



MAIL HANDLER UPDATE

NATIONAL POSTAL MAIL HANDLERS UNION

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NPMHU SEES GAINS FOR THE POSTAL WORKFORCE AND UNIONS IN 117TH CONGRESS

Less than three months into the new congressional session, the NPMHU has already seen positive moves forward on legislation benefiting the postal workforce, as well as the entire labor movement.

When President Biden was sworn into office on January 20, 2021, he promised that one of his first actions would be to help push through the next COVID-19 relief package. On March 11, the American Rescue Plan Act (P.L. 117-2) was signed into law. While most attention has been paid to the provisions in the bill that give direct payments to 85% of Americans and to revenue grants for state and local government, there also are important provisions providing emergency leave and compensation to members of the postal workforce.

As many NPMHU members are aware, last year's CARES Act (P.L. 116-136) offered postal employees leave due to COVID-19 related illness; these statutory guarantees expired at the end of 2020, however, leaving employees without this safety net.

The American Rescue Plan revives this protection for all Mail Handlers and other postal employees by

providing postal and federal employees with up to 600 hours or 15 weeks of leave, known as the Emergency Federal Employee Leave or EFEL. This leave is available if a postal employee is diagnosed with COVID-19 or experiencing symptoms, has to self-isolate due to COVID-19, seeks medical attention to address symptoms of COVID-19, or has to take care of children or elderly relatives due to lack of schooling or care. Payments are capped at \$35.00 an hour. It should be noted that the U.S. Department of the Treasury has allocated only \$570 million to fund this leave for the entirety of the postal and federal workforces. Once these funds have been exhausted, Congress will have to revisit the need to provide leave again. Also, any payments received under this program will not count toward any retirement annuity and cannot be used to contribute to the Thrift Savings Plan.

The language of the American Rescue Plan went into effect on March 12, 2021, and this leave and compensation should already be available to NPMHU members and the rest of the postal workforce. The EFEL will continue through September 30, 2021.

Until final directives are issued, mail handlers seeking to use EFEL should submit a PS Form 3971, and employees must affirmatively state that they are unable to work because of the qualifying reason. The eRMS Leave Code or Reason Code for the Emergency Federal Employee Leave (EFEL) is 086-21.

Additionally, the American Rescue Plan also provides for workers' compensation for those diagnosed with COVID-19 due to exposure at work. Because the Postal Service has been a vital necessity to customers during the pandemic, NPMHU members and their postal workforce brothers and sisters have routinely put their health at risk while at work. This compensation provision gives those in the USPS workforce the peace of mind that, if they contract the virus, they will be financially compensated through the Department of Labor's Office of Workers' Compensation Programs.

If there are other questions or you need help getting access to these benefits, please contact your local union representatives or stewards or the NPMHU Contract Administration Department.

PROTECTING THE RIGHT TO ORGANIZE ACT

On top of this legislative victory for NPMHU members, the labor movement also saw considerable gains when the House passed the Protecting the Right to Organize (PRO) Act, H.R. 842. A strong national economy often coincides with strong union membership, as the workforce takes control of bargaining over pay, benefits, and workplace safety. Upon the passage of the bill, Chairman of the House Education and Labor Committee Bobby Scott (D-VA) commented, "The Protecting the Right to Organize Act makes the most significant upgrades to the [National Labor Relations Act] in 85 years by providing new tools to protect workers from intimidation and retaliation, introducing meaningful penalties for companies that violate workers' rights, and allowing workers to hold free, fair, and safe union elections."

The bill strengthens laws for those in the private-sector regarding several related topics: union elections and employee engagement with unions; accountability for violating workers' rights; and, better reporting from the NLRB.

First and foremost, the PRO Act ensures that workers in right-to-work states can still be represented by unions, allowing workers to enter into contracts with employers and the union to collect dues from the workers they represent. Additionally, those who face retaliation from their union involvement will be protected from loss of work, providing an injunction so workers can return to work while they wait for their case to be resolved. The bill also allows for supportive boycotts and strikes, so unions can show solidarity with their brothers and sisters without the threat of being replaced while striking. If employers violate these rights, workers will be able to seek justice in a court of law if the NLRB fails to act.

Furthermore, the PRO Act expands the penalties employers will face if workers' right are violated. Under the PRO Act, employers would face fines issued by the NLRB for wrongful termination as well as personal liabilities imposed on directors

or other members of corporation leadership who actively violate workers' rights or fail to take preventative action. The bill will also ensure that employers cannot force employees to waive their right to class-action and collective lawsuits. Employers will also be required to educate their workers on rights under the improved NRLA.

The PRO Act also ensures that employees can take part in union elections. This is first seen in the prohibition of employers interfering with elections and forcing employees to take part in "captive audience" meetings during which workers are forced to hear anti-union propaganda under threat of firing. As this legislation was introduced in the middle of the COVID-19 pandemic, the bill reflects the need to hold elections where employees are not forced to risk their health and wellbeing to vote on union representation. Following a vote in favor of entering collective bargaining, the bill requires first contracts between employers and employees to be conducted in a timely fashion, avoiding recent practices of prolonging the ratification of the first contract and calling upon the NLRB to require mediation for disputes. The PRO Act also addresses who is represented by collective bargaining and dues paid by allowing for unions and employers to voluntarily require fair-share fees, regardless of state laws.

The House passed this bill mostly along party lines, with only five Republicans voting in favor of it and one Democrat voting against it. Within the Senate, the PRO Act faces a difficult path forward as some Democrats seem to be hesitant to support bill and the issue generally is a non-starter for most Republicans. NPMHU members understand the value of union membership, not only for individuals, but also as larger numbers of union members help drive the national economy. The PRO Act is a part of the NPMHU's legislative agenda, and we will work with our private-sector union brothers and sisters to educate Members of Congress on the value of this legislation.



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