



BRANCH 111 N.A.L.C.  
"THE WASATCH BRANCH"

The  
**Pavement Pounder**

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September October — 2014

2014.5



**125 years and still going strong!**

Official Notice:

Nominations of delegates for the state convention will be held at  
the September meeting.

## The Nelson News

Jeff Nelson, President.



The National Convention was held a couple weeks ago in Philadelphia, and it was a great convention. Our branch was represented well, with 18 delegates in attendance, some of whom that paid their own way to be there. There were informative classes held before and after the convention on various topics. We were able to get quite a bit of business done, and we held a great rally in support of the APWU for the "Stop Staples" fight. I would encourage everyone to read over the convention coverage on the NALC website, or at the very least, read about it on the NALC Bulletins. Branch 111 won an award at the convention for the percentage of members that are automatic donators to COLCPE, so kudos to all those who contribute, and to COLCPE coordinator, Eric Grotepas for his hard work. We can still do better though, so try to promote COLCPE in your office to those that don't currently donate, and if you aren't donating, talk to an officer to find out how to sign up. Join the "Gimme 5" campaign and donate \$5 per paycheck. We also need everyone to sign up as E-activists and for Carrier Corps. Committing to these actions will keep our members informed & involved with the fights going on within the service and in Washington.

A new resolution has been introduced in Congress (H. Res. 711) which would take all appropriate measures to ensure the continuation of door delivery for all business & residential customers. Everyone should call their congressman today and urge them to co-sponsor this resolution. And while you have them (or their aide) on the phone, urge them to support H. Res. 30 as well. This resolution will help to protect 6-day mail delivery. If everyone makes this short phone call, the better chance there is that the congressmen that are supposed to represent us will take notice and support these actions.

The days of summer are winding down, and with them, the temperatures are dropping as well. As we go into autumn, and the mail picks up, make sure and account for all factors (inclement weather, heavy mail/parcel volumes, coverages, etc.) as your supervisor tries to cut your estimate as much as they can. As always, hold fast on your estimates and do the job right. As always, if you have any problems in your office with management, let your steward know, or call the Union Hall and let me know. Thanks for all you do.

In solidarity,

Age discrimination involves treating someone (an applicant or employee)

less favorably because of his age. The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older.

It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40. The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

### Age Discrimination & Harassment

It is unlawful to harass a person because of his or her age. Harassment can include, for example, offensive remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

I have maintained for years that our employer, USPS, has targeted our senior employees; by implementing a targeted plan to create an environment that is hostile and harassing to our aged Letter Carriers. Our workplace is top heavy with seasoned Letter Carriers. These Letter Carriers have many years of experience and the physical toll of delivering mail have worn down their bodies. The constant bending, lifting, twisting and all other duties have created injuries and physical limitations. Because of the demands of this job, these Letter Carriers, at times, do not deliver as fast as the Supervisors expectations. I have talked to many of these targeted Carriers over the years and listened to their frustration. These individuals are berated daily by their Supervisors but, many times, their fellow co-workers do the same. This type of behavior from fellow co-workers is absurd and outrageous! Our Senior Carriers need all of us to rally behind them when they witness an out-of-control Supervisor. We, Letter Carriers need to stand up for our brothers and sisters when a Manager makes a demeaning comment. We need to defend these individuals by cooperating with investigations by the Union of discrimination or provide a statement of the harassment. Do not turn your back to your fellow brother and sister by not getting involved. One day, you might be that Letter Carrier that Management has targeted. The strength of this Union is the unity of everyone!

### What can you do?

First, you need to notify your Union Steward or call the Union Hall. Filing an EEO is an option for every employee. Filing an EEO is time consuming and often frustrating. The burden of proof is high and at times, unachievable. However, the filing of an EEO is the first step to creating a "paper trail" of discriminatory behavior and I encourage everyone to use the EEO process, if you feel you have been discriminated because of your age. In our Branch, we have a number of individuals who are well versed in the EEO process and volunteer their own time to help our fellow Letter Carriers. If you have any questions please call or email, or better yet, attend a Union Meeting.

Phillip Rodriquez  
prodriq@msn.com

## The VP Speaks

### Vice President Phil Rodriquez

Have something to say or  
want to make others aware.....?

Send in your ideas or articles to  
Jones255@xmission.net

**Visit the Branch 111 Website**  
**Www.branch111.com**



## Safe park points:

In the last couple years, twelve letter carriers were struck by vehicles while retrieving mail from the rear of the their mail trucks. Two of those were fatalities, while ten sustained injuries that have hampered their quality of life. Through surgeries and physical therapy, most are able to walk although at differing degrees of stability. If you have specified places to park on your route be sure that it is safe and out of hazardous traffic. If postal management won't let you change your park point immediately see your steward and fill out a form 1767. the risk to damage is to great to not take seriously.

**Safety & health**

**Arlynn Venema.**



NALC Health Benefit Plan

Jimmy Kerekes Jr

At the National Convention Health Benefits class, they told us they updated the web site. There are more tabs to access more detailed information. Also, the arrangement on the web site is easier to use. Locating hospitals and doctors on the provider's lists is different and better.

The NALC Health Plans' 2015 coverage contract has been submitted to OPM. They should have an agreement with OPM for the 2015 Health coverage by around mid-October. So when you have time check it out.





**OWCP**

**Terry Ehlers**

The burden of proof rests solely with the injured worker to provide all evidence to OWCP for them to determine that the injury was job related. I know this is disconcerting to most individuals when they get injured while doing their job for the Postal Service, but this is outlined in Federal Law. **Pg. 5**

All claims for an injury must have the following 5 requirements to meet the injured workers burden of proof. Listed below is the list, which I will address each individually.

**1. Timely filed means;**

The date of injury is the date that a traumatic injury occurs, the date of death, or the date of last injurious exposure in the case of occupational disease. The statutory time frame after the date of injury is 3 years.

**2. A Federal Civil Employee;**

The service performed for the Postal Service by the individual was of a kind usually performed by an employee, as distinguished from an independent contractor, and that a contract of employment was entered into prior to the injury.

**3. Fact of Injury;**

- a. A statement from the claimant, or someone acting on the claimant's behalf, indicating the nature of the injury and showing when, where, and how it occurred. Such a statement is mandatory.
- b. A statement from the supervisor confirming that the alleged injury occurred. A positive statement from the supervisor (or compensation specialist) is required, except where the injury occurred under circumstances such that employing agency personnel could not or probably would not have personal knowledge of its occurrence.
- c. Statements from one or more witnesses.
- d. A medical report from the treating physician which provides a diagnosis linked to the injury. But a medical condition, however minor or seemingly incongruous (strange), must be stated. ***Findings of pain or discomfort alone do not satisfy the medical aspect of the fact of injury determination.***

**4. Performance of Duty;**

In a duty status doing the principles and interpretations of work applied by the Postal Service which employed and within the scope of compensable work factors.

**5. Causal Relationship;**

- a. A clear diagnosis based on objective medical evidence (x-rays, MRI's, physical tests, etc.).
- b. An explanation by the physician describes in detail the physiological mechanism (the circumstance in which an injury occurs) by which the work factors described by the injured worker caused the diagnosed condition.

Types of Causal Relationship -- An injury or disease may be related to employment factors in any of four ways, as follows:

**a. Direct Causation.**

This type of relationship is shown when the injury or factors of employment, through a natural and unbroken sequence, result in the condition claimed. A fractured arm sustained in a fall would be considered a direct result of the fall, and a sensorineural hearing loss might likewise be caused directly by occupational noise exposure over a period of time. In occupational disease claims, however, the medical evidence needed to support the relationship will likely require greater rationale than in traumatic injury claims. The phrase "proximately caused" is used also to designate this kind of relationship.

**b. Aggravation.**

This kind of relationship occurs if a pre-existing condition is worsened, either temporarily or permanently, by an injury arising in the course of employment. For instance, a traumatic back injury may aggravate a claimant's pre-existing degenerative disc disease, and compensation would be payable for the duration of the aggravation as medically determined.

(1) *Temporary aggravation* involves a limited period of medical treatment and/or disability, after which the employee returns to his or her previous physical status. Compensation is payable only for the period of aggravation established by the weight of the medical evidence, and not for any disability caused by the underlying disease. Temporary aggravations may involve either symptoms or short-term worsening of a condition.

(2) *Permanent aggravation* occurs when a condition will persist indefinitely due to the effects of the work-related injury or when a condition is materially worsened such that it will not revert to its previous level of severity

C. Acceleration.

An employment-related injury or illness may hasten the development of an underlying condition, and acceleration is said to occur when the ordinary course of the disease does not account for the speed with which a condition develops.

d. Precipitation.

A latent condition which would not have become manifest but for the employment is said to have been precipitated by factors of the employment.

It is very important than an appropriate narrative describing the workload duties on a typical day. The letter should go into deep explanations of all the daily functions. Avoid exaggeration of amounts use approximately instead. Give the narrative to the treating physician for them to refer to and to quote from when they are making the medical narrative.

When OWCP claims examiners are reviewing the notice of injury they go down the 5 requirements stated above, and if they determine a deficiency they stop at that point of the list and deny the claim. They are not allowed to continue along the requirement list to see if there are other deficiencies or if they other requirements are acceptable.

If I can be of assistance please call and please leave a message if I don't answer.

Terry C Ehlers

***NALC Branch 111 ANNUAL RETIREE'S DINNER***

***Place: Golden Corral Buffet and Grill***

*3399 w 3500 so, west valley city, Utah 84120.*

***Time: Thursday, Sept 18<sup>th</sup>, 2014 4:30 PM***

***Cost: Retiree & Spouse (or guest) Free.***

*(active Carriers "must" pay.)*

***RSVP: Joe Zabriskie by September 12th***

***801-968-4208 or 801-973-6705***

***Need a Ride? Call Joe by September 5th.***



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## IN MEMORIAM ROBERT WRIGHT



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