

Razorback Scheme

American Postal Workers Union • Fayetteville Arkansas Local 667

January 2009

— Back From Iraq — Ed McFarland Returns After 18 Months Welcome-Back Party Held Jan. 5



LEFT to RIGHT: Donnie Tisdale (Plant Manager) and Ed McFarland. Ed spent several months in Baghdad and several months in training for Iraq. Part of his time in Baghdad he lived in one of Saddam Hussein's palaces.

FMLA CHANGES to go into effect January 16

- Bush Changes FMLA among First of His 'Midnight Rules'
- Department of Labor writes new FMLA regulations just before leaving office

The new rules were purposely timed to be initiated four days before Barack Obama is sworn into office. Reason? To prevent the new administration from reversing Bush's 'Midnight Directives' immediately, because bureaucracy codes require the new rules become law for sev-

eral months before being reviewed, revised or reversed by the succeeding administration.

The new regulations are now published in the Federal Register and go into effect Jan. 16. Changes include:

- Allowing employers to require "fitness-for-duty" evaluations for workers who took FMLA.
- Allowing businesses to exclude from perfect attendance awards employees who took FMLA.
- Forcing workers to tell employers in advance when they want FMLA. Current regulations allow employees to tell employers up to two days after not showing up

for work that they are using FMLA. (Imagine telling the boss you KNOW an auto accident will put you in the hospital — several days in advance of the accident. We must all be psychics, according to DOL.) Employees will now have to follow their employer's regular rules for informing them about missing work "absent unusual circumstances."

The new regulations will make it more difficult for workers to use leave when they need it; in fact, that's the sole purpose in issuing the new rules at the last moment by the lame-duck administration.

The 1993 Family and Medical Leave Act grants eligible workers up to a total of 12 weeks of unpaid leave during any 12-month period for such things as cancer treatment, caring for a newborn or a sick family member, or because the employee has a serious health condition.

The Department of Labor has finalized a new rule that will affect the way workers take medical and family leave. It is among the first of many rules the Bush administration cemented before Inaugural Day (Jan. 20).

The rule, published in the Federal Register Nov. 17, will make it more difficult for employees to use paid leave when taking FMLA leave. Because FMLA leave is unpaid, employees often attempt to use paid leave, such as paid vacation time, to avoid disruptions in their pay.

Other changes require workers to provide greater advance notice of FMLA leave claims and give employers more time to respond. (Psychic and clairvoyant, aren't we?) The changes require employees to give advanced notice in a way that "complies with the employer's usual procedures for calling in and requesting leave, except where unusual circumstances exist." Employers will be able to delay or deny FMLA leave claims if the employee does not comply. In other words, employers will be allowed to arbitrarily deny FMLA and workers can't challenge denials. The rule also gives employers five days to respond to leave claims. Currently, employers must respond within two days.

Cost to workers will be in the millions. Employees will have to schedule more medical appointments just to comply with the new regulations and subsequent paperwork.

The Labor Department backed away from a controversial earlier proposal, which would have allowed an employee's direct supervisor to speak directly to that employee's health care provider. **However, the rule change will allow human resource professionals to contact health care providers.**

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The **RAZORBACK SCHEME** is the official voice of Fayetteville APWU Local. However, opinions expressed in this newsletter are those of the writer and not necessarily those of the APWU, union officials, or the Editor. Articles, artwork, cartoons, and other material are solicited from those readers who wish to share their views with others. Although freedom of the press is recognized, contributors are exhorted not to write derogatorily about any fellow union member or to submit any false allegation concerning management or any other individual inside or out of this union. All letters must be signed and in the hands of the editor ten days prior to next scheduled business meeting. Names will be withheld upon request. Send contributions to P.O. Box 654, Fayetteville, AR 72702, or submit to union officials. Submissions may be returned upon request.

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NEXT UNION MEETING:

Sunday, January 11, 2009
 Jim's Razorback Pizza • 1:00 p.m.

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New Arrivals!



Congratulations to:

Johnathan Dawes &
 Lindsay Herrel
 on the Birth of their son:

Preston Asher, born
 Oct. 5, 2008, 5:02 pm at Johnson, Arkansas, weighing 7 lbs.,
 11 oz.

Ratha Lawler is Granny!

Granddaughter MacKenzie Brooke McGee was the first child born in Eureka Springs on New Year's Day, 2009, at 10:15 pm, weighing 7 lbs., 6 oz, and 20" long.



Recently Wed!

Congratulations to:

Kristie Fontenot & Brandon Cummings
and
Johnathan Dawes & Lindsay Herrel

Worker advocates criticized the department for those changes and say the revisions make it more difficult for workers to take leave. The Department of Labor is required by law to solicit public input before cementing new rules. Unfortunately, public input was totally ignored in this case — as the outgoing administration had already made determinations before going through the motions at public meetings.

Debra Ness, president of the National Partnership for Women and Families, said, "The new FMLA regulations for workers take us in the wrong direction, and are harmful and unnecessary."

John Sweeney, president of the AFL-CIO, said, "Given the worsening economic situation facing families, we should be talking about how to expand successful laws like the FMLA to provide workers more job security and flexibility to deal with urgent family situations, not less."

The rule is one of many the Bush administration is expected to finalize in its waning days. Presidential administrations typically increase regu-

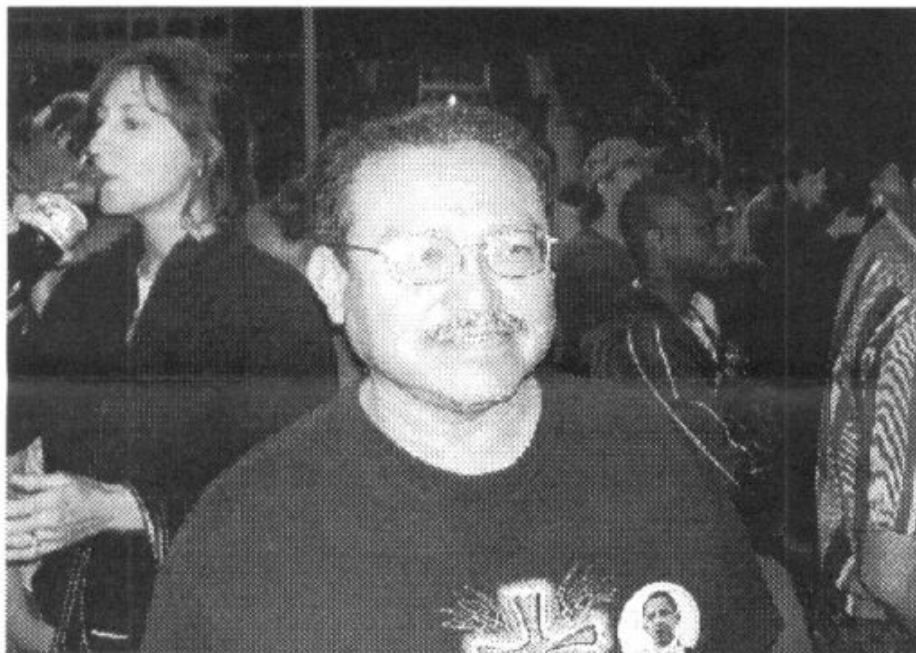
latory activity near the end of their tenures in order to ensure their priorities are in place before a new president takes over. Lame-duck presidents like to leave their mark on history.

The administration appears to have worked to assure the rule is cemented in place by the time Bush leaves office. Because the Labor Department expects the FMLA rule to have an annual economic impact of more than \$100 million, the agency is required by law to wait at least 60 days before making the rule effective. The rule is set to become effective Jan. 16, 2009.

The FMLA rule will take effect just four days before Bush leaves office, thereby making it extremely difficult for Barack Obama to impact the rule in any way once he takes office.

Other rules that have already been finalized and are set to become effective by Jan. 20 include:

- A rule to allow oil shale development, an environmentally intrusive process, in Western states
- A rule to cut low-income citizens' access to health care under



Manuel Camarillo, November 1, 2008, at Springfield MO Rally for Barack Obama. We were positioned around 25 ft. from where the Senator was speaking to crowd of 40,000. We canvassed Springfield next day for Obama Campaign.

Get Well



Cards, messages, prayers & flowers appreciated.

Jim Warford underwent back surgery and will be laid up for about 2 months.

JIM WARFORD
1997 Silverado Place
Springdale, AR 72762

Randall Woodlee is undergoing treatment for cancer.

RANDALL WOODLEE
1999 Finger Road
Fayetteville, AR 72701

Medicaid's outpatient services programs

- A rule redefining solid waste and removing existing requirements that certain hazardous materials be disposed of in environmentally sensitive ways
- A rule allowing truck drivers to drive up to 11 consecutive hours and setting the required rest time at only 34 hours
- Rules allowing energy and mining companies to mine uranium adjacent to Grand Canyon National Park
- Rules allowing the lease of government lands near or in national parks and monuments to oil companies for exploration and drilling
- A rule allowing registered gun owners to carry concealed weapons, including assault rifles, into National Parks & Monuments.

The new rules make the Phoenix Metro APWU FMLA CD and information obsolete to an extent, as management (with the new mandate) may invalidate many of the former acceptable procedures.

OTHER NEWS....

RAY LAWLESS is moving back to town from Hot Springs and will be a Civilian Army Recruiter.

DEAN KJOSA will be returning from Afghanistan in about 3 months.

Recent retirees include **DAN RICE** (Nov. 2008), **RON WALLACE** (Dec. 2008), and **NANCY STOKES** (Dec. 2008).



NEW LOCAL PRESIDENT

Dear Members,

By now it is old news that you have a new union president. I am very honored and excited to be your president. Please come to me with any concerns you may have — suggestions, questions, gripes and complaints. Compliments and encouragement are also welcome, but not required. I am at Dickson St. now, 3:30am till noon. I will frequently be in the union office in the afternoon. You can call me, e-mail, or just leave me a note.

I would like to see the membership become more unified. It is time for us to forget petty differences and pull together. We spend nearly a third of our adult lives at work. We should try to get along with those we work with. It would make our workplace much less stressful.

I would love to see more members participate. We have 90-some members and typically only 10 or 12 show up to meetings. That means most of you are letting some one else make the decisions about how to spend union money, who will represent you with management and so forth. The union is for all of us, not just a few. We want to hear your opinions.

I am not "old-school" union. I don't base my friendships or my actions on who is a member and who is not, and I don't expect anyone else to. To start with, I don't think that is a good way to gain new members. Treating people like dirt does not convince them to join your cause. More important, it's not a very Christian-like attitude. Arkansas is a "right-to-work" state. That means that no one has to join a union, but we can accomplish more with everyone's cooperation. I want to see a true spirit of brotherhood and solidarity in our local.

Your president, Pamela Beck

479-559-2168 (hm), 479-325-0193 (cell), 442-8288 (Dickson St. P.O.)

Mark This Date!

Union Meeting

Sunday, January 11, 2009
1:00 pm
Jim's Razorback Pizza, Westgate Bypass (I-540) & U.S. 62

- New Job Postings
- Stewards' Reports
- Soft Drinks & Cheese Bread on the House!
- YOU COULD WIN \$50!