



Since July 25, 1890

September 2023

# Queen City Letter Carriers - NALC Branch 43 News & Views

## NALC Branch 43 Proudly Serving

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Ted Thompson  
President

### From the President's Desk

At 6:00 pm on Wednesday August 30<sup>th</sup> Branch 43 hosted a rally against crime on fountain square in downtown Cincinnati titled, "Enough is Enough." This rally, the second of its kind, followed a rally held by Chicago NALC Branch 11 on August 8<sup>th</sup>. This rally, simply, was rather spontaneous and started with a phone conversation between myself and Branch 43 member, and NALC Assistant to the President, Doug Lape. One conversation led to another, and in all, this event came together in about two weeks. For the time frame and turnaround of this event, I was extremely happy with the outcome.

For our rally, Branch 43 was joined by NALC members from at least 6 other branches, 5 Ohio State Association of Letter Carriers executive board members, 4 NALC national representatives, including NALC president Brian Renfroe, local AFL-CIO affiliates and Cincinnati Central Labor Council executive board members, Hamilton County law enforcement, local politicians, and a federal politician. This rally was also extensively covered by the media with televised coverage from all major Cincinnati news networks including channels 5, 9, 12, and 19. Various media outlets, both local and national, covered this event with written articles. This event was also covered by both local and national AM radio stations including WLW, WVXU, NPR, and iHeartRadio.

Since January of 2022, Branch 43 has had 17 of our members physically

assaulted or robbed at gun point. This does not include the countless other members that have been harassed while on the street delivering mail. This rally was hosted to get most major stakeholders together in one location and for one purpose, to get the message out that these crimes need to stop now! While national leadership and branch 43 leadership, including its officers and stewards can advocate for change and spread the message, I felt it was important to bring to the public faces and voices of our members who have been victimized. Every branch member has someone in their life who loves them. Every branch member is someone's family or friend. For every one of these crimes, countless people are affected. Thankfully, Branch 43 had at least two letter carriers support and attend this event that have been victims of these senseless acts of violence. Branch 43 member, and Mid City letter carrier, Taylor Whitt, was the true headline speaker. Taylor shared her stories on violence. Needless to say, Taylor was swarmed by the media at conclusion of the rally and her words were heavily covered by the media and were an important component to getting our message out to the public.

While getting the message out to the public of the severity of these criminal acts was one of the purposes of this rally, the rally was a call on the Postal Service at both national and local levels that they need to do more to protect letter carriers. This rally was a call to law enforcement that they need to prioritize us when patrolling their areas and check on us. This rally was a call to the Department of Justice that they need to prioritize prosecution of these criminals in federal court and seek higher prosecution rates. This rally was a call to our local and federally elected offi-

*Continued on following page*



#### NEWS & VIEWS

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**EDITOR'S (Ted Thompson) NOTES**  
Branch 43 members are encouraged to  
send articles to the *News & Views*. Items  
of interest about your station, current  
events, etc. are welcome. The following  
guidelines apply:

- (1) We may edit your article for grammar, punctuation, spelling, etc.
- (2) If it should prove necessary to edit an article for space or coherence, every effort will be made to preserve the substance and intent of the article.
- (3) Unsigned articles will not be printed. Letters, criticism and suggestions for improving the *News & Views* are also welcome. If your letter is not intended for publication, please state so. Letters held to 150 words are less likely to be edited.
- (4) Articles must arrive at the Branch office by the 15th in order to make the next month's issue. Digital format is preferred. Send items to: [thompson@branch43.org](mailto:thompson@branch43.org)

Printed in House

*President cont.*

cials to use their voice and prioritize letter carriers with meaningful legislation and involvement.

This rally was a call for the Postal Service and the Postal Inspection Service to protect us. It is the responsibility of every employer to protect its employees. Since our first armed robbery in January of 2022, what has the Postal Service done to protect letter carriers from these crimes? A couple service talks, maybe? Plainly, they have not done enough and service talks don't cut it. Locally, the Postal Service needs to provide widespread meaningful training and include law enforcement. The Postal Service needs to partner with local law enforcement agencies to provide this training and collaborate with them on solutions to abate these crimes. The Postal Service needs to provide arrow keys to those routes without them and address or cease collections of mail in high crime areas where letter carriers are vulnerable. Finally, and most importantly, for our branch members that have been victims of crimes, the Postal Service needs to treat them with humanity. The Postal Service needs to help these members access appropriate health care. The Postal Service needs to help these members process workers compensation claims – not controvert them! The Postal Service needs to stop treating these members as though they are the criminal when they are not back at work the following day and focus their attention on what they can do to catch the real criminal and bring justice back to the workplace. Nationally, the Postal Service needs to utilize every resource possible and shed no expense on doing so. The Postal Service needs to expedite technology available to replace the antiquated ar-

row keys. The Postal Service needs to hire attorneys to help with the prosecution of these crimes. One look at the Postal Inspection Services website and you will see their job includes, "protecting USPS employees." This is exactly what they need to do. If we need more Postal Inspectors – the Postal Service needs to hire them.

The Department of Justice needs to prioritize letter carriers and federal prosecutors need to do their job in prosecuting these criminals in federal court, not local municipalities, or county courts. Federal prosecutors need to aggressively pursue every crime against a letter carrier and request maximum punishment to send a message to these criminals that these acts will not be tolerated, and the penalties will be severe. If local law enforcement, together with a properly staffed and prioritized Postal Inspection Service, along with additional attorneys to help in federal prosecution, there should then be no excuse for weak prosecution rates or the Department of Justice, district attorneys, or federal prosecutors, not processing these crimes in front of a federal judge.

This rally was also a call on our local and elected leaders to prioritize letter carrier safety. At our rally, Branch 43 was joined by members of Cincinnati City Council including Mark Jeffrey, Scotty Johnson, Reggie Harris, and Seth Walsh. While I have had discussions with local leadership in the past, this event helped bring our issues out more and I look forward to continued discussions with city council and the mayor. Branch 43 was also joined by Congressman Greg Landsman. Currently Greg's office is working on correspondence with the Department of Justice and Postmaster General Louis DeJoy. I will keep all

*Continued on page 9*



Pat Dougherty  
Vice President

## From the Vice President Rights & Warnings

Letter carriers have the right to union representation in investigatory interviews conducted by managers, postal inspectors, or USPS Office of Inspector General (OIG) agents. It is important to understand your rights in these situations, but it is also critical to understand the different types of warnings a postal inspector or an OIG agent may issue you when an investigatory interview crosses over into the realm of a possible criminal investigation.

The 1975 U. S. Supreme Court decision in *National Labor Relations Board (NLRB) vs. J. Weingarten* gives each employee the right to representation during any “investigatory interview which an employee reasonably believes may lead to discipline.” These rights are commonly referred to as **Weingarten Rights**. The Postal Service is not required to inform you of these rights. A steward cannot exercise these rights for you. If you are asked a question by management that you believe could lead to discipline, you are responsible for requesting your shop steward. Management is required to provide a steward upon request. Once a steward has been provided, you have the right to a private discussion with the steward before the interview continues. You also have the right to a steward’s assistance, not just a silent presence. The employer would violate your Weingarten rights if it refused to allow your representative to speak or tried to restrict the steward to the role of a passive observer. The Weingarten rule applies only when the meeting is an investigatory interview—when management is searching for facts and trying to determine the employee’s guilt or decide whether or not to impose discipline. The rule does not apply when management calls in a carrier for the purpose of issuing disciplinary action (unless the local agreement specifies otherwise as Cincinnati Installation does require union notification)—for example, handing the carrier a letter of warning. When an investigatory interview is being conducted by law enforcement officers, such as postal inspectors or an Office of Inspector General (OIG) agent, an employee may be read warnings. The most well-known warning is **Miranda**. Most people are familiar with this warning from watching crime programs on television. The Miranda warning is: You have the right

to remain silent. Anything you say can and will be used against you in a court of law. You have the right to have an attorney present before any questioning. If you cannot afford an attorney, one will be appointed to represent you before any questioning. Once this warning is given, anything you say can be used in a court of law to try to prove guilt. If you are given a Miranda warning, you should consult with an attorney before answering any questions.

Postal inspectors and OIG agents often present a PS Form 1067, Warning and Waiver of Rights and request that employees sign it. By signing this form, postal employees waive their Miranda rights. Letter carriers should not sign PS Form 1067 without first consulting with an attorney. If you do sign a PS Form 1067, anything said from that point forward can be used against you in a court of law. Since ELM Section 665.3 requires all postal employees to cooperate with postal investigations, the Postal Service may take disciplinary action against an employee when he or she fails to cooperate during a normal investigatory interview that does not cross the threshold into a criminal investigation. This would appear to put the employee in an impossible position. Should an employee answer question’s even if the answers may result in criminal charges, or should the employee refuse to an answer, risking the possibility of discipline for “failure to cooperate” in an investigation? This problem was resolved by the federal courts in the *Kalkines* and *Garrity* decisions.

### **Kalkines warning :**

An advisement of rights  
administered by U.S. federal  
government agents to federal  
employees and contractors in  
internal investigations.

The **Kalkines** warning requires employees to make statements and cooperate, even if it could lead to being disciplined or discharged but provides criminal immunity for their statements. An example of a Kalkines warning, though the exact wording may vary, could read something like this: You are being questioned as part of an internal and/or administrative investigation. You will be asked several specific questions concerning your official duties, and you must answer these questions to the best of your abil-



## Branch 43 Rally Against Crime. Fountain Square Plaza.



*Mid City Letter Carrier Taylor Whitt*



*Congressman Greg Landsman (OH-1)*

*NALC President Brian Renfro*



# Enough is Enough. Protect our Letter Carriers.



*Branch 43 President Ted Thompson*



*Hamilton County Sheriff Detective James Whitacre*

*Cincinnati City Council Members (L-R) Mark Jeffreys, Reggie Harris, & Scotty Johnson*





Matt McCarren  
Leg. & Pol.

### Pregnant Workers Fairness Act

Introduced in 2012, and signed into law on December 29, 2022, the Pregnant Workers Fairness Act (PWFA) finally took effect on June 27th, 2023. Its intent is to eliminate discrimination and promote women’s health in the workplace. The act aims to achieve these goals through provisions that protect pregnant and postnatal workers. The PWFA makes it unlawful for any employer who employs 15 or more workers to deny reasonable accommodations unless they cause undue hardship on the business. These possible accommodations include Seating or modified seating; Closer parking spaces; Appropriately sized uniforms; Additional breaks; Time to pump, rest, eat, or use the restroom; Flexible hours; Leave or time off to recover from childbirth; Being excused from strenuous activities and/or activities that involve exposure to compounds not safe for pregnancy; Job reassignment; and Assistance with manual labor.

Further, the PWFA makes it unlawful to deny employment opportunities, and requires you to take

paid or unpaid leave if another reasonable accommodation can be provided. In summary, the PWFA provides extra protections for pregnant and postnatal workers that apply in conjunction with the ADA and Title VII.

Qualified individuals must fall under these circumstances:

- (1) an inability by the individual to perform an essential job function is temporary;
- (2) the individual can perform the essential job function soon; and
- (3) the individual can perform the essential job function with a reasonable accommodation.

The EEOC began accepting cases regarding the PWFA immediately. If you find yourself in a qualifying status and feel that management is not providing you the accommodation you require to perform your job functions effectively and safely, please communicate this to your union steward.

In Solidarity,  
Matt McCarren



## STEWARD SEMINAR

Thursday, October 5th

Dinner begins at 6:00 with training beginning at 7:00.

Please call the office to reserve your spot.

*In accordance with Article VII, Section 5 of the Branch 43 by-laws...Steward Seminars will be conducted two times per year. Stewards will be informed in advance for scheduling. Stewards or their designee will be required to attend one (1) of the two (2) steward seminars given each year. Failure to attend a steward's seminar will result in the forfeiture of one half (50%) of the steward dues reimbursement paid annually.*

## Steward Election Notice

This shall serve as notice to all members that pursuant to Article 7 of the Branch by-laws, Branch 43 will hold Steward elections this year for the term beginning January 1, 2024 through December 31, 2025. Anyone desiring to run as Steward in their office must be a member in good standing who has not held or applied for a supervisor position for 2 years prior to the beginning of the term. Nomination notices shall be posted in each station on October 15th and remain posted through the close of business on October 25, 2023. If necessary, ballots will be distributed and members shall vote in their respective stations from November 15 through November 30, 2023.

## Lockland Letter Carriers Deliver for Area Schools

Lockland letter carriers donated and collected two large tubs of schools supplies for the teachers and students at Lockland Elementary and Lincoln Heights Elementary.

Pictured (L-R) are Hector Garcia, Matt Stewart, Markesha Kelley, & Paris Miller.







Denny Doud  
NALC DRT Rep

## STEWARD'S CORNER

### What if I need additional time to finish my route?

I called my station by three as instructed and was told to deliver the mail and be back in the time I was given in the morning.

Q: I needed additional time to finish my route. Management told me that it was “not authorized” or “deliver all the mail and return.” What does that mean?

A: In short, it means nothing. This is a classic example of management not providing clear and concise directions, where letter carriers are deliberately giving contradictory or confusing instructions. Letter carriers are required to report their inability to complete all assigned duties within the time authorized, per the provisions of the M-41 Handbook Section 131. This situation often manifests itself when a letter carrier determines he or she will need additional time to complete their assignment and calls or sends a message of instructions.

In some instances, a supervisor will attempt to intimidate the carrier by giving them deliberately conflicting instructions or by responding that the carrier is to continue however the time is supposedly not authorized. However, once a letter carrier has been instructed to continue working or to finish their assignment, the time necessary to do is implied authorized. This was affirmed in National Level Step 4 grievance decision (M-00326) which states in part “although there was no expressed authorization to complete the delivery of mail on an overtime basis, the permission would be inherent in authorization to continue delivery after the grievants were unable to complete the routes.” (To read the entire decision refer to NALC Materials Reference System)

If management attempts to claim the time needed to perform work, they specifically instructed you to complete is allegedly “unauthorized” or attempts to utilize PS Form 1017B (Unauthorized Overtime Record) in this situation, immediately request to meet with your steward for purposes of investigating and initiating a grievance. Most of all, don't allow management's game playing to affect your daily work. Take ownership of your job by coming to work every day and performing your duties in a safe and efficient manner, taking all the necessary time to do so, including a full 30-minute lunch and two (2) 10-minute breaks, as well as taking addi-

tional breaks for personal needs such as comfort stops when necessary.

Denny Doud  
NALC DRT Representative

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*Vice President cont.*

ity. Failure to answer completely and truthfully may result in disciplinary action, including removal from USPS. Your answers and any information derived from them may be used against you in administrative proceedings. However, neither your answers nor any information derived from them may be used against you in criminal proceedings, except if you knowingly and willfully make false statements. This warning means the employees must be truthful but can do so without their answers being used against them in criminal proceedings.

A **Garrity** warning advises suspects of their criminal and administrative liability for any statements made, but also advises suspects of their right to remain silent on any issues that may implicate them in a crime. An example of a Garrity warning, though the exact wording may vary, could read something like this: You are being asked to provide information as part of an internal and/or administrative investigation. This is a voluntary interview and you do not have to answer questions if your answers would tend to implicate you in a crime. No disciplinary action will be taken against you solely for refusing to answer questions. However, the evidentiary value of your silence may be considered in administrative proceedings as part of the facts surrounding your case. Any statement you do choose to provide may be used as evidence in criminal and/or administrative proceedings. The Garrity warning helps to ensure suspects constitutional rights. It also allows federal agents to use statements provided by suspects in both administrative and criminal investigations. If you are given a Garrity warning, you should consult with an attorney before answering any questions.

The bottom line is any time management, Postal Inspectors, or OIG agents ask you questions that you believe could lead to discipline, you should always ask for a union steward. Management is required to provide a steward upon request.

In Solidarity,  
Pat Dougherty





# NALC Health Benefit Plan



## NALC Health Benefit Plan

### Customer Service

For eligibility, claim and benefit information

**1-888-636-NALC (6252)**

For additional information visit our website at:

**[www.nalc.org/depart/hbp](http://www.nalc.org/depart/hbp)**

**[www.nalchbp.org](http://www.nalchbp.org)**



You continue to serve your country—

**THANK YOU!**

### NALC Veterans Group

Complete this form and mail it to:  
NALC Veterans Group, c/o NALC,  
100 Indiana Ave., N.W., Washington, DC 20001-2144

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

NALC BRANCH NUMBER: \_\_\_\_\_ BRANCH OF SERVICE: \_\_\_\_\_

I BELONG TO THE FOLLOWING VETERAN GROUP(S):

AMERICAN LEGION  DISABLED AMERICAN VETERANS  VETERANS OF FOREIGN WARS

OTHER: \_\_\_\_\_

## Family and Medical Leave Act (FMLA)

### Human Resources Share Service Center

1-877-477-3273 Option 5, then Select 6

TTY: 1-866-833-8777

**MAILING ADDRESS:**

HRSSC FMLA EASTERN

PO Box 970905

Greensboro NC 27497-0905

**FAX: 651-456-6041**

## August Membership Meeting

### Raffle Winner

**Split the Pot - Burt Hughes**

*President cont.*

members updated on any significant change on the crime front, but I want to take this opportunity to thank all the members who came out in support of our rally, and those that could not make it due to time and location but support our plight. When we come together and demand change, our voice is strong!

Fraternally,  
Ted Thompson

Marvin	Anderson
Stephanie	Baker
Robert	Basler
Greg	Behrmann
William	Bennett
Gary	Berling
Gregory	Brauer
James	Conner
John	Conway
Susan	Deweese
Ronald	Durrett
Suzanne	Egbers
Robert	Gavin
Keith	Gibbs
Rhonda	Guidugli
Thomas	Hamberg
Loretta	Henderson
Steven	Holt
Burton	Hughes
Mark	Jansen
Karen	Joy
Fred	Kirchgessner
Daniel	Kramer
Tony	Livengood
Charles	Losey
Jerome	Mahlenkamp
Randolph	Maifield
Michael	Metzger
Donna	Nelson
Patricia	Nuss
Richard	Raybourne
Leroy	Roberts Jr.
Kelly	Rudd
Dennis	Selmeyer
Daniel	Stallkamp
Gregory	Stulz
Darel	Titus
Timothy	Tobias
William	Vandervort
Daniel	Walsh

**September Retiree Birthdays**

**August YOPC Attendees**

Join fellow retirees next month for sharing old times, playing cards and lunch

- Deborah Bryant
- Ed Colgate
- Sue Egbers
- Diana Enwright
- Jerry Giesting
- Art Holt
- Burt Hughes
- Dick Keller
- Bill Lipp
- Gerry Mees
- Ken Pflanz
- Robert Wilkinson

**Happy Birthday**

**September Gold Carders**

- |         |             |
|---------|-------------|
| Bernard | Becker      |
| Jerry   | Bedford     |
| Michael | Christopfel |
| Harold  | Neff        |
| Thomas  | Paoello     |
| Charles | Schweppe    |
| William | Stoy        |
| Mick    | Vuotto      |
| Edward  | Welch       |

**Motions made at the August Membership Meeting**

To dispense with the roll call of Officers and reading of the previous months minutes.

**Carried**

To give Jerry Giesting and Burt Hughes a \$500 gift card in appreciation of all their hard work.

**Carried**

To accept the June financial report and to pay the bills.

**Carried**

To adjourn. **Carried**

**Join fellow retirees for lunch**

**1:00 pm - 1st Monday of each month**

**October 2nd**

**Buckhead Mountain Grill**

35 Fairfield Ave.  
Bellevue, KY 41073

Call Burt Hughes  
(513) 807-4143



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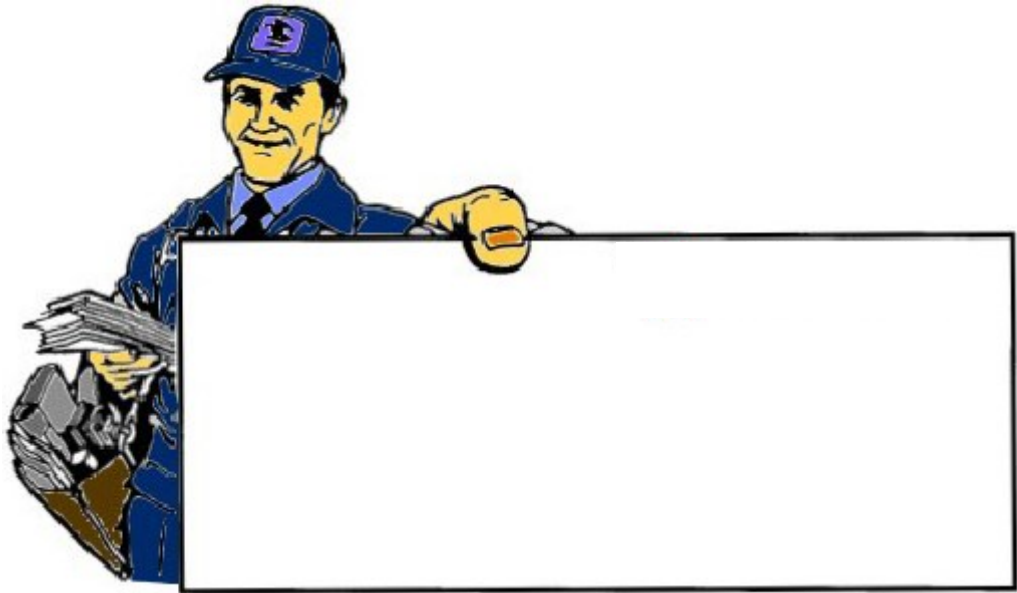
\*Balance must be at least \$10,000 or greater to qualify. For loan balances below \$10,000 only the 90 day deferment will be offered. Member must qualify for the loan under normal underwriting guidelines. Minimum rate floor of this offer is 2.99% APR. Interest will accrue over the 90 day deferment period regardless of balance. Member must be able to provide verification of existing rate. Existing PFCU loans are excluded. This institution is not federally insured. **MEMBERS' ACCOUNTS ARE NOT INSURED OR GUARANTEED BY ANY GOVERNMENT OR GOVERNMENT-SPONSORED AGENCY**

## Queen City Letter Carriers

NALC Branch 43  
11070 Southland Road  
Cincinnati, Ohio 45240

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Non-Profit Org.  
U.S. POSTAGE  
**PAID**  
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PERMIT No. 6919



### Upcoming Events

**Labor Day Holiday - Monday, Sept. 4th**

**Officers Meeting - Sept. 14th, 6:00 PM**

**Branch Meeting - Sept. 14th, 7:30 PM**

**October YOPC - Wednesday, Oct. 4th**

**Steward Seminar - Oct. 5th, 6:00 PM**

