

# Briefs **APWU**

## THE OAKLAND POSTAL WORKER

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NEW  
MEMBERS



Joseph J. Gutierrez

**IN MEMORY OF**  
Marian Bess



*Having knowledge is great; but, the ability to use it wisely is greater.*

### US HOUSE OF REPRESENTATIVES INTRODUCES RESOLUTION OPPOSING POSTAL PRIVATIZATION

**O**n July 16, 2018, a bipartisan resolution (H.Res. 993) was introduced by 5 Democrats and 5 Republican US House of Representatives calling on Congress to take all appropriate measures to ensure that the Postal Service remains an independent agency of the federal government and not be subject to privatization. (Go to [www.oakapwu78.org](http://www.oakapwu78.org) and click Blog to view resolution) H.Res. 993 was prompted by the recent Office of Management and Budget (OMB) government reorganization plan and restructure plan titled: "Delivery Government Solutions in the 21st Century", which can also be viewed at [www.oakapwu78.org](http://www.oakapwu78.org) and clicking the Blog.



US House of Representatives Meeting Chamber

All postal workers are encouraged to contact their congressional representatives and ask them to support and cosponsor the resolution and to ask their families, friends and neighbors to do the same.

### WHAT IS THE HATCH ACT?

**T**he Hatch Act of 1939 is a federal law that restricts the political activities of federal and postal service employees while on duty, on government property, wearing an official uniform, or using a government vehicle. It also prohibits federal and postal service

employees from running as candidate for public office in a partisan election. For additional information regarding the Hatch Act, go to [www.oakapwu78.org](http://www.oakapwu78.org) and click Resources, then click Library, then click Rules and Regulations, then click APWU Hatch Act Guide.

**COP** (Continuation of Pay) is only paid for traumatic injuries (Injuries that occur in a single day and are reported on a Form CA-1). There is a 3 day waiting period before you may be granted COP. You may use annual or sick leave, or leave without pay during the waiting period. Also, non-scheduled days go towards satisfying the waiting period. *USPS Handbook EL-505, Injury Compensation.*

### It's A DATE

General Meeting

August 8, 2018

APWU National  
Convention

August 20-23, 2018

Retiree Chapter  
Meeting

August 28, 2018

Retirement  
Seminar

Sept. 16, 2018



**SAFETY FIRST!**

Section 1-7 of the Supervisor's Safety Handbook (EL-801) requires all line supervisors to conduct



safety talks at least once a week with their employees, including temporary, casual and relief personnel. APWU members are advised to contact **Steward David Alvarez** at: [dalvrez.apwu78@gmail.com](mailto:dalvrez.apwu78@gmail.com), if you are not receiving weekly safety talks conducted by your supervisor.

**HISTORIC APPOINTMENTS**

National APWU President Mark Dimondstein has appointed Oakland Local Motor Vehicle Craft Director **James "Jim" Perry** to the National Convention Sergeant-At-Arms Committee. Jim has been appointed to the committee over 15 consecutive times, which now gives him the distinction of being appointed to the committee more than anyone in the National Convention's history.

**Congratulations, Jim!**



EXPRESSING ON THE JOB

**Lactation Accommodations For Nursing Mothers**

Section 7 of the Fair Labor Standard Act (FLSA) requires employers (Postal Service) to provide reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth, each time such an employee has need to express the milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. The break time requirement became effective when the Affordable Care Act was signed into law on March 23, 2010.



Being able to pump breast milk as needed is important even if the woman doesn't plan to save and refrigerate the milk for later use, not only to prevent discomfort but to avoid the risk of an inflammation known as mastitis (an infection of the tissue of breast that occurs most frequently during the time of breast-feeding).

To view and print a copy of the Wage and Hour Fact Sheet # 73 "Break Time for Nursing Mothers Under the FLSA" go to our local's website at: <http://www.oakapwu78.org> and click Resources, then click Library and then click To Your Health, then click Fact Sheet # 73.

**ECAB REMANDS OWCP'S OAKLAND P&DC CLERK'S LWEC DETERMINATION FOR FURTHER CONSIDERATION**



On January 25, 2018, the Employees' Compensation Appeals Board (ECAB) issued a good decision and order regarding a Loss of Wage Earning Capacity (LWEC) determination. ECAB stated in its decision that the Office of Workers' Compensation (OWCP) improperly denied appellant's 1/11/16 reconsideration, pursuant to 5 U.S.C. § 8128(a), and ordered that the 4/16/16 decision of OWCP be set aside and that the case be remanded for further consideration under the clear evidence standard.

An LWEC determination is when an employee with an accepted claim has returned to work for at least 60 days, and the claims examiner (CE) determines if the salary that the claimant is being paid fairly and reasonably represents that employee's actual wage earning capacity. If the CE determines that the employee's pay does represent his or her actual ability to earn a wage, then a formal LWEC decision is issued. Injured employees are advised to contact the APWU office if they receive an LWEC decision from OWCP.

To view the decision and get more LWEC information, go to our local's website at: <http://www.oakapwu78.org> and click Resources, then click Library, then click Injured Employees, then click ECAB LWEC Decision and OWCP Determination.



**The Oakland Post Office has received approval to hire 16 Tractor Trailer Operators (TTOs) at the Oakland P&DC.**

