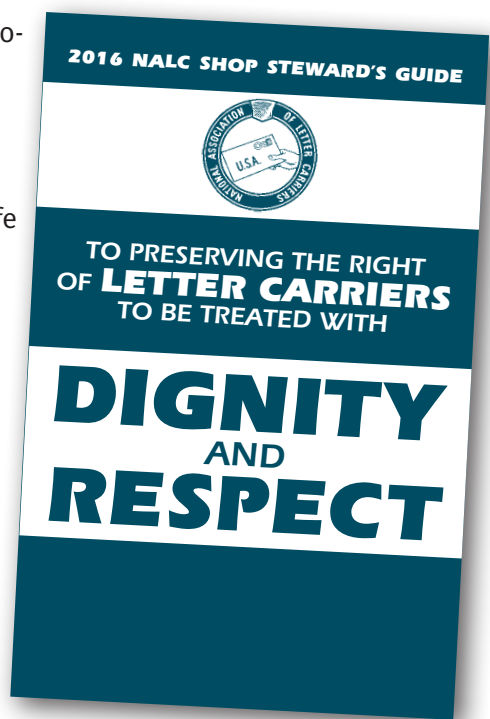
On April 28, NALC and the other unions of the AFL-CIO observe Workers Memorial Day to remember those who have died on the job and to renew the fight for safe jobs that respect workers' rights.

One way to work for good, safe letter carrier jobs is by upholding our right to be treated with dignity and respect. NALC has worked with the Postal Service to highlight management's obligation as well as both parties' intent to ensure a safe working environment free of threats, intimidation, harassment and violence.

NALC developed the *NALC Shop Steward's Guide to Preserving the Right of Letter Carriers to be Treated with Dignity and Respect*. The booklet, available on the NALC "Members Only" portal at nalc.org, brings together the various tools, documents and guidance related to dignity, respect and violence prevention, providing a resource to assist branch representatives.

The guide takes a shop steward through the five key elements necessary for successful grievance handling. The booklet also addresses how to document important events on the workroom floor that may later be used to support grievances. The booklet contains a copy of the Joint Statement on Violence in the Workplace (M-01242), with guidance on which sections should be cited for different types of violations.

"Unfortunately, there still are instances of mistreatment of letter carriers," Rolando said. "It was the parties' intent that all postal employees would be able to work in a safe environment where they would receive the respect they deserved. We created this booklet to give NALC representatives guidance on using the tools available to stop the mistreatment of our members."



Joint Workplace Improvement Process (JWIP)

The 2016 National Agreement contains a memorandum of understanding establishing the Joint Workplace Improvement Process (JWIP). JWIP was negotiated to give us a defined joint process to address factors that contribute to poor working environments for letter carriers.

JWIP does not replace or change the existing related contractual tools such as the *NALC Shop Steward's Guide to Preserving the Right of Letter Carriers to be Treated with Dignity and Respect*. JWIP is intended to be an additional avenue for addressing these issues. Specifically, the agreement calls for the parties to jointly address the treatment of employees.

All of the national business agents have reached out to the branches in their respective regions to gather information on offices that could be addressed in this process. The information has been compiled at Headquarters and the parties are working to begin the process in several locations.

Employee Assistance Program

EAP is a free, voluntary and confidential program that offers assessment, counseling, consultation, life coaching and training to any postal employee, as well as to family members living in the employee's household, to help with life's challenges.

"Many carriers never need EAP, but for those who do, it can be a lifesaver," President Rolando said.

Reasons a postal employee might turn to EAP include difficulty dealing with such matters as family, children, marriage, parenting, divorce, care for the elderly, child care, depression and other emotional issues, grief or loss, substance abuse, anxiety, job performance, and personal or work relationship problems.

EAP also helps postal employees support each other or deal with the repercussions of other people's challenges. If you notice a co-worker who may need help, you can contact EAP. The counselors will help you size up the problem and decide how to approach that person to offer help, including possibly referring the co-worker, or your own family member, to EAP.

EAP is jointly administered by NALC, other postal unions and the U.S. Postal Service. All EAP counselors have a minimum of a master's degree in counseling or social work, as well as clinical experience in dealing with a wide range of personal and workplace concerns.

Communications with EAP are confidential—your privacy is protected by strict federal and state confidentiality laws and regulations and by professional ethical standards for counselors. Letter carriers seeking EAP services can call 800-EAP-4-YOU (800-327-4968) or can go to eap4you.com.

Federal budget process update

The government is continuing to operate on a series of temporary funding measures known as continuing resolutions (CRs), which allow the government to function at current spending levels. Even this stopgap method of funding the government has proved difficult to maintain for the divided Congress, as in the past few months there have been two brief federal shutdowns. The current CR is set to expire on March 23.

While Congress is attempting to promote consensus on a long-term spending bill for Fiscal Year (FY) 2018, it has also established a 16-person bipartisan panel to identify problems with the long-term budgeting process and offer potential solutions. The panel's deadline to provide a report is Nov. 30.

Even though the Postal Service is not a taxpayer-funded agency, NALC continues to keep a close eye on the budget process. Congress has the authority to reduce federal employees' pay and benefits, as it has done in the past and could do again. In addition, letter carriers' pay and benefits, the Postal Service days of delivery and service standards could be on the table.

Letter carriers should remain on alert by visiting the Government Affairs section of nalc.org and downloading the NALC Member App to their smartphones.

'Stamp Out Hunger'® Food Drive

May 12 almost here

NALC's 26th annual Letter Carriers' Stamp Out Hunger® Food Drive is just weeks away—on Saturday, May 12—and with that date drawing ever closer, food drive coordinators in hundreds of NALC branches across the country are finalizing their preparations for the nation's largest one-day food collection event, designed to help replenish local food banks.

"Too many people in this country are going hungry," NALC President Fredric Rolando said. "We know this to be true because we see it as we deliver to every address in the United States at least six days a week."

Sadly, statistics back this up. About 49 million Americans—almost 1 in 6—are unsure where their next meal is coming from. This includes 13 million children, 5 million seniors and 3 million veterans.

Since 1992, when the national food drive began, letter carriers in every part of the country have worked with other postal co-workers and allies to use the second Saturday in May as a day to give something back to the communities that know and trust us.

Last year, the food drive collected more than 72 million pounds of non-perishable food, raising the total amount of donations picked up over the drive's quarter-century to more than 1.5 billion pounds.

By the time our national food drive rolls around each year, the shelves of food pantries and other charitable organizations have nearly run out of donations made over the holidays—turning our hard work on Food Drive Day into a much-needed replenishment with summer fast approaching. The drive's timing is particularly important because most school meal programs aren't available in summer.

Crucial partnerships

"Letter carriers lead this massive collection effort," President Rolando said, "but we couldn't make the food drive a reality without the help of our national partners."

This year's partners are the U.S. Postal Service, the United Food and Commercial Workers International Union (UFCW), the National Rural Letter Carriers' Association (NRLCA), Valpak, United Way Worldwide, the AFL-CIO and Valassis. "These partners provide tangible support that helps to encourage the generous participation of our postal customers," Rolando said.

This effort would not be possible without the support of the U.S. Postal Service. "I encourage postal employees across the country to support the food drive by delivering postcards and promotional bags in advance and collecting donations on May 12," Postmaster General Megan Brennan said. "I look forward to working with you as we deliver food for families in need and help stamp out hunger."

And UFCW President Marc Perrone noted, "Helping feed America's hungry is a mission we are proud to share in, and by participating in the Letter Carriers' 'Stamp Out Hunger' food drive, we can give American families wholesome, nutritious food. It is a crucial step to creating the better America we all believe in."

UFCW's support, along with that of the other national food drive partners, means that postcards for 2018 are completely funded.

"The postcards are great," President Rolando said. "They are an important piece of our larger communication strategy." Working with local post offices to make sure the postcards are distributed in a timely manner also is crucial, he said.

In addition, the contributions of the labor community are vital, such as in sponsoring bags, helping gather volunteers and getting out the message about the food drive.

For branch food drive coordinators, the Food Drive tool kit at nalc.org/food has all the resources you need, from promotional artwork to forms, thank-you cards to city proclamation templates. It's a great place for coming up with new ways to help promote the drive in your community.

A public-facing website is at stampouthungerfooddrive.us. This website debuted last year and has tools specifically for people who are making the food drive donations, including a post office locator, downloadable files, contact information and answers to frequently asked questions.

If you have any questions about the food drive or need help, get in touch with your branch or regional food drive coordinator. The latest contact list can be found—you guessed it—online at nalc.org/food.



NALC's MDA Honor Roll

Below are the award-winning branches for NALC's annual MDA Honor Roll, which recognizes branches for their fundraising efforts for the union's official charity in 2017. The branches in the top spots for each of 10 branch membership size categories and the branch with the largest overall total are celebrated with an opportunity to attend a special function designated by President Rolando.

The total raised in 2017 was \$1,200,381. For a list of all the branches that contributed, see the April *Postal Record*.

"Letter carriers should be very proud of their efforts to support MDA, and the children and adults whose lives are made better and longer through its work," Rolando said.

GRAND PRIZE WINNER		GOLD WINNER	
Long Island Merged, NY Br. 6000	\$60,221	Sheridan, WY Br. 1006	\$111.36 per capita
Category 1 (2,500+)		Category 6 (350-499)	
St. Louis, MO Br. 343	\$30,574	Yonkers, NY Br. 387	\$17,461
Category 2 (1,500-2,499)		Category 7 (200-349)	
Portland, OR Br. 82	\$20,888	Green Bay, WI Br. 619	\$9,580
Category 3 (1,000-1,499)		Category 8 (100-199)	
Arizona Merged Br. 1902	\$20,073	Fargo-West Fargo, ND Br. 205	\$15,477
Category 4 (700-999)		Category 9 (50-99)	
Northeastern New York Br. 358	\$24,235	Manitowoc, WI Br. 490	\$7,090
Category 5 (500-699)		Category 10 (10-49)	
Colorado Springs, CO Br. 204	\$27,039	Sheridan, WY Br. 1006	\$2,450



Deadlines for national convention

Delegate eligibility lists for the 71st biennial national convention in Detroit have been mailed to all branches. The lists must be completed and returned to Secretary-Treasurer Nicole Rhine's office at NALC Headquarters no later than May 17 in order for branch representatives to be registered as delegates to the convention. The convention is set for July 16-20.

All proposed amendments to the *NALC Constitution* to be submitted for consideration at the convention must be received by Rhine's office by May 17. That date is 60 days in advance of the convention, as prescribed by the Constitution. Proposed amendments will appear in this June's *Postal Record* for the membership to review.

Resolutions to be considered by delegates also must be received by the May 17 deadline to be printed in the *Resolutions and Amendments* book provided to delegates. Resolutions received after May 17 still may be considered at the convention.

Branches wishing to sell items in the designated branch sales area during the convention must contact Rhine's office to secure guidelines and forms. The completed forms must be returned to Headquarters by April 2. Go to nalc.org for more convention news.

Salute to retiring national officers

All retiring national officers will be honored at a reception and dinner on Thursday, July 19, at the Detroit Marriott Renaissance Center during the national convention.

The Retiring Officers' Dinner will honor the five members of the NALC Executive Council who have already retired: Executive Vice President Timothy O'Malley, Trustee Randall Keller, Region 8 National Business Agent Peter Moss, Region 12 NBA William Lucini and Region 13 NBA Timothy Dowdy. Several other national officers also will be honored who plan to announce their retirement by the end of the 2014-2018 term.

National Auxiliary officers and NALC regional administrative assistants who retire from their positions during the 2014-2018 term will also be recognized.

The event will begin with a reception at 5 p.m., with dinner served at 6 p.m. A program honoring the retirees will follow, and the event will continue with dancing until 11:30 p.m. More information on how to purchase tickets will be in the April *Postal Record*.

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