

Postal Workers Have Right To Speak Out Against Facility Closures

Recent notices posted by management have generated questions about APWU members' right to participate in activities opposing the closure of postal facilities. Postal employees have the right to:

- Circulate petitions;
- Participate in public meetings;
- Encourage others to attend public meetings;
- Encourage local merchants and business organizations to speak out against postal closings;
- Contact elected officials to urge them to oppose postal closings.

Postal workers may engage in all of the activities listed above, provided they are off-the-clock.

"It is essential that all union members speak out to the maximum extent possible to prevent the unnecessary closure of postal facilities," said APWU President Cliff Guffey. "We will not allow USPS management to discourage our members from exercising their First Amendment rights."

Anti-Lobbying Act Doesn't Apply

The Anti-Lobbying Act, which the USPS cited in a Jan. 13 *LiteBlue* posting, prohibits the use of government funds – or postal funds – to urge private citizens to communicate with Congress about issues of concern to the Postal Service. As long as postal workers are acting on their own time and are not using postal funds, however, they can speak against and actively oppose facility closures without violating the Anti-Lobbying Act.

A one-page list linked to the *LiteBlue* posting outlines permissible and prohibited activities under the Anti-Lobbying Act, but neglects to mention that activities listed as "impermissible" are impermissible only if they are done on postal time or using postal funds or facilities. They do not apply to activities conducted off-the-clock and outside postal facilities.

The *LiteBlue* posting also mentions a prohibition on the disclosure of non-public postal information. Postal

employees who have access to non-public information may not reveal it to unauthorized individuals.

Once again, however, this restriction is irrelevant to opposition to postal closures. Our activities rely on non-restricted public information. If the union believes that restricted or non-public information is relevant and necessary, the APWU can officially request access to such information.

Campaigns About Mail Service

Another management document that causes confusion about employees' rights is Section 667.12 of the Employee and Labor Relations Manual (ELM), which states that postal workers must not "engage in campaigns for or against changes in mail service." However, the same provision also states that it "must not be construed to infringe upon the rights to participate in labor organizations."

More than 15 years ago, on June 11, 1996, the Postal Service Vice President for Labor Relations issued instructions to the field confirming the right of postal workers to participate in peaceful informational picketing directed to the public, notwithstanding the language of ELM. Those instructions remain in effect.

There is no question that postal employees have a constitutional right, protected by the First Amendment, to participate in public meetings, make public statements opposing the closure or consolidation of postal facilities, and speak out against the reduction of postal services – because those actions by the Postal Service are matters of public concern.

"I urge our members to circulate petitions, attend meetings, and call and write legislators," Guffey said. "Do these things on your own time, but do them!"

Postal managers on official time, or using their official authority, may not work for or against our efforts on behalf of the Postal Service. If any postal manager uses his or her official position to attempt to influence your work on these issues, please contact the APWU national office.