

Charge #1

1. There was nothing illegal or improper in my settlement of (#03256).
2. The President has the right to request that a grievance be remanded back, and the President has the right to settle grievances. The President does not need Steve McNees' permission to settle grievances.
3. Nothing was taken out of Sandy's LMOU, but the settlement did add rights to Sandy's LMOU that were not previously in the LMOU.
4. I signed the same settlement agreement that Paul Price was going to sign as a Pre-Arb settlement, the only reason he didn't Pre-Arb it was because of a heated phone call from Steve McNees. So I asked him to remand it back to me and fax me a copy of the proposed pre-arb settlement and I would settle it.
5. Steve is simply upset that he did not get everything he wanted, and that which he did not get was not in the LMOU to begin with. As we all well know, we ask for the moon and the stars but in the end we only get what is fair and reasonable.
6. I settled this grievance based on what I felt was the right thing to do. There has been a conflict for a long time over Sandy breaks, and this settlement put to bed the issue once and for all. It was the right thing to do.

There is no merit to this charge brought against me by Steve McNees and those who wrote the charges and signed with him, and therefore he has not met his burden of proof. This charge is without merit and I encourage all of you to vote against the charge. The committee's report showed that I did nothing wrong and your vote should reflect that. Vote No!

Charge #2

1. There was no illegal or improper settlement of any safety grievances in Sandy.
2. To begin with there was no merit to any of the safety grievances Steve McNees filed, these grievances had been filed by Steve twice before, and admittedly he filed them as leverage or as a bargaining tool to horse trade with. He stated in a meeting we went to, "You give us our breaks and all of these grievances will go away." We do not horse trade with grievances in Branch 111; if your grievance does not have the merit to win on its own then it should not have been filed, that is what I've been taught and went by for 20 years.
3. I settled the grievances, even though they had no merit, to put an end to the issue once and for all. In fact Steve had tried to keep me out of the loop, for the most part, knowing full well, I believe, that I would not agree with what he was attempting to do.
4. I settled the grievances based on his settlement agreement with management on the same safety issues dated 11/22/2002. And Steve asked me to put language in the settlements stating that carriers would not be held accountable for any violation of City or State ordinance or postal regulation, so that carriers could not be disciplined, and I did. And then he turns around and files charges against me for having put that language in the settlements saying carriers should be held accountable.
5. Although Steve's 11/22/02 settlement agreement basically says the same thing. There was no intent to get carriers to not follow safety regulations, only to protect them against discipline.

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Charge #3

1. Sandy carriers were not denied access to the article 15 grievance process during inspections in the Sandy 70 zone.
2. I negotiated a Co-leader process for the Sandy Inspections, and it was mutually agreed to with management that there would be no violations during the inspections, and to ensure this we agreed to a three tier resolution process to resolve issues immediately and almost always within a few minutes, to ensure that the inspections went smoothly.
3. It was agreed that before a grievance would be filed we would first exhaust the resolution process, and then if we could not resolve a issue we would then file a grievance. But I'm happy to say all issues were resolved and there were no violations of Article 41.3.S of the NA and the M-39. All routes were inspected and adjusted in compliance with the regulations.
4. Steve McNees just didn't like the way the numbers turned out during the inspections. All routes were adjusted as near 8 hours as possible based on the only numbers we were allowed to use from the inspections.
5. Steve just wanted to file grievances, he didn't want to resolve issues, he was angry and wanted to file grievance as revenge. And as the Branch President I had no intention of allowing Steve McNees to wage his own personal war in Sandy, and as a result of that we have these meritless charges, as they are, before you at this time. Our Co-Leader Mike Madsen made sure there were no violations during the inspections, and therefore there were no grievances to be filed.

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Charge #4

1. Steve McNees was never appointed by myself as the Chief Steward for the Sandy Installation. He may have been appointed the Chief Steward in a previous administration, but when the chain of authority changes during an election, as they did, so do appointees. And when I became President I did not appoint Steve as Chief Steward. The only position I appointed Steve to in Sandy, and this was by his choice, was the Formal A rep for Sandy. And the Formal A position is an appointed position, by the President, and the appointee can be unappointed at any time by the President.

2. I did remove Steve as the Formal A rep in Sandy, but it was not until it became clear to me that Steve and I could no longer work together as a team that I removed him.

3. After listening to Steve's threats and insults over a period of time, and becoming aware of his lack of respect for my authority as the Branch President, I decided at that time that he was not someone I wanted on my Contract Administration Team, and as the Branch President I had every right to remove him as the Formal A rep for Sandy.

4. No one is guaranteed, by our bylaws or anywhere else, to remain in an appointed position. And once an appointee decides to wage their own personal war and go off in a direction contrary to the direction the Branch has chosen to go, then they must be removed.

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Charge #6

1. During the 3/11/04 meeting I did not forbid anyone from expressing their federally or bylaw protected right to free speech.
2. I as the chair only gave two people the floor to speak during the "Good of the Association." The second person asked me a question, and I answered their question, they simply did not like my answer to their question. Pm not required to give them the answer they want, I'm just required to give them my answer.
3. It was after this that people from Sandy started to yell and make comments out of order, without being given the floor to speak.
4. When things calmed down and seeing no hands, the chair, after moving to "For the improvement of the service" adjourned the meeting, which the chair has the right to do.
5. I even agreed with Stan Hawker to have a meeting with Sandy Carriers, to try and resolve the issue with them, but Stan said that the majority of those he talked to wanted to file charges instead of having a meeting. As a result they have cost the branch close to \$15,000 to investigate what I know to have absolutely no merit. The only charge with merit here is the fact that Steve McNees has harmed the branch and its membership by bringing meritless charges that have cost the branch a great deal of our hard earned union dues to investigate.

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Charge #7

1. During the investigation Steve McNees said that #04066 was never filed or appealed to Formal A, so I guess there was no grievance, and all I did was negotiate a settlement agreement with management. And the President has the right to negotiate settlements with management, and I do not need Steve's permission to do so. Since then #04066 has been given to another grievance that was actually filed and appealed.
2. But long before we jointly signed a settlement agreement on the issue with management, the issue had been resolved.
3. Steve talked to me at his case when I came to Sandy one day prior to the Inspections, and informed me that they would no longer allow him to sit and case his mail, nor would they allow him to twist and turn as he cased his mail. I agreed with him that they could not stop him from sitting and casing his mail, nor could he case mail without twisting and turning.
4. He informed me that he felt that they were discriminating against him because of his age and that they were harassing him, and I could see that it was making him angry.
5. At that time I went into the Postmasters office and spoke with Dan Corral and Gordon Glenn about the issue. In the process the Postmaster agreed that it was impossible to efficiently case ones mail if they cannot twist and turn between cases as they cased mail, and instructed Mr. Glenn to rescind the instruction. He also agreed with me that before requiring a carrier to stand and case mail, a proficiency test needs to be done, standing and sitting, to determine which is most efficient, and instructed Mr. Glenn to allow Steve McNees to sit and case his mail until a proficiency test was done. We also agreed that Steve's injury to his knee and his physical health had to be taken into consideration before requiring him to stand and case mail. As a result Steve McNees is still casing his mail sitting down without being harassed by management. It was later that we put the agreement in writing to protect Steve if they tried it again in the future.
6. Steve McNees was fairly represented, nothing was ever mentioned to me about violence in the work place, nor was I aware of any. And I briefly discussed the issue with both Steve and Stan Hawker. And management has never tried to make him stand and case mail since that time, so the issue was resolved.

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