



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

February 2019

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## If You're Sick Stay Home

Recently I have noticed an increase in sick leave in the Branch. Increased sick leave in turn leads to increased discipline. I attribute this to a really bad flu that swept through Salt Lake in January and February. Those of you who fell ill know what I am talking about. It was brutal. I myself was down for three days. I bring this up because I've heard stories about people being ridiculed for using sick leave by other carriers. First of all IF YOU ARE SICK STAY HOME! No one wants to catch what you have. Second worry about yourself. One thing I've learned over my twelve year career is that if I get caught up in what co-workers are doing or not doing all it does is make me unhappy and makes this job more difficult. We are all on the same team. The mail will get delivered, it always does. If you qualify for FMLA take the time to get it. I can't count the amount of discipline I have worked on that would have never been issued if the carrier would have done the work to get a FMLA case approved. If you need help getting an FMLA case talk to your steward or call the Union Hall.

In Solidarity  
Mike Hansen  
Vice President  
NALC Branch 111

## **The President's Report**

# **Holiday Road**

**There are 10 paid Federal Holidays covered by Article 11 of our National Agreement: New Year's Day, Martin Luther King Jr.'s birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. CCAs receive Holiday Pay for the first, fourth, fifth, sixth, ninth, and tenth of those Holidays. Most of us have rotating days off, and it can be exciting to see how your days off work in conjunction with the federal Holidays. Both Regular Carriers and CCAs often dream of the fun they will have during their Holidays. Many Carriers plan vacations, or plan time with their family and friends, and others just want a day away from work, but the Post Office does not think of Holidays in the same way. The mail still needs to be delivered before, after, and occasionally during a Holiday.**

**Recently, I witnessed several employees have unnecessary problems trying to negotiate the issues surrounding Holidays, so I wanted to go over a few of the rules here. The ten Federal Holidays, and the ten days immediately preceding those Holidays, are governed by Article 11 of the National Contract. The intent of Article 11 is to have as many regular and part time regular employees as possible be excused from working on both Holidays and the days immediately preceding Holidays. The order of scheduling employees to work on Holidays is set by parties at the local level, so you should talk to your local Shop Steward to see how that works in your office. Typically, there will be some Carriers who volunteer to work, and there will be some Carriers who are involuntarily scheduled [mandated] to come in. CCAs will usually be found amongst those involuntarily scheduled.**

**A great way to avoid being mandated in on your Holiday or the workday before the Holiday is to schedule Annual Leave directly before or after that day. I know of no installation covered by Branch 111 that does not allow employees to “protect” their Holiday (or the day before the Holiday) by using that method, and that will allow you to be sure to get the day off. Failure to “protect” your Holiday may result in your being scheduled to work either the actual Holiday (very rare), or the workday before the Holiday (not so rare), and can be devastating to vacations you may have scheduled with un-refundable plane tickets, or other unbreakable obligations. Sick leave does not “protect” your Holiday in this same way. If you are sick and incapacitated for work on your Holiday or day designated as your holiday, you should call in sick, and read the next paragraph.**

**The National Agreement contains a few strange provisions about how you can lose your Holiday Pay. The ELM 434.43 states: *“A full-time or part-time regular employee who is scheduled to actually work on a holiday or on a designated holiday, but does not work, is placed in LWOP status and does not receive holiday leave pay, unless the absence is based on an extreme emergency situation and the absence is excused by the employee’s supervisor.”***

**Additionally, the ELM 434.421 states: *“To receive holiday leave pay, employees must be in a pay status either the last scheduled hour before or the first scheduled hour after the holiday or designated holiday. However, for an employee on any form of extended LWOP, paid leave for the last scheduled hour before or the first scheduled hour after the holiday or designated holiday is not approved for the purpose of qualifying the employee for holiday pay.”***

**Carriers should always make sure they are careful when using short-term Leave Without Pay (LWOP) to ensure that they don't lose their Holiday due to that provision. Also, CCA's are not paid for a Holiday that falls during their 5-Day break in service.**

**This article does not discuss all the rules surrounding Holidays, so if you have further questions, please talk to your Shop Steward or call down to the Union Hall. As to your future Holidays, I hope that they are as epic as the Griswold's, and that you are safe and happy travelling down your Holiday Road.**

**Michael Wahlquist – President  
Branch 111, NALC**



#### **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.

## **Remember to smile when you file:**

The adage frequently repeated in union workplace, “Smile and file” is a golden rule to avoid the frequently misapplied charges of unacceptable conduct, failure to follow instructions or insubordination. The legal definition for insubordination as defined by the California Supreme Court is; “a refusal to obey some order which a superior officer is entitled to give and entitled to have obeyed.” Most managerial employees of the Postal Service reading that definition would believe they are entitled to give any order and be obeyed, however, there are limits; 7 *“The Employer shall have the exclusive right, subject to the provisions of this Agreement and consistent with applicable laws and regulations to direct employees of the Employer in the performance of official duties.”* That sentence under Management Rights, Article 3 of our contract gives several exceptions to the right to direct employees. As Letter Carriers managerial employees can be direct us in our official duties only if the direction is: **1** contractual, our agreement explains our rights in the remaining 42 Articles these negotiated conditions rights and benefits must be adhered to in any instruction. **2** in compliance with applicable laws, applicable laws include the Americans with Disabilities Act ADA, the Federal Employees Compensation Act. Fair Labor Standards Act (FLSA): The Affordable Care Act – Nursing Mothers: Under the provisions of the ACA, employers must provide nursing mothers with a private room to nurse/express milk, as well as time to do so. Family and Medical Leave Act: FMLA provides 12 workweeks of unpaid leave per 12-month period for covered employees. In addition to federal leave, some states have enacted family and medical leave legislation. COBRA: The Consolidated Omnibus Budget Reconciliation Act gives workers the right to continue their health insurance coverage after separating from their job. Occupational Safety and Health Act (OSHA): These laws regulate workplace safety. The Wagner Act of 1935 and The Taft-Hartley Act of 1947: Protects the right of workers to organize and to form unions, Uniformed Services Employment and Reemployment Rights Act: USERRA outlines procedures and rights related to military leave. National Labor Relations Board (NLRB): The NLRB prevents unfair labor practices. Social Security Disability: If you’re disabled. **3** in compliance with rules and regulations. The Postal Service has enough rules and regulations to fill a large conference room.

If you believe that any managerial employees are in violation of any of the above, they most likely are, don’t disobey disregard or ridicule the boss just give them the pearly white smile and ask for time with your steward then file the grievance.

**EXC. VICE-PRESIDENT**

Lance Henrie

**NALC BRANCH 111**  
**Minutes of the Regular Union Meeting**  
**February 14, 2019**

**Convened** at 6:38 pm

**Pledge of Allegiance** conducted by Mike Hansen

**Roll Call** by Steve McNees

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

**Reading of the Communications** by Steve McNees.

Received: SLC Safety and Health Committee Meeting Announcement & agenda. Sent the MDA form reporting a \$6,722.00 donation. Letter to Kristine Hillborn attempting to get her help on a potential grievance. Thank you letter from Randy Edwards for his retirement watch. Jan 26<sup>th</sup> Democratic Party Legislative Gala at the Grand Hotel. · Without objection, communications will be filed for future reference.

**Application for Membership** by Lance Henrie

Luis Vazquez, Scott Workman, Amber Palmer, Olivia Fredrickson, Chase Fisher, Rachel Rose, Gabriel Delgado, Diego Soto, Jonathan Simmons, Raymond Frendian, Tisa Burr, Bryan McCampbell, Jose Rodriguez, Derek Woodburn, Madison Lee, Ronald Ayers, Lloydster Parris, Xavier Gutierrez, Jenniffer Su'a, Jecel Klotz.

·A motion to adjourn by 8:30pm because of Valentines Day passed without objection.

·LoEne Simpson displayed a large quilt being raffled at the NALC State Convention to support the union food pantry. The tickets are \$2 each, 3 for \$5, 7 for \$10 and 15 for \$20. The drawing will be at the State Convention in April.

**LCPF** by Josh Thibodeau- Not present

**ORGANIZER** by Justin Lindquist. Not present

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

**LEGISLATIVE** by Chad Mortensen

The Legislature is in session. He is going to DC next week. He will be asking for the Post office bill to be introduced.

**TRUSTEES** – Chad Mortensen – no report

**SPECIAL VISITOR:** Joey Wiscomb our MDA liaison announced the MDA Black and Blue Ball and the Harley ride (the first Friday of June). Contact Joey, Jeremy Bailey, or Terry Ehlers to get drawing tickets.

**HEALTH BENEFITS** by Jim Kerekes

Thanked the retirees who came to receive their gold cards.

**SAFETY AND HEALTH** by Chris Zambos - excused

**DIRECTOR OF RETIREES** by Jeff Asay.

·Dave Brown received his retirement watch and pin.

·Gold Cards (50 years of membership) and pins were presented to Stan Burmood, Barrie Frankland, Marv Graham, Dave Johnson, Joseph Rivera, and Gary Thorne.

·A 60 year pin was awarded to Marv Jewell by his son Bob Jewell.

**TREASURER** by Mike Madsen

- The new National pay schedule no longer has a grade 2 (T-6 pay) so our bylaws will need to be changed. A motion to amend the bylaws will be made soon to correct officer and steward pay.
- Last year's payroll was so large we now have to pay the IRS twice weekly instead of monthly. Payroll will only be paid one day each week.
- We had cash reserves of \$240k three to four years ago. Last year it was down to \$190k. This year we have a proposed budget with a deficit of \$85k.
- Last month we paid back all who had paid back dues from 2016-2018 per the new dues in arrears procedures.

**VICE PRESIDENT'S REPORT** by Mike Hansen

- Steward training is next Wednesday at 6:30. Phil Rodriguez will be training on route inspections. Anyone interested is invited to attend.

**EXECUTIVE VICE PRESIDENT** by Lance Henrie.

3,785 grievances have been filed so far this year.

**PRESIDENT** by Mike Wahlquist.

- Last year we filed a record 1,650 grievances. We are already to almost 4,000 this year (1 month). 1,966 grievances will be appealed to the B team next week.
- Orem has hired more CCAs (24) so that they are going to have enough help to reduce mandatory overtime and give the stewards the time they need (constant since Jan. 4<sup>th</sup>)

**SPECIAL ORDERS:**2019 Branch Budget:

- The proposed budget from last month was distributed. There was a motion to accept the budget as proposed.
- An amendment to require a balanced budget failed (20 in favor 22 against). ·An amendment to pass the original motion and to hold out specific line items passed (16/13). Items held out: Summer Party, National Convention, Steak Fry, and Meeting Expenses (door prizes, refreshments, treats, thanksgiving gift cards, etc.).
- Steak Fry: A motion to cut the cost in half (amended to rotate the steak fry and summer party each year) failed. An amendment to increase the price of the steak fry ticket to \$20 passed (19/18). An amendment to carry over steak fry funds to the next year passed. An amendment to not buy door prizes failed. The Steak Fry motion as amended failed (20/21).
- Summer Party: A motion to amend the budgeted amount to \$2,300 from \$2,900 passed.
- Meeting expenses: A motion to reduce the budgeted amount to \$4,400 from \$5,000 passed.
- National Convention: A motion to reduce the budgeted amount to 2,000 and only send the president or designee failed.
- The original budget, as amended, was passed.

State nominations for Letter Carrier of the Year are being taken (anyone can make a nomination). Send nominations to Kim Mortensen, State Secretary. The winner will be announced at the April Convention.

**UNFINISHED BUSINESS:** none

**NEW BUSINESS:** none

**GOOD OF THE ASSOCIATION:** none

**DRAW AND ADJOURN** – 8:30 pm

- \$25 drawing winners: Josh Jessop, Mike Madsen
- RETIREES – \$50 (blank line was not present). Next month it will be \$75.
- PROGRESSIVE A - \$1,050 (Kim Jensen was not present). Next month it will be \$1,075.
- PROGRESSIVE B - \$200 (Ed Graham was not present). Next month it will be \$225.

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

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**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-  
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**VICE-PRESIDENT**  
Mike Hansen  
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Mike Madsen  
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**Mon— Fri. 8:00 AM—6:00 PM**

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