



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

Pavement Pounder

Midvale - Millcreek -Murray - Northwest - Orem - Sandy - South Salt Lake - Sugarhouse - Tooele - West Jordan - West Valley

January 2019

Publication 2019.01

"I AM WARM AND YOU WILL GO FASTER IN THE COLD BECAUSE I SAID SO"

Can management contractually tell me to cross snow covered lawns to deliver mail? The National Agreement Article 41.3.N. states that a carrier may be instructed broadly to take all "obvious shortcuts" and to cross all lawns where there is no reason to believe the customer may object. However, the determination of what constitutes an obvious shortcut or whether a hazard exists is made in the first instance by the carrier. The carrier's judgment can be exercised only in the light of the specific conditions at the location involved. The supervisor may conclude, *after personal observation and discussion* with the carrier, that a particular lawn should be crossed and order the carrier to cross the lawn. The carrier may not ignore such an order with impunity. His remedy is to file a grievance.

What does this mean? Management can tell you to cross all snow covered lawns. However, if you believe it is unsafe to do so at any particular location (hilly, holey, uneven, etc.) then do not put yourself in harm's way, have your supervisor leave the comforts of that warm, comfy, office chair, come out to your route, observe each address you determine as unsafe, and have a discussion (two way conversation) with you on the safe way to cross that snow covered lawn. If there is still a disagreement, properly fill out and turn in a PS Form 1767, and request time with your shop steward.

Contact myself or the branch president if you have any questions.

Christopher Zambos



The President's Report— Merry Christmas

I hope that all our Branch 111 Letter Carriers had a good Christmas! If any of you asked Santa for a ton of overtime, you probably received more than you wanted. Now that the “Peak Season” is over, we can all breathe a little easier, as our work-hours should quickly get back to normal. I remember my first Christmas with the USPS back in 1987 delivering parcels 12 hours a day for about 3 weeks in a row with no days off. I really didn't mind the hours, since I was carrying in Southern California, and it was still about 70 degrees every day. I remember another Christmas in Utah when I had a street on my route that changed its name to “Christmas Street” for the month of December, and everyone in that long cul-de-sac put up lights and decorations in an over-the-top display of “good cheer”. People would drive from all over the city to gawk and stare at this “winter wonderland”, which made mail delivery problematic.

During my career, I have watched the USPS go through numerous Christmas Seasons, and the current one was the heaviest I have ever seen, due to the number of packages that we processed. While some carriers rejoiced at the size of their pay-checks due to nearly never-ending overtime, others struggled with exhaustion and fatigue. On that note, I want to say that Letter Carriers always have the right to leave work when they are unable to continue due to physical incapacity, which may be caused by extreme exhaustion/fatigue. If you are no longer able to safely deliver the mail due to injury or illness, you should immediately notify your supervisor, and obtain medical assistance.

The Holidays tend to bring stress into the lives of Letter Carriers, as it is our busiest time of the year. Add to that brutal winter weather, family pressure, and the over-commercialization of Christmas, and the results will be that some of us, and/or some of our family members, will experience seasonal depression or anxiety. The Employee Assistance Program (EAP) was developed by the Postal Service to help employees and their family members identify and resolve personal, family, and workplace concerns. According to USPS Publication 519, the EAP can help you with:

“Work Stress, Grief/Loss, Coping with Change, Anger Management, Family Issues, Elder Care, Relationship Problems, Financial Concerns, Anxiety, Parenting Issues, Depression, and Substance Abuse.”

And this assistance is available to: “Postal Service employees and their families, any legal dependent of the employee, and anyone living in the employee's household (except tenants or employees of the postal employee who live in the household).”

The EAP is completely free, both for the employee and their family, and the first visit may be on-the-clock if it is needed during a normal workday. The EAP is also completely confidential, and information you share may not be released without your prior written consent (with a couple of legal exceptions such as threats to self or others, or child/elder abuse situations, or court orders upon showing of good cause).

All EAP counselors have a minimum of a master's degree in counselling or social work, as well as clinical experience in dealing with a wide range of personal and workplace concerns. They will help you “Clarify the Problem”, “Identify Options”, and “Develop a Plan”. In all cases, the decision of how you will deal with your concern will be your choice.

To contact EAP, simply call 1-800-EAP-4-YOU (1-800-327-4968), and you will always be connected with an EAP representative. You may call anytime, 24 hours a day, 7 days a week. I encourage everyone who is suffering with stress, anxiety, or depression to call the EAP and get the help you need.

I wish the very best for all of us, and I hope that we all have a happy New Year!

Michael Wahlquist -President, Branch 111 - NALC

Concerted Activity our most powerful tool for change:

In 2005 when I started doing union work I did so because I thought the way craft employees are treated by managerial employees was appalling. My entire goal was to try to improve the atmosphere on the workroom floor. And with a lot of hard work, jumping between harasser and harassed, filing hundreds of grievances I can say with certainty that I have changed nothing. Why? The simple answer is words are just words unless accompanied with action.

The Postal Strike of 1970 was a defining moment in the history of the NALC, the Post office, and the country. The results of the strike serves as a reminder of what can happen when the rank and file (workers') of a union act concertedly(unite). Our most powerful weapon is collective action (actively working together) as an engaged rank and file (united in solidarity).

The end result of the strike was that the Federal Government had to concede, an overwhelming victory to the unified rank and file employees. We won an overall 14 percent wage increase, and collective bargaining rights. Research in the area of effective stratagems of labor organizations, indicates that we did it right. Through the National Labor Relations Act we have the legal right to participate in "*concerted activities for the purpose of collective bargaining or other mutual aid or protection.*" concerted activity covers much more than strikes. One person asking the manager to keep the supervisor under control is acting alone, but, if the same person recruits a co-worker and they make the request together, that action is concerted. And concerted activity is protected by law it is against the law for management to retaliate for a concerted action. a single employee seeking support from co-workers for a legitimate concern is also protected under concerted activity even though acting initially alone.

It is hard to act concertedly without first initiating a conversation. The right to act for your mutual aid or protection is your right by law. examples of protected concerted activity include Talking with one or more co-workers about the working conditions, your supervisor, or managerial employees actions that have a negative effect on you, or a co-worker is protected.

The department of labor enforces the law involve them in your concerted activity. Circulating a petition asking for better working hours, writing statements, gathering statements from others when a supervisor gives an instruction to falsify clock rings, or delivery scans is protected by the law, and retaliation for your doing so a violation of federal law. A statement attached to a petition to be sent to higher level management OSHA, the department of labor or other agency is also the result of a concerted activity so sign your name clearly and without fear. One of the most powerful tactics for change is the involvement of outside agencies. If any managerial employee interferes with your right to act in concert with your fellow employees go to the department of labor file retaliation charges for the retaliatory behavior.

The key is actions shout, words whisper.LET YOUR VOICE BE HEARD

EXC. VICE-PRESIDENT
Lance Henrie



Who's Exhausted?

As another "peak" season comes to an end I'm sure most all of us are ready for some much needed rest. Every year I seem to forget how truly demanding December is and before I know it I am stuck right in the middle of it. One or two long nights turn into three or four and before long it is every night of the week. Parcels were heavier than ever and many offices were understaffed but somehow we made it through on the other side. I am very proud of the sacrifices we all make every year to get the job done. No penalty overtime, no days off, and unsympathetic supervisors sometimes make it difficult to bear. My article is short this month because I too find myself with little time to get anything done but I really want to really thank our CCA'S.

Some of the CCA'S in my office worked more than 80 hours a week and I'm sure it was the same in every office. We really couldn't have made it through without them. So now that "peak" season is in our rearview mirrors penalty overtime is back on and soon our annual leave will be replenished. Use it, take a much needed break and spend some quality time with the ones you love.

In Solidarity
Mike Hansen
Vice President
Branch 111



NALC HEALTH BENEFIT PLAN

Jimmy Kerekes

Hope the holidays made you happy and brought some joy to you and yours. Mail service this time of year is extremely busy. Darkness and the weather are uncontrollable. Thanks, much thanks to you letter carriers getting the mail to your customers. That can make their holidays joyous.

Open season for health coverage opportunity has ended once again. It is hard to get through the task of reviewing all options of coverage if you need to sign up for the first time or planning a change. Also for dental and vision, there is a lot to choose from and review.

Again, I am somewhat saddened that some don't get the time to review health plans because of work schedules. Only other time to sign up is when a Qualifying Life Event change occurs. A couple of examples are: marriage and a newborn child. Also when you become converted to regular you can sign up. There is a 60 day time limit for those two types of opportunities.

Some retirees called and let me know they got mail telling them they have too much health coverage. If you are retired and have double coverage, for example a Federal Health Plan (like NALC), and Medicare A&B, you have sufficient coverage and you are 100% with no or very little out of pocket cost to you.

I recently got a call from a widow of a retired carrier. She told me when he was alive he had a pace maker put in and it lasted I think she said 6 to 8 years. Between NALC and Medicare, they had no or very little out of pocket cost. Then later after that, he had to have another pace maker put in and again he had no out of pocket cost or very little. So this is an example of double coverage. If you have that, that is enough coverage.

Sometimes retirees get mail and/or e-mail reminding them of open season to sign up for a Medicare Advantage Plan and/or Supplement Plan. Those types of communications seem to tell us we need to sign up for those types of plans, except you already have sufficient coverage with Medicare and your Federal Health Plan. NALC has sufficient prescription coverage but one can sign up with the Medicare prescription drug program. If you choose to investigate that do it thoughtfully.

Some think that they need supplement health coverage when NALC is the supplement. I am just saying these communications every open season are sometimes confusing.

Every year according to the Medicare and You booklet open season is in OCT. and goes to DEC, certain dates depending on the start and end dates of the year. That gives a person on Medicare a chance to change your Medicare health plan or prescription drug coverage.

This coming year JAN 1st – March 31st, 2019, if a person has or is covered by a Medicare Advantage Plan, you can make one change to different plan or switch back to Original Medicare (and join a stand-alone Medicare Prescription Drug Plan) once during this time. These choices are effective the first month after the request.

The next open season I will try to help anyone earlier in the year to start preparing how to re-search different health plans, etc.

I hope you remembered to sign up for flex/dependent care.

LETTER CARRIER POLITICAL FUND

By making a contribution to the Letter Carrier Political Fund, you are donating so voluntarily with the understanding that your contribution is not a condition of membership in the National Association of Letter Carriers or of employment by the Postal Service, nor is it part of union dues. You have a right to refuse to contribute without any reprisal. The Letter Carrier Political Fund will use the money it receives to contribute to candidates for federal office and undertake other political spending as permitted by law. Your selection shall remain in full force and effect until cancelled. Contributions to the Letter Carrier Political Fund are not deductible for federal income tax purposes. Federal law prohibits the Letter Carrier Political Fund from soliciting contributions from individuals who are not NALC members, executive and administrative staff or their families. Any contribution received from such an individual will be refunded to that contributor. Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 per calendar year. Any guideline amount is merely a suggestion, and an individual is free to contribute more or less than the guideline suggests and the Union will not favor or disadvantage anyone by reason of the amount of their contribution or their decision not to contribute.



How to Write an OWCP Reconsideration Claim

Provide New Legal Arguments

Requests for reconsideration cannot be filed just because the employee disagrees with the OWCP's original decision. Instead, the employee must be able to provide new information or arguments. Reconsideration requests typically are denied if they simply re-argue the same case. However, employees can get their case reconsidered if they have new legal arguments that apply to the case

Provide New Evidence

Requests for reconsideration will also be considered if the claimant provides new evidence that was not included with the original claim. A new medical report that provides new reasons for the injury could also be considered as the basis for a request for reconsideration.

Meet the Deadline and Include the Right Details

A claimant must submit his reconsideration request no later than one year after the date of the decision he is contesting, regardless of the date of injury. The request must be in writing and signed and dated by the claimant or his representative. Along with the new evidence or arguments, the request must include the original decision and identify the specific issues for which the claimant requests reconsideration.

Decision on Reconsideration

20 CFR 10.609

§ 10.609 How does OWCP decide whether new evidence requires modification of the prior decision?

When **application** for reconsideration is granted, OWCP will review the decision for which reconsideration is sought on the merits and determine whether the new evidence or argument requires modification of the prior decision.

(a) After OWCP decides to grant reconsideration, but before undertaking the review, OWCP will send a copy of the reconsideration **application** to the **employer**, which will have 20 days from the date sent to comment or submit relevant documents. OWCP will provide any such comments to the **employee**, who will have 20 days from the date the comments are sent to him or her within which to comment. If no comments are received from the **employer**, OWCP will proceed with the merit review of the case. Where a reconsideration request pertains only to a medical issue (such as **disability** or a schedule award) not requiring comment from the employing agency, the employing agency will be notified that a request for reconsideration has been received, but OWCP is not required to wait 20 days for comment before reaching a determination, except when that **claimant** is deployed in an area of armed conflict.

(b) A **claims** examiner who did not participate in making the contested decision will conduct the merit review of the **claim**. When all evidence has been reviewed, OWCP will issue a new merit decision, based on all the evidence in the record. A copy of the decision will be provided to the agency.

(c) An **employee** dissatisfied with this new merit decision may again request reconsideration under this subpart or appeal to the ECAB. An **employee** may not request a hearing on this decision.

In Solidarity;

Terry C Ehlers

If I can be of assistance please call...



NEWS & INFORMATION

December 04, 2018

White House Postal Task Force releases long-awaited report.

Today, the Trump administration's task force released its report evaluating USPS finances and operations, *United States Postal Service: A Sustainable Path Forward* (viewable [here](#)). Due to the White House on August 10, the administration sat on the report for nearly four months, leaving both the Postal Service and Congress to delay meaningful action on addressing core issues in order to wait for these recommendations.

Although NALC is still studying the report and will report on its details in greater detail, NALC President Fredric Rolando called the report "a huge missed opportunity filled with legislative recommendations that are likely to be dead on arrival in Congress."

Rather than fully addressing the artificial financial crisis caused by the 2006 retiree health pre-funding mandate enacted by Congress in 2006, the report launches an all-out attack on the collective bargaining rights of postal employees – calling for the revocation of the right to negotiate wages by America's postal unions. "NALC totally rejects this attack on hard-working American workers and we are confident that bipartisan majorities in both houses of Congress will too," Rolando said.

The report also calls for massive service cuts – allowing USPS to reduce the frequency and quality of delivery services, which would result in huge job losses for city letter carriers. It also advocates forcing the Postal Service to dramatically raise prices for the delivery of packages, the fastest growing and highly profitable segment of the Postal Service's volume. Indeed, an industry coalition representing package shippers, the Package Coalition, warned that the recommendations would "limit access and raise prices" on package delivery, harming consumers and the Postal Service alike.

The good news is the report does not expressly call for the privatization of the Postal Service, though it does highlight the privatization of postal systems such as Germany and New Zealand. "This is a victory for the public and the NALC," President Rolando said. "Our efforts to mobilize the public and a majority of Congress to oppose privatization and to support H.Res. 933 and S. Res. 633 have paid off."

But he added: "This report, particularly in its suggestions for regulatory and administrative changes, poses a serious threat to affordable universal service. We will remain vigilant and fight any efforts to damage the public interest in such service."

Another positive in an otherwise disappointing report, was the Task Force's apparent embrace of the postal workforce's proposal to reduce the retiree health pre-funding burden by limiting the amount to be pre-funded to the actual vested liability for such benefits (recommendations viewable [here](#)). NALC urges Congress to adopt this proposal before the current Congress ends.

"The delay of this long-overdue report has resulted in another missed opportunity in the 115th Congress to advance real measures that would strengthen the Postal Service and return financial stability to this agency," Rolando said. "NALC is committed to restoring USPS to financial stability while protecting its employees and strengthening the universal mail delivery network."

NALC will thoroughly review this report and provide its feedback to Congress and the administration while keeping letter carriers aware of any updates.

Terms you hear that you might not be familiar with.



The **Occupational Safety and Health Administration (OSHA)** ([/'ouʃə/](#)) is an agency of the [United States Department of Labor](#). Congress established the agency under the [Occupational Safety and Health Act](#) (OSH Act), which President [Richard M. Nixon](#) signed into law on December 29, 1970. OSHA's mission is to "assure safe and healthy working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance".^[2] The agency is also charged with enforcing a variety of [whistleblower](#) statutes and regulations. OSHA is currently headed by Acting Assistant Secretary of Labor Loren Sweatt. OSHA's workplace safety inspections have been shown to reduce injury rates and injury costs without adverse effects to employment, sales, credit ratings, or firm survival.^[3]

Taken from Wikipedia

www.osha.gov



DOL



The **United States Department of Labor (DOL)** is a [cabinet-level](#) department of the [U.S. federal government](#) responsible for [occupational safety](#), wage and hour standards, [unemployment insurance benefits](#), reemployment services, and some [economic statistics](#); many [U.S. states](#) also have such departments. The department is headed by the [U.S. Secretary of Labor](#).

The purpose of the Department of Labor is to foster, promote, and develop the wellbeing of the wage earners,^[3] job seekers, and [retirees](#) of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights. In carrying out this mission, the Department of Labor administers and enforces more than 180 federal laws and thousands of federal regulations. These mandates and the regulations that implement them cover many workplace activities for about 10 million employers and 125 million workers.

The department's headquarters is housed in the [Frances Perkins Building](#), named in honor of [Frances Perkins](#), the Secretary of Labor from 1933 to 1945.



NALC BRANCH 111
Minutes of the Regular Union Meeting
December 13, 2018

Convened at 6:38 pm

Pledge of Allegiance conducted by Mike Simonsen

Moment of silence for Lorin Shingleton and Calvin Wise who have passed away.

Roll Call by Steve McNees

Minutes of the November meeting were posted. Without objection, they will be filed for future reference.

Reading of the Communications by Steve McNees.

Letter from Committee of Laws approving changes to Article 3, Section 5. Members who maintain 5 years of continuous membership, upon retirement from the USPS, shall be given a retirement watch and a retirement pin. Letter to National requesting the forms to apply for the dues reimbursement and deferral program. Letter to National requesting that retirees dues be raised by \$1.20 per year because state dues were not previously included in our dues amount. Letter to Nick Vafiades, NBA, informing him of the problems with management in Orem not providing sufficient time for the steward to process over 300 grievances and hampering help from the branch to assist in processing the grievances. Management is also refusing to abide by past agreements and settlements. President Wahlquist requested an intervention by National. We received Christmas cards from our National Officers and the Utah State AFL-CIO officers.

Application for Membership by Lance Henrie

Barry Hennefer, Sean Bailey, Edwin Lane, Sharon Hinckley, Gabriel Sisson, Haydon Titus, Sara Bickford, Michael Walker, Don Darling, Rodger Daley, Stephen Colbert, John Barron, Aubrey Hutchison, Tamasepani Brown, Tusitaia Losi

Good of the Association: LoEne Simpson announced that Rex Searle's daughter (Travis' sister) passed away from cancer leaving 4 kids from 2-10 years old. A hat was passed around to collect money to help her family. Over \$248 was collected.

LCPF by Monte Jones - Not present

ORGANIZER by Justin Lindquist. Not present

OWCP, COMPENSATION, and MDA by Terry Ehlers. No report

Joey Wiscomb, MDA representative, reported that we have raised over \$32,000 this year for MDA. He and Terry are already getting teams ready for the Muscle Walk next year.

LEGISLATIVE by Chad Mortensen -

We have a majority in the House and Senate in favor the two resolutions against privatizing the USPS. He has a lobby trip in February to talk to our National legislative people. Salt Lake City and County Mayors' races are coming up. Arlyn Bradshaw is very pro-labor and pro-union. We need labor friendly people. We need everyone to get involved.

TRUSTEES – Chad Mortensen - No meeting this month, but will meet in January to review two months of books.

HEALTH BENEFITS by Jim Kerekes

Stephanie Stewart is the new National Director of Health Benefits. In 2017 they paid \$1.5 billion in benefits, processed more the 9 million claims and paid more than \$4 million in postage.

SAFETY AND HEALTH by Chris Zambos – not present

DIRECTOR OF RETIREES by Jeff Asay.

Lonnie Bird and Cassandra Last received their retirement watches and pins. CSRS cost of living adjustment in January is 2.8% and 2% for FERS. Retirees have \$1,314 left in this year's budget with \$5,339 carryover in savings.

TREASURER by Mike Madsen

Last month's receipts and expenses report (detailed copy on the back desk with balance sheet). Income: \$23,813 from per capita, \$960 from health benefits, \$142 other, total \$24,915. Expenses: \$14,788 yearly building fees, misc. taxes, meeting expenses \$700, \$1,129 Midvale computer, \$1,457 office supplies,

VICE PRESIDENT'S REPORT by Mike Hansen –

Steward training is this Wednesday at 6:30pm. • Many carriers are working way beyond 12 hours per day.

EXECUTIVE VICE PRESIDENT by Lance Henrie.

Trip to Orem- took about 15 minutes before they would let him in the door. Never treated so poorly before. Became active in the union because people were being treated so poorly on the workroom floor. What the union actually does makes a difference. Everyone's actions (unions, stewards, and members), not paperwork, makes the difference.

Dignity and fairness is most important, with rank and file involvement, to have a strong union. • 1555 grievances so far this year.

PRESIDENT by Mike Wahlquist.

Last month we voted \$2,200 to fight management in Orem by sending extra stewards. Grievances were extended until Jan 4th. The grievance backlog is close to 500 grievance and increasing by about 15 per day. Met with Tony Cline who is not willing to work with the union to resolve any grievances. We have until about Jan. 25th to appeal all of the grievance. Most will just be boiler plate grievances with the issues, a list of documents and evidence that management refused to provide, and refusal to provide time to process and meet on. The remedies will include getting the documents and then time to develop the facts and arguments of each individual grievance. • Mike has requested an intervention by the NBA.

• Management has done the worst preparation for a holiday season. • Hang in there!

SPECIAL ORDERS: none

UNFINISHED BUSINESS: none

NEW BUSINESS: none

GOOD OF THE ASSOCIATION –

• LoEne reported \$248 collected for Rex Searle's daughter. • A Motion to send flowers to Crystal Searle's funeral on Saturday was made. Motion passed.

• Phil Rodriquez – spent 3 hours at federal court house today. About 7-8 postal workers facing charges for delay of mail. One brought back 2 pieces of mail. Prosecutors now have a friend of the court to work out a settlement with the postal employee. Settlement are about a \$300 fine. • Supervisors are the only ones allowed to delay mail. Get permission every time (form 1571). • LoEne – Western Area's Greg Race said that they will file charges for falsifying scans even if instructed to by a supervisor. • Wahlquist- Some places have authorized taking pictures of the labels if batteries go dead but get supervisor authorization before doing so.

DRAW AND ADJOURN – 7:40 pm

• Retiree Drawing for \$100 Visa Gift Cards (15): Kirk McLaughlin, John Groves, Stan Neering, Stephen Franz, Brent Bray, Marv Jewell, Randy Baker, Keith Warner, Mike Madsen, Ray Kosieroski, Bruce Morgan, Jimmy Graham, Lee Whiting, Lonnie Bird, Vicki Pfeifer

• Retiree drawing for \$625 check – Joan Larsen

• \$25 drawing winners: Jeff Asay, Barry Frankland

• RETIREES – \$625 (Joan Larsen won).

• PROGRESSIVE A - \$1,000 (Mike Barrios was not present). Next month it will be \$1,025.

• PROGRESSIVE B - \$150 (Shane Crystal was not present). Next month it will be \$175.

• \$25 Costco gift cards (in lieu of ham): Chris Shipley, Destiney Carrillo, Sherrie Mehl, Marv Jewell, Veronica Rodriguez, Bruce Ronek (not present), Bob Landis, Bob Valdez, Aaron Saxton, Brent Console, Pat Busath, Stan Burmood, Cassandra Last, Troy Scherzinger, Mike Hansen, Mike Madsen, Jimmy Kerekes, Joseph Clayton, Ron Hermansen, Rick Watson, Ed McGrath

• Donuts: Bob Landis, Jim Frasier, Vern Jenkins, Amy Gallo

Time: 7:55pm



National Association of Letter Carriers
2261 South Redwood Road, Suite 14
Salt Lake City, Utah 84119

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Keep on delivering!!!

The financial records of the Union are available to be looked at by any Branch 111 member, in the Union Office, by appointment.

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EXC. VICE-PRESIDENT
Lance Henrie
VICE-PRESIDENT
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