

THE TARHEEL POSTAL WORKER

Summer, 2021

The Official Publication of the North Carolina Council, American Postal Workers Union, AFL-CIO

Veterans Preference During Gulf-War/Some Vets May Still Be Improperly Coded



By **Tony D. McKinnon, Sr.,**
President

As a Veteran I am always looking for ways to protect those that have protected us. A little while ago I received some information that was interesting and an eye opener. An NBA had a case with a veteran who had been denied his Merit System Protection Board rights (MSPB), because the USPS claimed his form 50 did not indicate he was a 5-point veteran. The member was hired in 1993, his DD214 demonstrated that he served in active-duty status for 5 years in which the Gulf war started about 2 months before his honorable discharge.

The 1997-198 Defense appropriations Act gave preference Eligibility status to qualified Veterans who served ANY length of time during the Gulf War. The Law was enacted 5 years after member was hired. The USPS never properly corrected his Veterans Preference Status, and the member was unaware of any of this. The moral of the story is how many Veterans out there whose veteran's preference category

is improperly coded or not at all.

Therefore, if you are a Veteran please take the time to review your record for accuracy. With that being said to Follow is the proper utilization and procedure for any veteran or family member that may be eligible for veteran's preference and not know.

Veterans Preference – Information Sheet

<http://www.opm.gov/staffingportal/vetguide.asp>

Types of Preference

To receive preference, a veteran must have been discharged or released from active duty in the Armed Forces under honorable conditions (i.e., with an honorable or general discharge). As defined in 5 U.S.C. 2101(2), "Armed Forces" means the Army, Navy, Air Force, Marine Corps and Coast Guard. The veteran must also be eligible under one of the preference categories below (also shown on the Standard Form (SF) 50, 0).

Military retirees at the rank of major, lieutenant commander, or higher are not eligible for preference in appointment unless they are disabled veterans. (This does not apply to Reservists who will not begin drawing military retired pay until age 60.)

For non-disabled users, active duty for training by National Guard or Reserve soldiers does not qualify as "active duty" for preference.

For disabled veterans, active duty includes training service in the Reserves or National Guard, per the Merit Systems Protection Board decision in *Hesse v. Department of the Army*, 104 M.S.P.R.647(2007).

For purposes of this chapter and 5 U.S.C. 2108, "war" means only those armed conflicts declared by Congress as war and includes World War II, which covers the period from December 7, 1941, to April 28, 1952.

When applying for Federal jobs, eligible veterans should claim preference on their application or resume. Applicants claiming 10-point preference must complete Standard Form (SF) 15, Application for 10-Point Veteran Preference, and submit the requested documentation.

The following preference categories and points are based on 5 U.S.C. 2108 and 3309 as modified by a length of service requirement in 38 U.S.C. 5303A(d). (The letters following each category, e.g., "TP," are a shorthand reference used by OPM in competitive examinations.)

5-Point Preference (TP)

Five points are added to the passing examination score or rating of a veteran who served:

During a war; or

During the period April 28, 1952 through July 1, 1955; or

For more than 180 consecutive days, other than for training, any part of which occurred after January 31, 1955, and before October 15, 1976; or

During the Gulf War from August 2, 1990, through January 2, 1992; or

For more than 180 consecutive days, other than for training, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or

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by law as the last day of Operation Iraqi Freedom; or

In a campaign or expedition for which a campaign medal has been authorized. Any Armed Forces Expeditionary medal or campaign badge, including El Salvador, Lebanon, Grenada, Panama, Southwest Asia, Somalia, and Haiti, qualifies for preference.

A campaign medal holder or Gulf War veteran who originally enlisted after September 7, 1980, (or began active duty on or after October 14, 1982, and has not previously completed 24 months of continuous active duty) must have served continuously for 24 months or the full period called or ordered to active duty. The 24-month service requirement does not apply to 10-point preference eligibles separated for disability incurred or aggravated in the line of duty, or to veterans separated for hard-

ship or other reasons under 10 U.S.C. 1171 or 1173.

A Word About Gulf War Preference...

The Defense Authorization Act of Fiscal Year 1998 (Public Law 105-85) of November 18, 1997, contains a provision (section 1102 of Title XI) which accords Veterans' preference to everyone who served on active duty during the period beginning August 2, 1990, and ending January 2, 1992, provided, of course, the veteran is otherwise eligible.

This means that anyone who served on active duty during the Gulf War, regardless of where or for how long, is entitled to preference if otherwise eligible (i.e., have been separated under honorable conditions and served continuously for a minimum of 24 months or the full period for which called or ordered to active duty). This applies not only to candidates seeking employment,

but to Federal employees who may be affected by reduction in force, as well.

Questions And Answers About Gulf War Preference

Q. Public Law 105-85 of November 18, 1997, contains a provision (section 1102 of Title XI) which accords Veterans' preference to anyone who served on active duty, anywhere in the world, for any length of time between August 2, 1990, and January 2, 1992, provided the person is "otherwise eligible." What does "otherwise eligible" mean, here?

A. It means the person must have been separated from the service under honorable conditions and have served continuously for a minimum of 24 months or the full period for which called or ordered to active duty. For example, someone who enlisted in the Army and was serving on

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THE TARHEEL POSTAL WORKER

is the official publication of the North Carolina Council APWU and is published irregularly.

The opinions expressed in articles and in reprints are the opinions of the writer, and not necessarily that of the council. Letters or comments should be made to the State President as listed above.



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APWU Starting National Contract Negotiations

by David Yao

Our current union contract between the APWU and the U.S. Postal Service will expire on September 20 of this year. Negotiations for a new contract began in June, based in part on a survey of the membership, designed to give our negotiators a sense of what is important to our membership.

As of this writing, that survey is still on the website (APWU.ORG); for anyone who wants to rank what their priorities are for bargaining.

One section of the survey asks you to rank how important, on a scale of 1-6, the following priorities to YOU: Wage Increases; Maintain Full Cost-of-living Allowances (COLA); Health Insurance Costs; Weekly Work hour guarantees; Closing the gap between the career wage scales (Pre 2010/Post 2010); and guaranteed conversion to career based on length of service (PSEs only).

The next section of the survey asks you to rank six more priorities: Maintaining no-layoff protection; 50-Mile limit on excessing employees; Clean and safe workplaces; Improved staffing levels; Advance scheduling (PTFs/PSEs); and Improving the workplace environment.

Next, you are asked to rate which of the two groups of priorities are more important to you? Two more questions: "How important is limiting forced overtime to you?" and "Please list your #1 Priority for negotiations."

By taking this survey, you can be part of the union's process of working towards the best possible agreement.

Another way to show your support for this effort is by organizing group t-shirt days or sticker days; with shirts or stickers supplied by the union. Most members already got stickers in the mail weeks ago. You are legal to wear

them at work if you are not in public view.



How Do We Get a Contract?

The talks that take place between representatives of our national union and the Postal Service could lead to a negotiated agreement. If the APWU negotiators think we may have a worthwhile agreement, then

it is presented to our Rank and File Bargaining Advisory Committee, which consists of members from around the country who are chosen by officers on the National Executive Board. I was honored to have served on this committee in 2015.

The Rank and File Committee, as it is called for short, reviews a proposed agreement and then votes on whether it is worthy of being presented to the membership for a vote. If so, then ballots are mailed to all members. In 2018 the committee was given a proposed agreement that some felt had flaws, and they prevented it from going to a vote.

When the APWU and USPS
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Calling All Members At Large And DCO Members!



By *Jamie Ayscue, Secretary-Treasurer*

NCCAPWU has training sessions and Q & A's by ZOOM on the fourth Thursday of every month at 6:00pm starting back up in September 2021. Registration is required so please sign up in advance. Who is a member at large or DCO??? This is any member who does not have their own local in their office and is represented by the state. As long as we can maintain an appro-

priate size class, we welcome local members as well. These sessions will focus on meeting your state officers including your district representatives, current issues that the union is facing and a Q & A session for specific issues you may be having in your office. Please check our website at NCCAPWU.org for updates and the link for each meeting. Current meetings scheduled are listed below. Please contact me if you have any questions.



District Meetings

(*Link is on NCCAPWU.org*)

September 23 6:00 pm

October 22 6:00 pm

Are You Performing Closeout/ Consolidation On RSS?



**By D. Regina Butler-Jones,
Clerk Craft Director**

Greetings brothers and sisters!!! I hope that you are healthy and safe. By now, I'm sure that most of you have been vaccinated with either Pfizer, Moderna or J&J. According to the physicians they strongly suggest to continue wearing the

masks. I know, it's a pain in the neck. I also know that some think that once you get vaccinated you're FREE/exempt etc.

Again, according to the physicians the variant viruses are even more dangerous. I'm not telling anyone what to do but be mindful of the various risks.

Are you performing closeout/consolidation on RSS? While doing so, are you being paid at level 7 for that work? If not, get in touch with your steward to begin the process of being made whole (paid for all work performing those tasks). Also, remember that you can go back 14 days when filing the grievance. When there are rural carriers performing clerk work, you should be filing a crossing crafts grievance. By allowing another craft to perform that work goes against your hours for the office. PTFs!!! It may very well be that you would qual-

ify for a NTFT schedule. Be proactive with protecting your work, status and hours.

Lead clerks or window clerks PLEASE don't share your codes with anyone. Your passwords are used specifically for you. If you allow someone else to use it you are at risk of shortages, audits that may or may not be correct. Also, if there is a discrepancy with your audits/counts and you're told to call the help desk, make sure that you are the person that they talk to. You will know exactly what you did or did not with your drawer. You can explain the situation better than anyone because you should be the only person working in that drawer. Be mindful of these practices to protect yourself and your drawer.

The struggle continues daily and you are not alone.

APWU Starting National Contract Negotiations

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cannot reach a voluntary agreement, if for example management insists on concessions, then our alternative is to send the issue to an arbitrator to decide. Although first a mediator must be called in to try and promote an agreement, the two sides are usually too far apart for that to occur.

Arbitrators set salaries in the sports world. In postal contracts, they do that and more. The union and management each present their proposals, and present witnesses to back up their case. The union normally brings in union members off the workroom floor to testify as to the work we do and our working conditions, to show that we in fact deserve the contractual improvements we are seeking.

In the 2018 negotiations, a number of non-career (PSE) union members were brought in to testify as to how

PSE wages were insufficient in their high cost of living areas. I'm told that the arbitrator was moved by their testimony, and indeed granted higher percentage wage increases to the PSE category than career (not counting the career COLA).

What Next?

We have one possible COLA increase left in this contract, in September (based on any increase in the July Cost-of-living Index). There may be agreements that occur outside of the main negotiations, as well. For example, I'm sure we will be asking for 8 hours for anyone eligible for holiday leave, as compensation for having to work on Juneteenth, now that has become a federal holiday. That could be agreed upon as a stand-alone item, but it also could be resolved as part of the bigger package.

Negotiations are a lengthy process.

And if it goes to arbitration, that could take a year or more. In 2019 we were fortunate that the delay caused by arbitration was offset by wage increases that included back pay – for career and noncareer employees alike.

If you would like to assist in these efforts, make sure you have taken the survey (either the one mailed to your house months ago, or the online version at [APWU.ORG](https://www.apwu.org)). You can also make a difference by organizing your co-workers to wear the union sticker or t-shirts on the same day, in a show of support. Management does pay attention to how much support workers show for their union.

But you have already taken the first step in helping securing a decent contract – when you became a member. And thank you for that!

— *The Greater Seattle Postal Worker*

Research/Education/Application Keys To Success



By Bob Stutts, Director
Research and Education

2021 Tri State Seminar In Person – Cannot Be Done

Sorry bout that!! That was everyone else's position. President McKinnon, Secretary / Treasurer Jamie Ayscue and I made up our mind we would do it. To borrow and slightly alter an incredibly famous quote from American history, "Damn the pandemic, full speed ahead." Full credit must be given to the Sonesta hotel and its top people who also wanted and needed an event of that kind. There was nothing we asked about having to adjust from our original times/events we were not granted. They were superb. It was not the answer of we can not or that will be hard. It was here is how we will do it. We even fed over 160 at our three meat luncheon and it got great reviews.

Once we knew we had the full backing of the NCCAPWU Executive Board, President McKinnon utilized them as co-instructors or, with their agreement, used them to help with the incidentals that always pop up at an event of that type. A special comment for District Rep Glenn Meadows for taking on the instructor role in the Small Office class at the last minute and with no materials. When you have been doing something for 30 years like he has, I guess you do not need a manual. He got particularly good compliments from his class participants. Unfortunately right after that he had to leave

because his grandson had been rushed to the emergency room with head issues. Glad to report for those who have asked he is home and doing great.

Our NBAs who could make it were really an asset. Thanks to Paz, Gearhard, Amey, Sullivan and DeMauro for giving us great classes and answering questions for our members. A special word to Jim DeMauro for doing an all day Steward Class. Also from Florida Kathleen Kaplan and Tony Nery for putting on a particularly good and original FSLA.

Finally it was great to have our DC national officers involved and they all said they were really impressed with our results. VP Szeredy said it was the largest APWU in person meeting in over a year. President Dimondstein made a special effort to be there and give all of us the info we need going forward. Con-

anything until they see them perform the work. Even some Union stewards or officers I talk to do not realize 13.4.M has now been in at least the last three contracts. The reason we fought to get that in the contract is to give our Union a chance to look at their restrictions and determine why they can't work doing anything in their craft,

Where local Unions had filed a violation on this issue there has been some good decisions paying out a lot of money to our members. Also stopping the assignment in some cases. If you have a long time cross craft situation do not let the time limit argument stop you. You need to file and call it a continuing violation until such advance notice is given. At worse you can go back at least 14 days as every day is a violation. The appropriate remedy is an hour for hour payment in your Remedy Line item 13.

In the smaller AOs where you do not have a local president the notice should be given to the state president or the individual appointed to represent that office under 17.2.D.

There are a lot of good cases on Search with big payouts in the thousands and often citing management for other violations at the same time such as failure to provide information. One you can look up in Search is 13.4.M and stutts and Wilmington. Great language and thousands in remedy.

13.4.M – Management will give the local union president advance notice when it is necessary to reassign an ill or injured light or limited employee to a cross-craft assignment into an APWU represented craft.

“If you have a long time cross craft situation do not let the time limit argument stop you.”

gratulations to him and Melissa on their 47th anniversary on the 18th. Sarah Jane Rodriguez, APWU Health Plan Director, was there all the time at a table giving out information and made a great presentation to the whole assembly. In all my time I feel it was the best presentation at our state meetings ever. Industrial Relations Director Vance Zimmerman gave us a good update on current issues, especially FEEL, and a little about upcoming national negotiations. Charlie Cash, great staffer, did two classes on top issues. Thanks to all of them for participation.

Finally thanks for those who participated from all 3 states even after the gas extreme shortage made availability uncertain. Once again we showed the whole country what can be done with faith and cooperation.

13.4.M

It seems we often still get injured employees in other crafts put into our crafts, most notably the Clerk Craft. Many times the employee is already reporting for the assignment and nobody knows



Visit our webpage for all of the latest information and resources.
NCCAPWU.ORG

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active duty when the Gulf War broke out on Aug 2, 1990, would have to complete a minimum of 24 months service to be eligible for preference. On the other hand a Reservist who was called to active duty for a month and spent all his time at the Pentagon before being released would also be eligible. What the law did was to add an additional paragraph (C) covering Gulf War veterans to 5 U.S.C. 2108(1) (on who is eligible for preference). But, significantly, the law made no other changes to existing law. In particular, it did not change paragraph (4) of section 2108 (the Dual Compensation Act of 1973), which severely restricts preference entitlement for retired officers at the rank of Major and above. When the Dual Compensation Act was under consideration, there was extensive debate in Congress as to who should be entitled to preference. Congress basically compromised by giving preference in appointment to most retired military members (except for "high-ranking officers" who were not considered to need it), but severely limiting preference in RIF for all retired military because they had already served one career and should not have preference in the event of layoffs.

So, "otherwise eligible" means that the individual must be eligible under existing law.

Q. Which provision of the new law contains the 24 month service requirement for regular military service members on active duty as opposed to reservists who are called or ordered to active duty?

A. The 24 month service requirement provision is found in Section 5303A of title 38, United States Code which defines the minimum active-duty service requirement for those who initially enter active duty after September 7, 1980.

Q. Can an applicant claim preference based on Gulf War service after January 2, 1992?

A. The law specifies that only those on active duty during the period beginning August 2, 1990, and ending January 2, 1992, are eligible for preference. Applicants who served on active duty exclusively after these dates would have to be in receipt of a campaign badge or expeditionary medal.

Q. Are there any plans to extend Veterans' preference to any other groups of individuals who served on active duty during times of conflict that may not have served in specific theaters of operation?

A. We are not aware of any plans to extend Veterans' preference to any other group of individuals.

Q. An applicant is claiming preference based on service in Bosnia, but he/she has no DD Form 214 to support his claim. Can we give him/her preference?

A. A service member whose record appears to show service qualifying for Veterans' preference (for example, there is an indication that the person served in Bosnia in 1996), may be accorded 5 points tentative preference on that basis alone. However, before the person can be appointed, he or she must submit proof of entitlement to preference. That proof may be an amended DD Form 214 showing the award of the Armed Forces Expeditionary Medal (AFEM) for Bosnia in the case of service members who served there and were released prior to enactment of the recent Veterans' preference amendments, or it may be other official documentation showing award of the Armed Forces Expeditionary Medal.

Q. How are we to know that a Reservist was, in fact, a) called to active duty, and b) served the full period for which called? Don't some Reservists just receive a letter telling them they are being placed on active duty?

A. A Reservist will always have orders placing him (or her) on active duty -- (it is the only way the Reservist can be paid). While the individual may also have a letter saying that he or she is being called up, there will always be orders backing this up. Similarly, when the Reservist is released from active duty, he or she will always have separation or demobilization orders.

Q. Several employees have come to the agency personnel office claiming they should have preference under the new law, but they have no proof of service during the specified period. We are getting ready to issue Reduction In Force (RIF) notices. Should we take the employees' word for it or wait until they have proof?

A. The employees cannot be given Veterans' preference without required documentation. The agency should work with

the employee and the appropriate military service record organizations to obtain this documentation as soon as possible to avoid having to "rerun" the Reduction In Force at the last minute.

Q. If our agency has "frozen" personnel actions and issued Reduction In Force notices but the Reduction In Force effective date has not yet arrived, how can we account for any changes in Veterans' preference status?

A. Regardless of where you are in the process of carrying out the Reduction In Force, you must correct the Veterans' preference of employees who will now be eligible as a result of the statute. Veterans' preference cannot be "frozen" like qualifications or performance appraisals--it must be corrected right up until the day of the Reduction In Force. If a change in preference results in a different outcome for one or more employees, amended Reduction In Force notices must be issued. If such a change results in a worse offer, the affected employee must be given a full 60/120 day notice period required by regulation. This may require the agency to use a temporary exception to keep one or more employees on the rolls past the Reduction In Force effective date in order to meet this obligation.

Q. Our agency already completed a Reduction In Force effective November 28, 1997. There is at least one separated employee who would now have Veterans' preference and would not have been separated if we had known about the change in statute. What do we do now?

A. If an agency finds that an eligible employee reached for Reduction In Force separation or downgrading effective on or after November 18, 1997, was not provided retention preference consistent with P.L. 105-85, The Office of Personnel Management recommends that the agency take appropriate corrective action.

An employee not provided appropriate retention preference may appeal the Reduction In Force action to the Merit Systems Protection Board (MSPB). MSPB normally requires the appeal to be filed within 30 days of the Reduction In Force effective date, but Merit Systems Protection Board may, at its option, accept later appeals filed within 30 days of the em-

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employee becoming aware of the change.

If an employee was separated or downgraded by Reduction In Force, the agency should determine whether or not the employee would have been affected differently based on the change in Veterans' preference. If the employee would still be separated or downgraded, the agency should correct the employee's notice. If the employee was separated, the agency should also correct the Reemployment Priority List (RPL) registration (if any) to accurately reflect their Veterans' preference.

If the corrective action results in a surplus of employees in one or more competitive levels, the agency may have to run a new Reduction In Force. However, the agency cannot retroactively adjust the results of the prior Reduction In Force.

Q. What if an employee would have been registered as a I-A on the agency's Reemployment Priority List due to the new law, but has been listed as a I-B? What is the agency's obligation to make up for any lost consideration as a result?

A. The employee's registration status on the Reemployment Priority List should be corrected immediately so that the employee will be considered as a I-A for the remainder of their time on the Reemployment Priority List. If the agency finds that a lower standing person was selected over the employee, the agency must notify the employee of the selection and their right to appeal to Merit Systems Protection Board. If the employee files an Reemployment Priority List appeal, Merit Systems Protection Board may order a retroactive remedy which could include extending the employee's time period for consideration under the Reemployment Priority List.

A word about Man-Day Tours...

We have received several inquiries concerning the status of "man-day tours." Specifically, agency personnel offices have asked, "Are man-day tours considered regular active duty -- and thus qualifying for Veterans' preference -- or are they really active duty for training and thereby not qualifying?"

The questions arose because many Air Force Reservists were placed on these so-called man-day tours -- also known as, ac-

tive duty in support (ADS) -- for only a few days during the Gulf War and Operation Provide Comfort (in support of the Kurds) during which they would fly a quick mission to the Gulf, get the Southwest Asia Service Medal (SWASM) and come home, then be released. Although they had orders, they received no DD Form 214.

Some agency personnel offices were according these Reservists preference; while other offices were not. Some Reservists were awarded preference, then had it withdrawn on the basis that they were only performing active duty for training.

Based on discussions with the Department of Defense, Office of Reserve Affairs and Air Force Instruction 36-2619 of 7/22/94, which discusses man-day tours, man-day tours are apparently regular active duty tours.

Therefore, these man-day tours are qualifying for preference if the individual was awarded the SWASM or served during the period 8/2/90 to 1/2/92.

This service is also referred to as MPA man-days because it is funded out of the military appropriation account (MPA), an active duty account. Man-days support short-term needs of the active force by authorizing no more than 139 days annually to airmen and officers who are typically placed on active duty under 10 U.S.C. 12301(d) (ordered to active duty with the individual's consent). This authority should appear on the orders. Man-day tours are supposed to accommodate a temporary need for personnel with unique skills that cannot be economically met through the active force.

Based on the above, we have determined that Federal agencies should treat man-day tours as regular active duty unless there is some clear indication on the orders that it is active duty for training. Also, please note that the SWASM (or any campaign or expeditionary medal) is awarded only for active service in hostile areas; a Reservist performing active duty for training would not be eligible for one of these medals.

10-Point Compensable Disability Preference (CP)

Ten points are added to the passing examination score or rating of:

A veteran who served at any time and

who has a compensable service-connected disability rating of at least 10 percent but less than 30 percent.

10-Point 30 Percent Compensable Disability Preference (CPS)

Ten points are added to the passing examination score or rating of a veteran who served at any time and who has a compensable service-connected disability rating of 30 percent or more.

10-Point Disability Preference (XP)

Ten points are added to the passing examination score or rating of:

- A veteran who served at any time and has a present service-connected disability or is receiving compensation, disability retirement benefits, or pension from the military or the Department of Veterans Affairs but does not qualify as a CP or CPS; or
- A veteran who received a Purple Heart.

10-Point Derived Preference (XP)

Ten points are added to the passing examination score or rating of spouses, widows, widowers, or mothers of veterans as described below. This type of preference is usually referred to as "derived preference" because it is based on service of a veteran who is not able to use the preference.

Both a mother and a spouse (including widow or widower) may be entitled to preference on the basis of the same veteran's service if they both meet the requirements. However, neither may receive preference if the veteran is living and is qualified for Federal employment.

Spouse

Ten points are added to the passing examination score or rating of the spouse of a disabled veteran who is disqualified for a Federal position along the general lines of his or her usual occupation because of a service-connected disability. Such a disqualification may be presumed when the veteran is unemployed and is rated by appropriate military or Department of Veterans Affairs authorities to be 100 percent disabled and/or unemployable; or has retired, been separated, or resigned from a civil service position on the basis of a dis-

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Tri-State Seminar A Great Success!



*By Louis P. Forrissi,
Human Relations Director*

Brothers and Sister Greetings!!! Well as we are winding down from the worst CRISIS this Nation and world has ever experienced. NCCAPWU had its first face to face TRI-STATE Seminar and Thank God it went extremely well for all. We had in attendance over 150 APWU Delegates from South Carolina, Georgia, and North Carolina and we had the

honor of our National APWU President Mark Dimondstein, and our National VP Debbie Szeredy. We were also privileged to have NBAs and State officers teach classes. To top it off we were also blessed to have the honor of the NCA-FLCIO President Mary Bee McMillian, and as usual gave a dynamic speech to end our seminar. We were zoomed in on Charlie Cash who did a great job of reviewing the procedures of how to file for OWCP regarding COVID-19.

Now I will get to the message I have for all the membership to keep in mind when filing OWCP claims. Ecomp is a particularly good tool for filing a claim. What it does give you is a sure way of knowing the forms get to OWCP direct along with the Post Office. Don't forget it is still facts, except you are doing it online, so be specific, and use as much detail as possible. The most important things to worry about are to make sure you fill out a CA-1 For a traumatic Injury (which is immediate injury) a CA-2 for an occupational Injury (which hap-

pens over a period of time during your Postal Career). Remember detailed statement of facts of how it occurred, and the Doctor has to give a specific Diagnosis and Prognosis. Get all your I's dotted and T's Crossed. Now let me add that even if it is perfect to you and your doctor, before an examiner will approve it he or she will dissect your words to be sure they are not jeopardizing their job. So do not be surprised if they send you instructions with requests for more information. In these situations, just send in what ever they request either from you or your Doctor. I also suggest that you include in your file a copy of your Job Description, so it is easier for the examiner to know what you do in respect to the injury.

With this I want to add my email address unionapw@embarqmail.com and phone number 919-616-3170 for you to use if ever needed to help you file a claim. Please I know restrictions over covid are being lifted but as my daughter tells MAKE GOOD CHOICES!!

Family Medical Leave Act



*By Tonya Freeman,
District 3 Representative*

Hello, Sisters and Brothers.

We are finally getting back to some sort of normalcy despite this pandemic. With higher percentages of people receiving at least the first dose of covid 19 vaccinations, and new cases and deaths on the decline, covid 19 restrictions have been lifted and has allowed us to participate, in person, in the Tri-State Convention May 13 – 15,

2021. I enjoyed seeing fellow brothers and sisters from NC, SC, and Georgia. APWU National President Mark Dimondstein and Vice President Debbie Szeredy were in attendance. Both gave great speeches. At the convention we all attended classes. I would like to share with you some information I received in a class concerning the Family Medical Leave Act.

In order to qualify for FMLA, the employee must be employed for at least one year and must have worked at least 1,250 hours. Work hours are actual hours spent “feet on the floor” working. Annual leave, sick leave, and LWOP hours do not count toward work hours. Remember, feet on the floor.

What counts other than actual work hours? If you receive a backpay award for, as an example, being placed on indefinite suspension and you receive a backpay award as a result of your grievance, that time that you should have been working will count as work hours.

A PSE who is let go for lack of work, if he or she is called back to work, that time counts as work hours within 7 years.

During this time of the pandemic, the APWU has secured a liberal leave policy regarding covid 19. This leave time counts as work hours.

Time spent on Military Leave counts as work hours.

The amount of time that employees are allowed to take under FMLA is usually 12 weeks. I just learned from the class that if you are caring for a military person that has been injured during service, you get up to 26 weeks of protection under FMLA.

Prior to the training class at the Tri-State Convention, I only knew the “basics” about FMLA. I thought I knew everything I needed to know about it. I am so happy that I was able to attend the convention to further my knowledge to share with the membership.

Stay safe.

In Solidarity.

Leave And Attendance



By *Craig Ayscue*,
District 6 Representative

I want to start off by saying thank you to everyone who attended our Tri State Conference in Charlotte. I believe it was a huge success and proves that we can continue to meet in person. I know we all missed each other and it was great to see you all.

Now, leave slips. This issue has come up in my district many times. There is a

proper way to submit your 3971 and many people don't seem to want to do it. Fill out your 3971 for whatever type of leave you are requesting in **triplicate**. Present your leave slip to a supervisor or postmaster, whomever it is that typically approves leave in your office. There is a line on the 3971 where the person approving the leave can sign and date acknowledging that they received the 3971, not approving or denying it. You keep 1 of those 3 copies as your record that the leave slip was given to management. They in turn have 3 days to give you a decision as to whether or not the leave has been granted. You should receive one of the copies back from management stating it is approved or denied. This is how it should be done. Do not leave your 3971's on a desk, in a drawer or on a shelf and hope that they see it. Get your signed copy as your proof so that if you need to file a grievance later we have documentation showing it was submitted. I know a lot of

us out there do not get along with our managers but you shouldn't let that effect your leave.

Lastly, attendance. If you can be at work you need to be there. If you have something going on in your life that needs attention or you are sick then obviously let your manager know and do what you have to do. More and more I am having PDI's with clerks about attendance. And it truly is a problem. When it comes to attendance I will tell you that if these cases go to arbitration the arbitrator will not be on your side. I know we are all tired and stressed out, this last year or so has been hard on a lot of people but we are talking about your job. And as a rep it is hard to defend a mountain of unscheduled absences especially when there isn't a valid medical reason etc. Which brings up another point, if you have a valid medical reason please seek FMLA to protect yourself. And remember there is also EAP available to you if you need it.

Veterans Preference During Gulf-War/Some Vets May Still Be Improperly Coded

continued from page 7

ability that is service-connected in origin; or

- has attempted to obtain a civil service position or other position along the lines of his or her usual occupation and has failed to qualify because of a service-connected disability.

Preference may be allowed in other circumstances but anything less than the above warrants a more careful analysis.

NOTE: Veterans' preference for spouses is different than the preference the Department of Defense is required by law to extend to spouses of active duty members in filling its civilian positions. For more information on that program, contact the Department of Defense.

Widow/Widower

Ten points are added to the passing examination score or rating of the widow or widower of a veteran who was not divorced from the veteran, has not remarried, or the remarriage was annulled, and the veteran either:

- served during a war or during the period April 28, 1952, through July 1, 1955,

or in a campaign or expedition for which a campaign medal has been authorized; or

- died while on active duty that included service described immediately above under conditions that would not have been the basis for other than an honorable or general discharge.

Mother Of A Deceased Veteran

Ten points are added to the passing examination score or rating of the mother of a veteran who died under honorable conditions while on active duty during a war or during the period April 28, 1952, through July 1, 1955, or in a campaign or expedition for which a campaign medal has been authorized; and

- she is or was married to the father of the veteran; and

- she lives with her totally and permanently disabled husband (either the veteran's father or her husband through remarriage); or

- she is widowed, divorced, or separated from the veteran's father and has not remarried; or

- she remarried but is widowed, divorced, or legally separated from her husband when she claims preference.

Mother Of A Disabled Veteran

Ten points are added to the passing examination score or rating of a mother of a living disabled veteran if the veteran was separated with an honorable or general discharge from active duty, including training service in the Reserves or National Guard, performed at any time and is permanently and totally disabled from a service-connected injury or illness; and the mother:

- is or was married to the father of the veteran; and

- lives with her totally and permanently disabled husband (either the veteran's father or her husband through remarriage); or

- is widowed, divorced, or separated from the veteran's father and has not remarried; or remarried but is widowed, divorced, or legally separated from her husband when she claims preference.

Note: Preference is not given to widows or mothers of deceased veterans who qualify for preference under 5 U.S.C. 2108 (1) (B), (C) or (2). Thus, the widow or mother of a deceased disabled veteran who served after 1955, but did not serve in a war, campaign, or expedition, would not be entitled to preference. 5 U.S.C. 2108, 3309; 38, U.S.C. 5303A

What is a Grievance? Who, What, When And Where Shall I File One?



By Turnette Chestnut,
District 2 Representative

Good Afternoon Brothers and Sisters what will be addressed today is the definition of a grievance, who has the right to file one, when and where one should be filed

There are guides and measures that must be taken prior to initiating a grievance.

EXAMPLES:

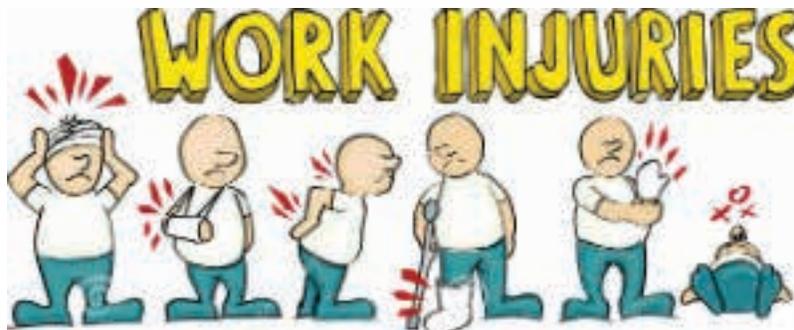
1. 1.6 is the article that has been violated. The outline determines what should be done if the PM or supervisor is working over the 15 hours allocated Bobby has kept a record of the dates and time this has occurred. Bobby noted that the supervisor is working at an RMPO to cover the absence of a clerk for a week. As well as the pm has been sorting packages, boxing mail and clearing carriers daily. Time frame if the occurrence were 03-25-21 thru 04/2/21. Bobby has provided notes and as well as the other clerk that witness what occurred. The amount of time denoted is 86 hours. The postmaster or the supervisor can perform 15 hour of clerk work in a level 15 office. In this case the hours of the violation are going to be 86-15= 71.

The JCIM and the CBA are clear on what to ask for as it relates to a remedy. You will request that the clerks are paid for 71 hours at a rate of time and half per hour. The two clerks in the office shall be compensated. The clerk that is on Annual leave is not eligible to be compensated

2. 204-b is working 1 week to cover the absence of Tammy. 1723 was not provided to union. John the LSSA was at the office during the time or week the supervisor Gracie was off. Dates of the 04/5/ 2021 thru 04/10/2021 1. The clerk provided you with a statement on 04/25/2021. What shall the remedy be in this situation? 40 hours are the amount hours that the 1723 was process for. Pull out your JCIM and calculate what the remedy should be! Unfortunately, you waited too late. You have 14 days to file a grievance.

The other issues that are often overlooked are as follows:

3. Hostile work environment (safety



issue)

4. Sick Leave Dependent Care.

5. Crossing Crafts. (article 7)

6. Injured Rural Carriers working in the clerk craft. (article 13)

7. Improper scanning (Scans being done prior to work being completed)

The rules for working in the Postal Facilities are Clear. The tone in which someone talks to you. The method in which you are treated while at work are to be noted as well. You are to be treated with dignity and respect. You are allowed to speak up for yourself. Be mindful of the tone you use as well. Often times your manager may try provoke you to say things you should not say. Please be mindful the situation. If you are aware that the manager has a history of provoking your coworkers be careful. You can report the situation to your union steward. Please keep a record of situations. If you have witnessed this type of behavior speak up. An Injury to one is an injury to All.

The examples listed above have rules highlighted in our current contract that would give clear and concise resolves for each situation. Please look over you contracts. The answers to your questions can be found in the JCIM, CBA, MOU, or other literature that is available to you on the APWU website. If you are not sure about whether or not something is a violation write it down. Contact your steward via an email and get a clear understanding about the violations. You only have 14 days to file when a violation original occurs. However, there may be some mitigating circumstances that will allow you to still be able to file outside of that specific time

frame. When in doubt send an email OUT!!! Do not sit there and wonder whether you have an issue that can be resolve by an email or a phone call. You have a right to contact your steward for information or assistance. Request time on the clock to do so. Let

your manager know that you would like to speak with the steward. You want to make sure that you have been informed or have been given the correct information.

The NCCAPWU under the leadership of President – Tony McKinnon is offering training as well as meetings for all of you. Research and Development is under the Leadership of Bob Stutts. We need you to reach out if you need assistance we will be there for you. We were in Charlotte NC for our Tri-State meetings. During the Tri-State meeting there were classes on Retirement, OWCP, Beginning Steward training, Training for Level 18 offices, EFEL leave, Military buy back leave, and other information was made available to you. If you were not able to attend and would like to be informed about the next training, please send an email or make a phone call to your representative.

Yours in Solidarity.

USPS

EAP

SERVICES

USPS EAP: Here When You Need Us

Five ways in which we are here for you.

Counseling: A process of growth

Confidential* counseling is offered at no cost to USPS employees and their eligible household members. The EAP can be a solution for short-term counseling needs and a resource and guide into longer-term care.

To meet the needs of a continually evolving and online world, the EAP offers web-based therapy through their EAP4YOU.com website. The interactive programs offered are self-paced and can be accessed in the privacy of your home at your convenience.

Consultation: When you just need advice

EAP consultations are a way for you to talk to a professional about a specific topic to get advice, information or just have someone listen to your concerns. The purpose of consultations are to provide problem-solving assistance in which the EAP clarifies needs and issues, provides suggestions for resolving concerns, identifies and offers EAP resources and facilitates the utilization of EAP services.

Coaching: Setting and achieving goals

EAP coaches have a keen understanding of life transitions, extensive experience in helping people communicate more effectively and a belief in your potential. Coaching will help promote self-awareness, clarification of visions, values, intentions and goals, and enhance skills in many areas of your life.



Critical incidents: When tragedy strikes

One of the many services we offer is a Critical Incident Response (CIR). This is a response to any critical incident which impacts USPS employees enough to affect their ability to cope. A CIR offered by the EAP includes a variety of services aimed at reducing the traumatic effects of an incident to return employees and the workplace to a sense of normalcy.

EAP4YOU.com: Online articles, webinars, calculators, resources and more

As part of your EAP benefits, you and your family have exclusive access to the latest health and wellness information as well as online resources and assistance for a wide variety of personal, family and work-related concerns. Visit us online at EAP4YOU.com, and check back often as we are constantly updating content.

*EAP counselors have master's degrees and are licensed professionals. Your privacy is protected by strict federal and state confidentiality laws and regulations and by professional ethical standards for counselors. Information you share with the EAP may not be released to anyone without your prior written consent, except as required by law (e.g. when a person's emotional condition is a threat to him or herself or others, or there is suspected child or elder abuse) or the issuance of a court order upon a showing of good cause.

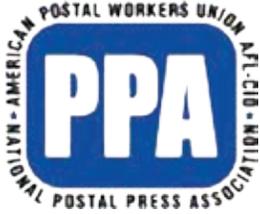


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— Opportunities —

by Mary Sitko

Seems like the last year and a half we have been left in the dark. Sheltering, quarantining, masking and distancing has been wearing thin on the world and we are feeling the effects. No travel, conferences, local meetings, or training sessions forced us into the world of online communications. Since January, our national officers made difficult decisions and gave all of us the resources to hold our state conferences, train our officers and stewards so we can keep our members educated and informed. The Research

and Education department has provided flash drives and our National Business Agents (NBA's) sent PDF files to make hard copies to hand out.

By the time this newsletter arrives, two events have been scheduled. The live Zoom Town Hall on June 15, 2021 will be offered in three 2-hour time slots. APWU.ORG has registration links connecting to Face Book, You Tube and the union website. The contract Negotiations Virtual Kickoff Rally is scheduled for June 21, 7pm -10pm ET with an online link provided for registration.

Many of us have been practicing our CDC recommendations and have been vaccinated. On June 24, 2021, the Tri-State Seminar (Ohio, Indiana and Kentucky) will be held in Erlanger, Kentucky. It has been 15 months since I last attended an in person APWU function. So, many of us are coming out of the dark and will be "testing the waters". I am looking forward to being with my union brothers and sisters to see old friends and meet future officers and stewards.

Pay attention to the emails, texts, tweets in the coming months. We are still in the "new abnormal" and should not let our guard down whether it be with our health or holding the USPS accountable when it comes to our contract.

PMG, Louis DeJoy has made his 10-year business plan known and is moving forward. We will need support from our members, legislators and the public to remain an essential public service for our country. Continue to stay safe and be well. In Solidarity.

— The Ohio Postal Worker



NC COUNCIL APWU 2021 DATES TO REMEMBER

- September 6:** Labor Day
- Sept. 30 - Oct. 2:** APWU All-Craft Conference
- October 4-7:** APWU National Convention
- October 13-15:** 64th NC State AFL-CIO Annual Convention
- October 17-20:** APWU Health Plan 36th Annual Open Season
- November 2:** Municipal Elections

To register for virtual Health Fair for New Employees go to APWUHealthPlan.com. All other registrations will be deployed by the appropriate entity in the newsletter and on the websites. Stay Tuned.