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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

September 2022

Publication 2022.9



October 13, 2022

6:30 pm

Free BBQ Hamburgers and hotdogs
Donations to the MDA will be appreciated
but not required

Event will be held at the Union Hall



The President's Report

Maximum Hours

I met with Postmaster Canfield a few weeks ago about the staffing in the Salt Lake City Installation as we approach peak season for the USPS. He informed me that we had around 1/3 of the CCAs that we “earned” (a term that is management’s evaluation of how much staffing they require to deliver the mail... the NALC would likely want more staffing just to be on the safe side). The exact number of CCAs was not determined as there are always some being hired and converted in the Salt Lake Installation, and that makes the determination that they are 1/3 staffed difficult, but it is a fair estimate. Most of the Associate Offices are in the same boat, with about 1/3 of the CCAs that they would currently “earn”. Nearly all offices are currently understaffed to a degree that Letter Carriers are working to the maximum hours on a regular basis. I am seeing offices where being on the 12/60 list is next to meaningless, as every letter carrier who is not medically restricted is being mandated 12 hours nearly every day.

With all of the above being true, it behooves us to know about what the contract says about our rights and duties when it comes to Maximum hours, especially since many of the rules change for the month of December. The ELM (Employee and Labor Relations Manual), is the controlling document in regards to maximum hours. The ELM states that with some exceptions, employees are limited to 11.5 hours of work and a lunch period (or 12 hours of work if there is no lunch period...though I would always advise taking a lunch if you are working this many hours!). The exceptions are the Overtime Desired List, consisting of those who have signed the 12/60 list, the 10-hour list, or the Work Assignment list, who are limited to 12 hours of work in addition to a half-hour lunch period. And there is a further exception in the month of December, when carriers who have signed the lists mentioned in the previous sentence are not limited to 12.5 hours in a day, and there actually is no hour limit at all.

All of this is a bit complicated, so I will break it down in the following two tables:

December Maximum Hours

CCAs: 11.5 plus a lunch (no limit per week)
PTRs: 11.5 plus a lunch (no limit per week)
Non ODL Carrier: 11.5 plus a lunch (no limit per week)
WA Carrier: No limit on either*

January through November Maximum Hours

CCAs: 11.5 plus a lunch (no limit per week)
PTRs: 11.5 plus a lunch (no limit per week)
Non ODL Carrier: 11.5 plus a lunch (60 per week)
WA Carrier: 12 plus a lunch*(60 per week)

*The contract says that Work Assignment Agreement recognizes that it is normally in the parties’ best interests not to require employees to work beyond 10 hours per day, and managers should not require “work assignment” volunteers to work beyond 10 hours “unless there is no equally prompt and efficient way to have the work performed.” However, if there is no equally prompt and efficient way to have the work performed, management is able to use the Work Assignment list up to the above noted limits.

So what happens when management breaks the contract, and has Letter Carriers working beyond the maximum hours that have been mentioned above? National Arbitrator Mittenthal ruled that the 12 and 60 hour limits are absolutes. Excluding December, a full-time employee may neither volunteer nor be required

to work beyond those limits. In fact, when a full time employee reaches the 60 hour per week limit, management is required to send the employee home, even in the middle of a scheduled day (and such an employee would receive the remainder of the eight-hour guaranteed pay for said shift). If and when daily or weekly maximum hours are exceeded, the contract states:

“In those limited instances where this provision is or has been violated and a timely grievance filed, full-time employees will be compensated at an additional premium of 50 percent of the base hourly straight time rate for those hours worked beyond the 12 or 60 hour limitation. The employment of this remedy shall not be construed as an agreement by the parties that the Employer may exceed the 12 and 60 hour limitation with impunity.”

Even though the above remedy states it is just for “full-time” employees, Branch 111 has been very successful at obtaining the additional 50 percent remedy for all classes of employees who have exceeded their maximum hours. And as the contract states, in the event that there are egregious ongoing violations, we would have no qualms about asking for remedies above and beyond the 50 percent remedy. Nick Vafiades, the National Business Agent for Region 2 told me that one remedy they are seeking at the National Level is the “Right of Refusal”, or in other words, the right to bring back the mail at the Maximum Hour Limit. Right now, a Carrier may do so if they are “too fatigued to continue”, but with the “Right of Refusal” that would not have to be the case. So in essence, if after 11.5 hours (for those not on the ODL), or after 12 hours (for those on the ODL), if you are too fatigued for you to safely continue, you have the right to bring the mail back and leave. Just make sure you communicate that to your Supervisor or Station Manager.

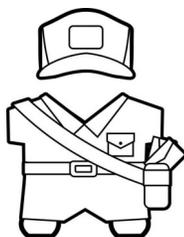
In the event that you did happen to work more than 12 hours in a day, or 60 hours in a week (as per the previously cited tables), please remember, that to have a maximum hour grievance be successful, we must file it within 14 days of when the maximum hour limit was broken, so please let your Shop Steward know whenever you work over (or are forced to work over) the contractual maximum hours.

Michael Wahlquist , President , Branch 111, NALC

Uniforms Needed!

Please bring any uniforms you may have that you'd be willing to donate.

We accept any uniforms in new or used condition, but please none in bad condition.



NALC BRANCH 111

Minutes of the Regular Union Meeting

Sept. 8, 2022

Convened at 6:34 pm

The meeting was also broadcast over Zoom for those unable to attend in person.

Pledge of Allegiance conducted by Mike Hansen

Moment of Silence: Alan Buddle (died: 1/29/2022) and Rusty Guernsey (died 8/3/22)

Roll Call by Steve McNees

Minutes of the July 2022 meeting were posted. Without objection, they will be filed for future reference.

Reading of the Communications – Steve McNees

- Notice to stewards that memo M-01979 is in effect until 12/31/23. Leave carry-over from 2022 to 2023 is 520 hours of accumulated leave.
- \$2,041.00 was collected at the Bowl-A-Thon and sent to MDA.
- David Noble sent the branch his campaign materials.

Application for Membership by Mike Hansen

- Justus Beckman, John Grosvenor, Dallyn Zaugg, Elijah Murnin, Isabella Mireles, Edward Taupule, Breno Castagno, Jonathan Dean, Daniel Arkell, Joshua Whitlock, Khamphauva Boutvyseth, Kelly Sundberg, Patrick Hawkins

Award Presentation: Phil Rodriquez (NALC State President). Letter Carrier Political Fund Awards received by Branch 111 at National Convention: 2020 award for the 3 rd highest percent of members contributing to LCPF (17.18%) for branches with 1000 to 2000 members. The 2020 award for 2 nd highest per capita contribution of \$50.39.

The 2022 award for the 3 rd highest percent of members contributing to LCPF (15.57%). The 2022 award for 3 rd highest per capita contribution of \$47.98. In Region 2 we are number one in all categories.

LETTER CARRIER POLITICAL FUND by Josh Thibodeau

- Josh has gotten four more to sign up recently. Contact him if you would like to know how to make donations.
- CCAs need to sign up after their yearly break in service because donations are automatically removed.

MDA COORDINATOR by Jeremy Bailey

- The Labor Day picnic last Monday was amazing. Lanne Chapman was with us nearly all day helping us out. We were going to be the only food truck at veterans' day picnic, but 2 others showed up and made it harder to sell food. There were 2 car shows.
- We had two events lately to raise money for MDA. \$2,000 at the bowl-a-thon and \$1,060 at the Steak Fry.
- They will probably have a Bowl-a-thon at the Rap Session coming up in SLC. -

Next month we will have free BBQ hamburgers and hot dogs at the union meeting. Donations to MDA will be appreciated but not required.

DIRECTOR OF VETERAN AFFAIRS - Jimmy Fleming – no report

LEGISLATIVE by Chad Mortensen

- Lanne Chapman is running for County Clerk. The County Clerk sends over 2 million pieces of mail each year. She would like our help to make it better. Vote for Lanne Chapman.
- HR-4268 Federal Retirement Fairness Act: will enable federal workers to get credit for non-career status (casual, TE, CCA) years worked. Call your representatives to get them to vote for it.
- Darleen McDonald is running against Burgess Owens in District 4. Burgess cosponsored our bill. She needs to learn our needs. She is going to talk to us next month.
- Dunnigan is a Republican but he is supported by the AFL-CIO and letter carriers, because he supports our issues.
- Talk to your neighbors and/or put-up signs to support those who support us. Be involved.

Special Speaker: Jim Dunnigan, Utah House of Representatives. He represents district 39 (Taylorsville and West Jordan). Serves as parliamentarian, is on the appropriations committee for Taylorsville and West Jordan, public safety, dept of corrections committees. He spent 6 years on the City Council. 85% of his district prefers mail in ballots and he supports it. He believes in policy above politics. Utah is doing better than most states. Utah is one of 13 states that taxes social security. He is working to change that. Others are campaigning to “fix” the voting. Jim doesn’t believe there is a problem with our voting system. He is working to reduce property taxes and keep them from going up.

TRUSTEES by Chad Mortensen

- They met Tuesday and did the May-July books. Everything is looking really good.

MBA, COMPENSATION by Bob Jewell

- Bob will be out of town next week for OWCP training. Call or text him if you need help.
- Many carriers are not registering with Ecomp and supervisors are completing their paperwork but getting only ¾ of all the information needed for the claim to be accepted. Don’t leave it to your supervisors to complete your forms. They don’t get proper training.
- Once you register you can file your CA-1 and Covid CA-1 on any computer.

HEALTH BENEFITS by Jim Kerekes

- Balance Billing or The No Surprises Act is about what to do if your insurance shows you still own money. A copy comes with your statements.
- 2025 will have changes with postal only plans. There are 9 plans in the post office. He doesn’t know what is going to happen yet.

ORGANIZER by Justin Lindquist

- Justin hands out a packet of information to new CCAs at their training. Others can add info to the packet if they want. Organizing has been going well except once, 3 weeks ago.

SAFETY AND HEALTH by Justin Lindquist

- At the last meeting they talked about the long hours we need to be working. A lot of CCAs are working over 12 hours a day (total hours including lunch, etc.) but they can't be required to. They can be required to work 7 days per week. Contact your steward if being over worked.

DIRECTOR OF RETIREES by Jeff Asay - Excused

TREASURER by Mike Madsen

- \$4,504 paid to MDA. \$3,307 purchases for MDA events.
- We have received \$17,720 from progressive permissive grievance settlements and only \$3,900 has been spent.
- The expenses and income report were on the desk in the back of the room.

VICE PRESIDENT by Amie Gallo – no report

EXECUTIVE VICE PRESIDENT by Mike Hansen

- 1,441 grievances filed this year.
- 2 in his office had Covid and were back to work quickly (same week). He got covid and was told by management that he should go home for 5 days and then wear a mask for 5 days. This is wrong. You are not allowed to return until 5 days after testing negative (or no symptoms). You shouldn't call in every day. You can also check your virtual time card.
- Call Susan the health nurse and she will tell you the rules. She is very friendly and will require management to follow proper procedures.
- If you have never been to a national convention, you should plan to go to the next one. You need to attend the necessary number of meetings to qualify for paid expenses.
- There will be a Stewards dinner in October for stewards, alternates, and officers.

PRESIDENT by Mike Wahlquist

- Carrier James Fenton in Cottonwood found an injured lady laying in her yard. He got her emergency help. She said that she would have died because of the extreme heat, if he hadn't found her.
- Downtown is 100% organized again.
- At Labor/management meeting they talked about CCA hiring. We are qualified for 120 CCAs but we only have about 40. We are about 1/3 staffed going into the heaviest mail period of the year plus elections.
- We haven't qualified for the hiring of career employees rather than CCAs. Only 2 offices in our region have qualified to hire PTFs.

SPECIAL ORDERS: none

UNFINISHED BUSINESS: none

Nominations for delegates to the 2023 Utah State Convention April 20-21, 2023 in Vernal, UT. Delegates need to certify that they have not applied for a management position in the last 24 months.

Nominees: Jenny Woodall, Courtney Chatterton, April Pettley, Kim Mortensen, Jeff Asay, Brent Console, Spencer Heinz, Fernando Palafox, Amie Gallo, Josh Thibodeau, Jim Kerekes, Mike Hansen, Kirk McLaughlin, Chad Mortensen, Keith Warner, Monte Jones, Mike Simonsen, Stormy Blood, Jeff Ertmann, Mike Madsen, -

Mike

Wahlquist, Jeremy Bailey, Steve Warren, Kelly Grater, Justin Lindquist, Bob Valdez, Bob Jewell, Destiney Carrillo, Josh Jessop, Alisha Barela, Marisa Barela, Blake Mellor, Jay Reupena, Rachel Burton.

NEW BUSINESS:

GOOD OF THE ASSOCIATION:

- Motion to endorse Jim Dunnigan for Representative in district 39. Motion passed.

FOR THE IMPROVEMENT OF THE SERVICE:

DRAW AND ADJOURN – 8:20 pm

- \$25 drawing winners were Vicki Pheifer and Kirk McLaughlin
- RETIREES – \$150 (Paul Simmons was not present). Next month it will be \$175
- PROGRESSIVE A - \$325 (Alan LaPearle was not present). Next Meeting it will be \$350
- PROGRESSIVE B - \$225 (Blank was not present). Next Meeting it will be \$250

NALC HEALTH BENEFIT

Jim Kerekes

Like to refer to a letter that usually comes to you in the same envelope when you receive an EOB (explanation of benefits) letter from the NALC Health Plan. It tells about a law which is titled the “ No Surprises Act”. Starting with a definition- “ Balance Billing” (sometimes called Surprise Billing). When you see a doctor or other health care provider or use an air ambulance provider, you may owe certain out-of-pocket costs, such as a copayment, coinsurance, and/or a deductible. You may have other costs or have to pay the entire bill if you see a provider or visit ac health care facility that isn’t in our network. See sections 1 and 3 in the nalc plans brochure. “Out-of-network” describes providers and facilities that haven’t signed a contract with this plan. Out-of-network providers may be permitted to bill you for the difference between what we agreed to pay and the full amount charged for a service. This is called “Balance Billing”. This amount is likely more than in-network costs for the same service and might not count toward your annual out-of-pocket limit. See section 4 of nalc plans brochure. “Surprise Billing” is an unexpected balance bill as defined by a new federal law called the “ NO SURPRISES ACT” This can happen when you can’t control who is involved in your care- like when you have an emergency or when you schedule a visit at an in-network facility but are unexpectedly treated by an out-of-network provider. Some facilities and providers are considered “non-PPO” under our plan Brochure but are not “out-of-network” for purposes of the No Surprises Act if they are contracted with this plans nondirected networks (Multiplan or Zelis (formerly Stratose)). See section 1 of the nalc plans brochure.

For a review of all the above: The No Surprises Act protects you from surprise balance billing for:

1. Emergency Services
2. Certain services at an in-network hospital or ambulatory surgical center.
3. Out-of-network Air Ambulance Services

Lastly, If you believe you’ve been wrongly billed by the provider, you may contact the federal government’s No Surprises helpdesk at 1-800-985-3059. If you have questions about the explanation of benefits from the health plan call

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The financial records of Branch 111 are available to anyone by appointment and a monthly record is always available at Branch 111 monthly meeting.

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