

Pavement Pounder

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

Publication 2021.06

June 2021



Union Meeting

July 8th

Meeting starts at 6:30pm at the Union Hall

And on Zoom

UNIFORMS NEEDED



**Clean out your closets and help Branch 111 Carriers.
All sizes and items needed!**

Please drop off clean, good condition items to the
Union Hall or with your Steward.

For retirees: if you are unable to make it to the Union Hall,
please call 801-973-6705 to make arrangements.

The President's Report

Instructions Included

Every month I am asked by Letter Carriers if they have to obey the direct orders they receive from management. For example, a Letter Carrier will call and tell me, “My Supervisor just ordered me to immediately stop cleaning up, end my tour, and go home. Do I have to obey his order?” or, “My Station Manager just ordered me to quit talking and go back to my case, but I need desperately need information from another carrier. What should I do?” The crux of this month’s article revolves around the following questions: When do Letter Carriers have to follow direct orders? And, when may Letter Carriers ignore them? Hopefully, by the end of this article, we will have a pretty good idea of what we can and can’t do when our Supervisor or Manager says those dreaded words “I am ordering you...”

Insubordination is a very serious offense, when management can prove it. In fact, it is one of the seven deadly offenses specifically written as examples at the beginning of Article 16 (the “Discipline Procedure”) for which an employee may be disciplined or removed from the Postal Service. Usually, by the time a direct order is given, the Letter Carrier has disagreed with or failed to follow an instruction, and is willfully refusing to comply with what management wants. Though, in rare cases, managers with limited “people skills” will start out with a direct order.

The best policy regarding direct orders (with some exceptions that I will talk about a bit later) is to “obey now and grieve later”, also known as the “smile and file” approach J. Arbitrator James T. Barker stated in arbitration #w7N-5L-D 17809:

“It has long been accepted, in arbitration and shop or work floor management, that an employee who has doubts about the propriety of an order given him or her by supervision should honor that order and grieve later.”

Remember that management cannot deny a Letter Carrier access to his or her Shop Steward “unreasonably”. Which means that a Letter Carrier always has access to his or her Shop Steward immediately if possible, but no later than the end of his or her shift (According to the Postal Service’s own instruction #M-00458). So, ask for time to consult with your Steward, and do not disobey the direct order unless it falls into one of the exceptions that we will now address.

When may you disobey a direct order? If the direct order were to “*require an illegal or immoral act, or place the employee in immediate danger of loss of life or serious injury*” –Arbitrator Carlton Snow in case #W1N-5H-D 10755. Now, it becomes the employee’s burden of proof to show that the danger was imminent and real, or that the act was immoral or illegal. We should always use the “reasonable person” test to determine if these reasons will allow us to ignore a direct order. In other words, would a reasonable person agree that the direct order is placing you in real danger, which is threatening now? Would a reasonable person agree that the direct order is immoral or illegal? If you know that either one of these exceptions applies to the direct order, then you may choose to ignore the direct order, with the understanding that you will be asked to validate your claim later.

If these exceptions do not apply, you should do your best to obey the direct order and seek to grieve it later when necessary. Arbitrator Irvin Sobel listed four parts to a direct order, which are mandatory when the Postal Service argues insubordination. The Union will argue the impropriety of any direct order that fails to meet these four tests. The Union will also use these criteria to argue mitigation for someone who has failed to follow a direct order, but it is still better to smile and file J. The four criteria from Sobel are:

“1) The request must clearly specify what is desired and what action(s) is (are) consistent with compliance: 2) The order must be within the jurisdictional authority of the individual Supervisor to make it: 3) The action desired both must be within the competence of the employee to perform, and be relevant to his work assignment(s); and 4) The consequences of failure to comply must be stated.”

So, what this means is that the direct order must be clearly conveyed and understood. It means that someone with the proper authority must give it. (If another Supervisor gives you a direct order, you may go to your immediate Supervisor or Manager and ask what his or her orders are). It means that you must be able to perform the order. (It is inappropriate to simply order a Letter Carrier to be done by 5:00 p.m. the day after a holiday). And finally, management must state the consequences for failing to comply with the order. (Some Letter Carriers have no idea how serious management is taking an issue until they are issued the Notice of Removal).

Remember, if you obey a direct order and then grieve it, then you have done nothing wrong, but management may have. You will continue to work while the Union files a grievance on your behalf for precedent and damages. However, if you refuse to follow a direct order, you may be fired for insubordination, and then the Union will be grieving to get your job back, hoping that both you and the arbitrator are “reasonable” people. The whole reason for the grievance procedure is so you don’t have to take things into your own hands. When we fight, we fight as a Union.

We are going into the summer heat, please be safe, stay safe, and get home safe at the end of every shift!

Michael Wahlquist – President
Branch 111, NALC

Upcoming Dates

June 18 AFL-CIO Convention

June 26 Summer Party

August 6-7th State Convention

August 28 Steak Fry

September 26-30 RAP Session

Amie B. Gallo , Vice President

We recently received an arbitration award for a Hamilton Letter (steward's rights) violation. The arbitrator awarded the financial remedy to Branch 111, despite the fact stewards had previously been paid the award. Since then, the requested remedies have been raised again, which has resulted in a backlog of impassed grievances for the NBA office to attempt to resolve or decide to take to arbitration. Most of these grievances have been initiated out of the Downtown Station- for some reason management in that station is consistently unable to provide time and/or information in a timely manner. In March, Regional Administrative Assistant Debbie Dixon successfully pre-arbed seven of these grievances. As a result, Branch 111 was once again paid what broke down to be \$600 per grievance.

After receiving the payment per the grievance settlements, a standing order was proposed and agreed to by the membership that the monies the Branch receive as a grievance settlement from 2021 forward be earmarked for training. I am pleased to announce that this enabled the branch to put on a basic steward training for some of our newest and/or inexperienced stewards to attend and we were able to compensate them for their time at training.

Most of the membership may not be aware that stewards who are attending trainings usually use their own annual leave or leave without pay. This is obviously a huge sacrifice for stewards to be making, and often for a thankless job. Some stewards, especially those with lower seniority, are unable to attend training because they receive so little annual leave or because they are financially unable to afford taking leave without pay. In other situations, a steward may be unable to go out of town for five to six days because they have no one to watch their young children. For these reasons, we hope to continue to be able to provide this opportunity to stewards who are being trained.

As I stated earlier, we recently conducted the Basic Steward Track (June 11 and 12). I personally want to thank the following stewards and alternates who attended the training: Josh Thibodeau, Mike Barrios, Troy Scherzinger, Justin Lindquist, Clementine Alvey and Candice Dennison. It was an honor to be your instructor and get to know you all a little better. You were all phenomenal students, and I cannot wait to see your work and progress in the future. I also look forward to being able to conduct similar trainings for others soon.

Please take care of yourselves and ensure you are drinking an adequate amount of water as the temperatures rise. If you do not have bottled water available to you on the workroom floor, please complete a PS Form 1767 reporting the situation. If a PS Form 1767 is filed, please forward a copy to the Union Hall so Justin Lindquist can assist by addressing it at the District Safety Meeting. Also, remember to park your vehicles in the shade when you can and take extra breaks, if need be, to cool off.

In solidarity,

Getting Back To It

I wanted to quickly thank those who came to the Branch meeting last week. It was so nice to see all of your smiling faces and be together in person. I am really looking forward to getting back to a version of normal this summer. I am very excited for the events coming up so we can see more of each other. Mark your calendars for the summer party on June 26th at the Murray pool. This is a great opportunity for families to get together for some food and fun. The steak fry will be August 28th at Murray Park and is always a great time.

I also want to thank you to all the Branch officers and stewards for all the hard work this past year.

In Solidarity

Mike Hansen
Executive Vice President
NALC Branch 111

> HEAT DANGERS **FIRST WARNING**

HEAT EXHAUSTION	HEAT STROKE
FAINT OR DIZZY	THROBBING HEADACHE
EXCESSIVE SWEATING	NO SWEATING
COOL, PALE, CLAMMY SKIN	RED, HOT, DRY SKIN
RAPID, WEAK PULSE	RAPID, STRONG PULSE
MUSCLE CRAMPS	MAY LOSE CONSCIOUSNESS

HEAT EXHAUSTION
- GET TO A COOL, AIR CONDITIONED PLACE
- DRINK WATER, IF CONSCIOUS
- TAKE A COOL SHOWER OR USE COLD COMPRESS

HEAT STROKE
CALL 9-1-1

NALC BRANCH 111

Minutes of the Regular Union Meeting

June 10, 2021

Convened at 6:30 pm

Pledge of Allegiance conducted by Mike Hansen,

Moment of Silence for James Sawyer and Joseph Jensen Jr. who passed away

Roll Call by Steve McNees

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

Reading of the Communications by Steve McNees.

- May 25th letter from President Rolando. The 2021 National Convention (Hawaii) has been cancelled. The 2022 Convention will be held in Chicago the week of Aug. 8, 2022. Convention awards for branch communications, organizing, MDA, etc. will be announced in 2022. • Delegate elections and resolutions/amendments will be handled per local bylaws for the 2022 convention. A summary of the votes for the 2019-2023 National Agreement was also included. • The Farm Bureau Financial Services has requested permission to advertise to Branch 111 members. Their request has been forwarded to National for vetting. • The branch received a letter from a member regarding possible changes or updates to the remedies we received from the Hamilton Letter (Art. 17/31 violations). President Wahlquist responded by explaining the current situation and hoping for proposed changes in the future if management attempts to follow the rule.

Application for Membership by Mike Hansen

Lauren Johnson, Huascar Rodriguez, Ramon Robles, Clinton Burdette, Bethany Hawkins, Heather Ferre, Denny Sherman, Kimberly Anderson, Lyndee Ruud, Kristina Durrant, Bryan Dunagan, Lori Jones, Abdelghani Ghamizi, Patrick Oberg, Henry Lameta, Rebecca Dietz, Luke Tamborini, Jace Madsen, Dakota Charger, Blake Holmes, Anthony Ashton

LCPF by Josh Thibodeau – not present

MDA COORDINATOR by Jeremy Bailey – no report

DIRECTOR OF VETERAN AFFAIRS - Jimmy Fleming (newly appointed to this new position)

- There is a national NALC Veterans' Group online at nalc.org/community-service/nalc-veterans. They will mail out a packet/book with a lot of good information for veteran letter carriers. • He plans to start recruiting veterans as they process out of the service to become letter carriers.

ORGANIZER by Justin Lindquist

- Good to be back to in-person meetings. Organizing – about 24 of the last 25 CCAs have signed up. All of today's training academy signed up.

SAFETY AND HEALTH by Justin Lindquist

- A lot of members came to him with veteran's issues. He didn't know their process, so he helped in the creation of the new Veterans Affair position. Having Jimmy Fleming is a great addition to the board to help veterans.
- July 15th Justin has a meeting with the installation. There is no mental health injury, but carriers and officers are often pushed too far. He will bring this issue up with the postmaster to find solutions.
- Fill out the 1767. This form is designed for us, to be our part of the safety program. If you don't fill it out, it doesn't get discussed or resolved. Let Justin know if you complete a 1767 so he can check at his meetings to see if management processed your form.
- The mask policy is to still wear them while at work. The CDC gives the postal service the right to make its own decision on masks. Different offices seem to have different policies.

LEGISLATIVE by Chad Mortensen – not present

- nalc.org – look under political or legislation, then check the postal reform bill and then do something to support it.

TRUSTEES by Chad Mortensen excused – Kirk McLaughlin

- The branch's financial books are looking good. Mike Madsen is doing a good job.

MBA, COMPENSATION by Bob Jewell

- Carriers are getting hurt. Supervisors are deciding which forms to use (CA-1 or CA-2) but are getting it wrong sometimes.
- There will be OWCP training at the stewards training next Wednesday.
- We need to encourage all carriers to sign up with OWCP at *ecompany.gov* and then you can immediately complete the forms on a computer if/when you get hurt. If you are not registered with OWCP in advance, you cannot file your injury online and you have to hope supervisors process your forms correctly. You can get a receipt when you fill out your forms online.
- Ask to have your steward present when you are filling out your CA forms so that the right forms are being completed.

If there are questions, call Bob.

HEALTH BENEFITS by Jim Kerekes

- There won't be any health seminars this year. They will be having one in the spring of 2022.
- Retirees get a quarterly newsletter that has some health and life insurance information.
- Usually when you retire you can't change health plans unless you have a qualifying life event (marriage, children, etc.). Outside of open season, retirees can change to a lower rate plan when they turn 65 and sign up for Medicare.
- The cost of living went up about \$900 per year for active carriers and 3.1% for retirees, the most in many years.

DIRECTOR OF RETIREES by Jeff Asay – Excused

TREASURER by Mike Madsen - Excused

VICE PRESIDENT by Amie Gallo

- We are doing a basic steward track training this weekend. Eight stewards are attending.
- Steward training next Wednesday will be in person and online. It will be about OWCP.

EXECUTIVE VICE PRESIDENT by Mike Hansen

- Glad we are meeting in a room together again.
- Those watching on Zoom are asked to text Hansen a report on how the meeting went so we can work out any bugs regarding doing live meetings on Zoom.
- 1,058 grievances have been filed so far this year. That is more than usual but less than last year.
- The Summer party is June 26th at Murray park. It is free to members and family.
- New stewards – check CCA that are reaching 24 months so they can be converted.
- Back pay should be coming in July.
- MOUs were all extended until August.

PRESIDENT by Mike Wahlquist

- Thanked Amie Gallo for preparing and having the steward track training this weekend. There hasn't been any region training, except for 4 stewards, in over a year.
- June 26th – 6:00pm. Summer Pool Party at Murray Park. Jeremy Bailey is in charge. There will be hamburgers, hot dogs, brats, novelty ice cream, chips and everything else. It is free for immediate families (parents and their kids).
- Aug. 28 – 6:00pm, Steak Fry at Murray Park pavilion #5. There will be a lot of door prizes (2 years' worth). Retirees' tickets will be paid for by the Director of Retirees.
- June 18th - AFLCIO convention. 5 delegates/members are attending. It will be on zoom.
- Sept 26-30th – Rap Session in Alaska. Let Mike know if you are interested.
- Aug 6-7 - State Convention in Ogden. Everyone nominated will be able to attend (no housing required) just mileage and per diem will be paid. We will send out a packet to all attendees.
- The Downtown office moved to the annex. Most routes are about 30+ minutes over. Now some have to wait for trains. Many carriers are out until 8pm delivering mail. Route inspections will need to be done in September.

SPECIAL ORDERS: none

UNFINISHED BUSINESS: none

NEW BUSINESS: none

GOOD OF THE ASSOCIATION: none

FOR THE IMPROVEMENT OF THE SERVICE: none

DRAW AND ADJOURN – 7:27 pm

- \$25 drawing winners: Bruce Morgan and Monte Jones- checks to be mailed
- RETIREES – \$375 (Rick Watson was not present). Next month it will be \$400
- PROGRESSIVE A - \$475 (Gilberto Mendez was not present). Next month it will be \$500.
- PROGRESSIVE B - \$125 (Josh Thibodeau was not present). Next month it will be \$150.

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
Mike Hansen
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the
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