

Since July 25, 1890

February 2025

NALC Branch 43 Proudly Serving

Amelia - Batavia - Bethel - Blanchester - **Cincinnati** - Cleves - Georgetown Greenfield - Harrison - Hillsboro - Lebanon - Loveland - Manchester - Mason Middletown - Milford - Monroe - Morrow - New Richmond - Oxford Ripley - South Lebanon - Springboro - Wilmington



Ted Thompson President

From the President's Desk

As I write this, I have just returned back to the branch office from Eden Prairie, Minnesota as a member of the ballot committee for the ratification vote of the 2023-

2026 national tentative agreement. I would like to explain a little about how this process worked. After a tentative agreement was reached between the NALC and USPS, President Renfroe must appoint a ballot committee composed of fifteen (15) members from Branches in not less than fifteen (15) states. Ratification shall be a mail referendum vote. By now, I hope you all voted, and your voice was heard.

The NALC contracted Survey and Ballot Systems (SBS) for the collection and tabulation of the votes. On January 27th I assembled with the rest of the ballot committee at SBS. After a short orientation meeting outlining the responsibilities of the committee to observe and monitor the activities of SBS staff, the committee members followed SBS contracted truck(s) to the Eden Prairie Post Office to collect the ballots that arrived before the announced cutoff date. After loading the truck, and before transportation back to SBS begins, the committee was notified by a Post Office clerk that all returned ballots have been loaded and none are left behind. The clerk and the committee chairman signed a document that attests to that fact.

After transporting the returned ballots back to the SBS facility, the process of vote tabulation begins with SBS staff hand-counting the returned ballots. Once the hand-count is complete, the process of removing the secret ballot envelopes from the business reply envelopes begins. The business reply enve-

lopes are run through an envelope "slitting" machine where a rotating blade slices off the very top of each envelope. The "slitted" envelopes are stacked where SBS workers retrieve the trays and carefully extract the secret ballot envelopes from the business reply envelopes. The workers place the extracted secret ballots in one tray and the now empty business reply envelopes in another. The secret ballot envelopes will go back to the "slitter" for the next step in the process and the empty business reply envelopes will be retained by SBS to be referred to in the case of any subsequent challenge. After the secret ballot envelopes have been "slitted", they are again put into trays for the workers to begin extracting the actual ballots. The empty secret ballot envelopes are trayed and stored, for reference, in the case of any subsequent challenge. The ballots themselves are stacked and prepared to be fed into the optical reader.

As the ballots are fed through the optical reader, SBS staff projected computer images on the wall to make it easier for committee members to observe the process. The ballots are not being tabulated at this stage of the process. The optical reader is only determining if each ballot is "readable" by the software. If the image is "readable" it will be entered into the tabulation database. If the optical reader determines the image is "not readable" the ballot will be rejected. All rejected ballots, whether they are identified during the extraction process or while being read by the optical reader, were reviewed by members of the committee to rule on whether the ballot should be counted or disqualified. This review process of ballots whose accept/reject choice is not immediately clear is the only time members of the committee came into direct contact with completed ballots. Committee decisions concerning the validity of ballots are final as the

Continued on page 8

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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

Printed in House

Legislative



Leg. & Pol.

I want to thank every Letter Carrier who participated in calling on Congress to take action this year. As one of the final actions of the Matt McCarren 118th Congress, The United States Senate passed HR 82, also

known as the Social Security Fairness Act, on 12/21/24. The bill aims to eliminate the Windfall Elimination Program / Government Pension Offset (WEP/GPO). This marks a massive win for retired federal employees under the Civil Servants Retirement System (CSRS). The bill repeals provisions that reduce Social Security benefits for individuals who receive benefits such as a federal, state, or local government pension. It also eliminates the Government Pension Offset, which reduces Social Security benefits for spouses, widows, and widowers who receive a government pension. The bill, which President Biden is preparing to sign, will finally provide over 160,000 Ohioans who worked in service to their communities the entire Social Security benefits they worked so hard to earn.

The Social Security Fairness Act was introduced in the House of Representatives in 2001. After 23 years of deliberation on the matter and during one of the least agreeable bodies of Congress in modern history, a bipartisan effort to finally pass the bill was executed. The attempt to push this bill onto the House floor was spearheaded by OH-1's very own Representative Greg Landsman, who formulated a plan to use a discharge petition to force a vote on the legislation. Greg was the third signature on the petition, and in just 9 days, they had enough signatures to put the bill on the House floor for a vote. Branch 43 would like to thank Representative Landsman sincerely for his continued friendship and leadership in Washington. We are undoubtedly lucky to have such a focused labor advocate in Washington to represent us in OH-1.

While the passage of this legislation is historic and will profoundly impact retired Letter Carriers, it also sheds light on the tremendous amount of time and effort it takes to create positive change in Washington effectively. The bill has been introduced into each Congress since 2001 with bipartisan support, yet it took 23 years to pass both chambers. This Congress, the bill eclipsed the necessary 290 co-sponsors and sat for months without any action because the House Speaker did not prioritize it. It took action from our allies in Congress to force a vote on this critical bill.

As the 119th Congress begins, it is more crucial than ever that we continue to collaborate with the returning allies to advance the agenda of Letter Carriers and working-class families. As Letter Carriers, it is equally important that we make new allies in Congress. The NALC has friends of letter carriers from each party and relies upon each Congress to advance priority legisla-

With the current landscape of American politics, the NALC has plenty of room to make new allies in Washington, but it takes each of us. We must all realize the necessity of contributing to the Letter Carrier Political Fund (LCPF) to gain new allies. Each priority piece of legislation is met with challenges from our competitors, who will pay millions to stifle our advancement in the industry. We must make sure that we have our allies in place, and the installation of a new Congress is the perfect time to get started by doing your part. Active and retired Letter Carriers should make a small, reoccurring contribution to the LCPF today. If enough of us are doing our part, we can gain the allies we need to pass legislation with expedience. Contact the union hall or email me mccarren@branch43.org and join the legislative army of Letter Carriers today.

> In solidarity, Matt McCarren



Pat Dougherty Vice President

From the Vice President

The Family and Medical Leave Act (FMLA): An Overview

The Family and Medical Leave Act (FMLA) is a landmark piece of legislation that provides eligible employees with job-protected leave for specific family and

medical reasons. Enacted in 1993, the FMLA was signed into law by President Bill Clinton to help employees balance their work and personal responsibilities. The primary goal of the law is to promote the well-being of families and to ensure that employees do not have to choose between their health, family needs, and job security.

Purpose and Scope of the FMLA

The FMLA provides employees with the right to take unpaid, job-protected leave for various family and medical reasons, ensuring that they can attend to personal or family health matters without fearing the loss of their job. The law applies to employers with 50 or more employees and covers several types of leave, which include:

Personal Medical Leave: Employees are entitled to take leave for their own serious health condition that makes them unable to perform their job functions. This includes conditions such as chronic illnesses, surgeries, or hospital stays.

Family Leave: Employees can take leave to care for a family member with a serious health condition. Eligible family members include a spouse, child, or parent.

Parental Leave: The FMLA allows employees to take leave for the birth or adoption of a child or for the care of a newborn, adopted child, or foster child.

Military Family Leave: The law includes provisions for employees who need to take leave due to a family member's military service. This can include both regular leave and special leave related to military deployment.

Eligibility Requirements

In order to be eligible for FMLA leave, employees must meet certain criteria. The employee must:

Work for a covered employer: The employer must have 50 or more employees within a 75-mile radius of the employee's workplace.

Have worked for the employer for at least 12 months: The employee must have worked a minimum of 1,250 hours during the 12 months immediately preceding the leave request.

Be employed at a location with at least 50 employees within a 75-mile radius: This ensures that the employer is large enough to manage the administrative burden associated with FMLA and that the employees' leave does not severely disrupt operations.

Key Provisions of the FMLA

The FMLA guarantees up to 12 weeks of unpaid leave in a 12-month period for eligible employees. However, the law also provides job protection, meaning the employee is entitled to return to their same or an equivalent job after their leave ends. Key provisions of the FMLA include:

Leave Duration: Employees are entitled to 12 weeks of unpaid leave in a 12-month period for qualifying reasons. In certain circumstances, such as military family leave, employees can be entitled to up to 26 weeks of leave.

Job Protection: Employees who take FMLA leave are entitled to return to their same job or an equivalent position with equivalent pay, benefits, and working conditions upon their return.

Continuation of Health Benefits: During FMLA leave, employers must maintain the employee's health insurance coverage on the same terms as if the employee were working. If the employee was enrolled in the company's health insurance plan before taking leave, the employer must continue to provide coverage.

Notice and Documentation: Employees must provide sufficient notice of their need for FMLA leave, generally at least 30 days in advance when possible. Employers may also require employees to provide medical certification to validate the need for leave due to a serious health condition.

Intermittent Leave: Employees can take FMLA leave intermittently or on a reduced schedule if medically necessary. This can be particularly useful for employees with chronic conditions who need periodic treatment or recovery time.

FMLA and its Impact on Employers and Employees

For employees, the FMLA offers a significant benefit in terms of job security and the ability to take necessary leave without the fear of losing their job. It ensures that employees can attend to personal or family health matters, including the care of loved ones, without facing financial ruin or job displacement.

For employers, while FMLA offers certain administrative challenges, it is a critical tool for fostering a positive and supportive work environment. By offering FMLA leave, employers can demonstrate their commitment to employee welfare and family values,

February News & Views



Dave Utz Formal A Rep

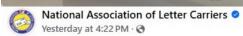
Steward's Corner Rules To Carry By

Another year is gone, hopefully 2025 will finally get stations staffed to the maximum of PTF/CCAs. In Cincinnati we are still 30 to 40 PTFs short and at the end of 2024 at least 6 more carriers are scheduled to retire. And a lot of us

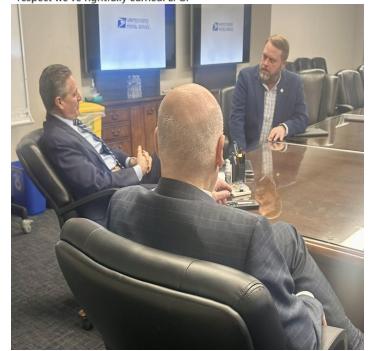
are waiting to see this contract to be finalized and more will retire in 2025. So, the hiring of PTF/ CCAs will go on and on and on. But management cannot figure out why a lot of the new hires don't stay in the USPS. Because they are pushed and pushed and rarely told they did a good job. But instead told faster, faster with no regard to doing this job safely. I had a carrier call me when in a thunderstorm, management told the carrier to keep going. I told the carrier if it is not safe, then sit and wait in a safe place till the storm blows over. We have so many new carriers that need to learn some of the basic parts rules (the contract). A good start PTFs and CCAs can work 11.5 hours a day. A regular carrier can work 12 hours no more, bring the mail back and state contractual limits. A carrier cannot be held to any other carrier's time on the street or in the office. I don't care how fast the regular carrier did their route. This is my route now and this is my time. Management doesn't like it, check the scanner and watch me. I will take my 2 ten -minute breaks and 30-minute lunch, and don't forget the comfort stops for your day. Per the contract no reasonable comfort stop will be denied. The only standard is casing 18 letters per minute. Case 8 flats per minute. When pulling down route for the street, pulling 70 pieces of mail per minute. So, when management tells you to get out of the station in an hour no matter what, you are hurting yourself if the volume of mail is heavy and you get out in an hour. Ask the supervisor what mail I should curtail at the case and ask for a PS Form 3971 and leave that mail. I want to remind carriers the scanner is tracking us all day and all the time. Pay attention to the time we don't move, like lunch & breaks, comfort stops (restrooms, getting warm in the winter & of course hydrated in the summer), customer contact, picking up parcels and scanning them on the street. Also, we

have stationary time in apartments, traffic, waiting on trains and of course reloading time as carriers move mail & parcels to the front of trucks. I wish management had to carry a scanner. How about playing games on the phone, leaving early & coming in late, leaning against the wall, an afternoon lunch, not delivering express but scanning them, hold per customer request or available for pick up. These are the people that need to be watched. Some of the stations now have 5 or 6 supervisors. A reasonable person would think, if the USPS is so automated, then why is there such a need for so many supervisors? I guess chair warmers for all the telecons. Maybe all the management that is supposed to be in the station be on video feed and then see who's not in the station for the daily telecon. Management is coming back to do route adjustment in 2025. Carriers better start learning some of these and other rules or your routes will have 1500 deliveries. That may not seem too bad for young carriers but how about when you're 40, 50, or 60. Good Luck!

> In Solidarity, Dave Utz



■ UPDATE: Negotiations with the Postal Service reopened today. NALC will #fightlikehell for a contract that gives our members the pay and respect we've rightfully earned. LFG!





Matt Bauer Compensation

OWCP – Grievance or No Grievance?

Management will often argue that workers' compensation procedures are not able to be grieved. This is a common misconception. Management does have several responsibilities/obligations to help an injured worker file and pay an injured worker. Letter carriers injured on the job are protected by federal

law known as the Federal Employees Compensation Act (FECA). The FECA established the Office of Workers' Compensation Program (OWCP) and is within the Department of Labor (DOL). OWCP determines whether an injury is job related, whether compensation is payable, and whether a limited duty job offer is medically suitable. The FECA law was intended to protect federal employees by providing compensation when they are injured on the job. The law does place the burden of proof on the injured worker to determine if the injury was work related. Many of the procedures are complex and difficult to navigate but are designed to be fair and accurate decisions to be made.

Some letter carriers suffer job injuries but fail to obtain the protection of FECA. Management's mistakes lead to some of the worst failures in these protections, all to the cost of the letter carrier's rights. FECA regulations require management to process forms and time limits that many supervisors fail to do. These mistakes often result in claims being delayed or even denied. These mistakes not only are grievable due to the violation of the National Agreement, but also violate the law and Postal regulations.

Please understand that even though USPS management's mistakes are grievable, decisions made by OWCP are not. I have listed below 9 different instances that we should file a grievance when management fails to follow the proper procedure. 1) Failure to provide a CA-16 within 4 hours of the claimed injury if the employee needs examination or treatment. 2) Failure to pay Continuation of Pay (COP) or COP mistakes. 3) Failure to calculate COP for CCA's properly. 4) Failure to provide written notice of controversial or challenge. 5) Failure to advise the injured worker of their right to choose a physician. 6) Failure to timely provide pay rate information to OWCP (or correct pay rate). 7) Improper physician contact by the Postal Service. 8) Failure to provide the injured worker with written notice of contact with the physician. 9) Improper job offers. If any of the

above have been an issue for you, please contact your steward as soon as possible. You may also contact me via email at matt.bauer@branch43.org.

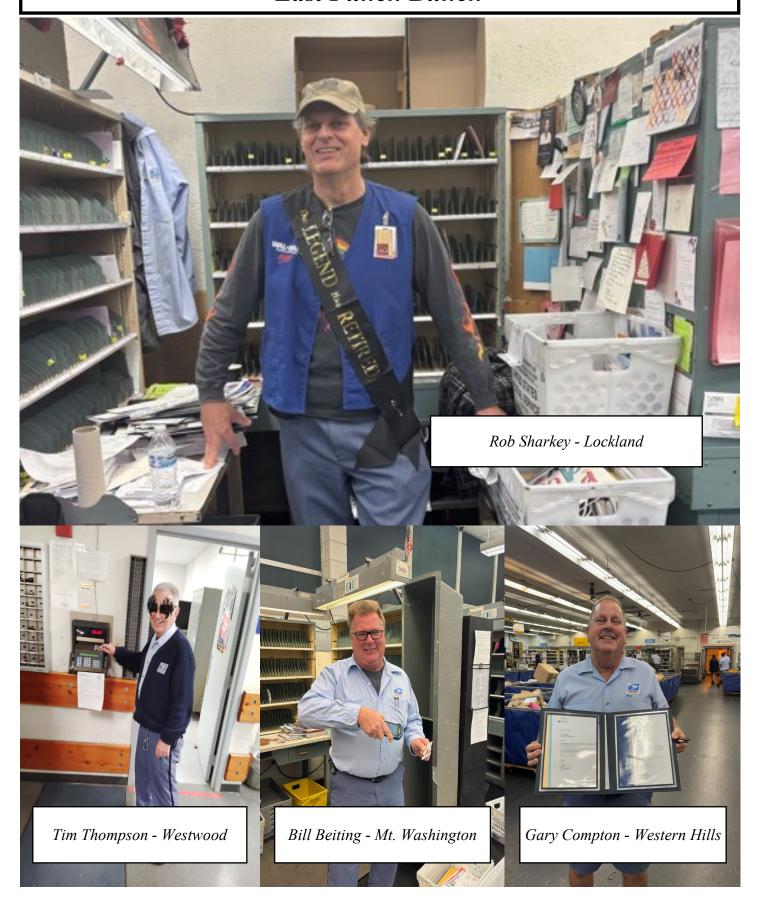
I would like to cover the top two of the above. Form CA-16 is quite a common mistake, and many injured workers do not receive this form. Once an injured worker files their claim (CA-1 form) online at www.ecomp.dol.gov the CA-1 form is emailed immediately to your supervisor. At this time, the supervisor fills out their portion of the form and submits the form to OWCP. During this process, the supervisor should select the CA-16 to be printed for the injured worker. This form is important for the letter carrier to get their initial medical bills paid. The form authorizes medical care for 60 days. When this form is not given to the letter carrier, they will receive a medical bill in many cases. This becomes a major issue with getting reimbursement for the letter carrier. Any time a CA16 is not provided timely we should file a grievance. The form is not required if the claim is filed more than 1 week after the date of injury.

Local management often does not pay a carrier COP when they are entitled to this pay. Most injuries are resolved in a short period of time. Because of this congress created COP to prevent employees from income loss while their claim is being adjudicated (as OWCP processes can be lengthy at times). COP is payable for injuries that are traumatic, and CA-1 form is used. The employee must file the claim within 30 days of the date of injury. USPS must advise the employee of the right to COP. COP is payable for a maximum of 45 days. USPS may controvert but not interrupt COP (except in rare cases). Any controverted claims USPS must advise the injured worker. The injured worker must select the box on the CA-1 that they want COP.

A key concept to keep in mind when counting COP is the distinction between the 45-day COP period and the 45 days of COP entitlement. The injured worker is entitled to up to 45 days (calendar) of COP. The injured worker must begin any period of COP within 45 days (calendar) of the date of injury. For example, if an injured worker begins their first use of COP on the 45th day from the date of injury, they can continue COP up to the 90th day from the date of injury if their disability is continuous after day 45. One quite common misconception of COP is that it is only paid once a claim has been accepted. Not only is this wrong but it goes against the reasons COP was enacted by Congress.

When is an employer not required to pay

Last Punch Bunch





Vice President cont.

potentially improving employee loyalty and retention. Employers are also obligated to protect the job of employees on leave, which ensures that the workforce remains stable and fair.

Challenges and Criticisms

Despite its many benefits, there are challenges associated with the FMLA. Some critics argue that the law's unpaid nature may disadvantage employees who cannot afford to take leave without compensation. While the law provides job protection, it does not mandate paid leave, which can be a financial burden for workers who need to take extended time off due to health reasons or family obligations.

Moreover, some employers may find it difficult to manage staffing levels when employees take extended or intermittent leave. This can create operational challenges, especially for small businesses that lack flexibility or resources to accommodate frequent absences.

FMLA Expansion and Recent Developments

There have been several attempts to expand the FMLA over the years, especially in the area of paid family leave. Many states have implemented their own paid family leave programs, such as California, New York, and New Jersey, which allow workers to receive a portion of their salary during FMLA leave. Additionally, there are ongoing debates in Congress about expanding FMLA coverage to more employees and making paid leave a national policy.

In 2020, the FMLA was temporarily expanded under the Families First Coronavirus Response Act (FFCRA) in response to the COVID-19 pandemic. This expansion allowed employees to take paid leave for certain reasons related to the pandemic, including the care of a child whose school or daycare or daycare was closed due to the virus.

Conclusion

The Family and Medical Leave Act is a critical piece of legislation that supports both employees and employers in balancing the demands of work and family. By offering job-protected leave for medical and family reasons, it provides essential protection for employees while helping employers maintain a stable and engaged workforce. Despite challenges related to unpaid leave and operational concerns for businesses, the FMLA remains an important tool for promoting family well-being and supporting workforce stability in the United States. As calls for paid family leave continue to grow, the FMLA may evolve further to address the changing needs of American workers and employers.

In Solidarity, Pat Dougherty Compensation cont.

COP? [cited also at ELM 545.732]: A) The disability was not caused by a traumatic injury. B) The employee is not a citizen of the United States or Canada. C) No written claim was filed within 30 days of the date of injury. D) The injury was not reported until after employment has been terminated. E) The injury occurred off the employing agency's premises and was otherwise not within the performance of official duties. F) The injury was caused by the employee's willful misconduct, intent to injure or kill himself or herself or another person or was proximately caused by intoxication by alcohol or illegal drugs. G) Work did not stop until more than 45 days following the injury.

These exceptions are rarely present in most CA-1 cases. This is recognized by the ELM itself at ELM 545.733: In all situations, except as described in 545.732 above, the employer may controvert entitlement to COP but must continue the employees regular pay pending a final determination by OWCP. OWCP has the exclusive authority to determine questions of entitlement and all other issues relating to COP.

When a carrier is injured on the job, it can become an exceedingly challenging time for the carrier and stressful of all the procedures. When management adds to this situation we must file a grievance. We must hold them accountable for these failures.

Matt Bauer Compensation Officer

President cont.

authority to make those decisions is given to the committee in Article 16, Section 1 of the Constitution.

After all ballot images have been entered into the tabulation database by the optical reader, and any questioned ballots receiving a committee ruling are added, the process of tabulating the results is done internally by the tabulation software. Internal electronic tabulation is legal in all 50 states and is recognized as compliant by the Department of Labor. SBS software is subject to periodic quality control audits and has a record of exceptional accuracy in those audits.

Upon completion of the tabulation process, the committee chairman relayed the results of the ratification voting to the National President. The required final report of ballots cast by Region and Branch may take a few days to generate and the com-

LAUGH YOUR ASS OFF

BRAD'S BLESSINGS ANNUAL COMEDY BENEFIT



Date: February 28, 2025

Doors Open: 7PM

Location: Madtree 3301 Madison Road

Live & silent auctions
Buffet dinner
Comedy Show

COMEDIANS:
GABE KEA
DJ DANGLER
WILLIE GRISWOLD

TICKET PRICE: \$60 PER PERSON

RESERVE YOUR TICKETS
WWW.BRADSBLESSINGS.ORG

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Charles Adkins

Robert Baty

David Bellemore

Terrence Brinck

Alice Combs

Timothy Coning

Steven Docter

Michael Donoghue

Dennis Fangman

Charles Fletcher

Sandra Franklin

Ruby Griffey

Vernita Hallee

John Hyland

February Retiree Birthdays

Steve Jaggers

James Kelly

Richard Martin

Darren McCants

David Pitman, Sr.

Lewis Raugh

James Rodgers

Linda Schreiber

Kenneth Shepherd

Donald Sloan

David Thompson

Kimberly Winters

Donald Wolf, Jr.

January YOPC Attendees

Deborah Bryant Liz Darby Diana Enwright Art Holt Dick Keller Gerry Mees

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



February Gold Carders

James	Clemons
Robert	Daugherty
Raymond	Deidesheimer
Michael	Eaton
William	Hartlaub
Henry	Jones
John	Singleton

Motions made at the January Membership Meeting

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

Carried

To hang pictures of all Branch 43 Presidents past, present, and future. **Carried**

To spend up to \$30,000 to finish the hall with the following, but not limited to: Pictures, frames, wall trim, paint, floor mats, garbage cans, tables, chairs, speakers, banners, signs, posters, flags and flag bases, shadow boxes. Carried To pay the bills. Carried To adjourn. Carried

Join fellow retirees for lunch

1:00 pm - 1st Monday of each month

March 3rd

PeeWee's Place

2325 Anderson Road Crescent Springs, KY 41013

Call Burt Hughes (513) 807-4143

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President cont.

mittee is not required to observe the compilation of that report. I could elaborate further for anyone interested in the process. However, the votes are in, and the members have spoken.

The active membership of the National Association of Letter Carriers has voted to reject the ratification of the tentative agreement. The vote to ratify was 63,680 to reject the agreement versus 26,304 to accept it, as reported by NALC ballot committee chairman. President Renfroe subsequently stated, "NALC has notified the Postal Service of the result of the ratification balloting and our intent to reopen negotiations within five (5) days in accordance with Article 16 of the NALC Constitution. Negotiations will not exceed a period of fifteen (15) calendar days from when they are reopened. The NALC Executive Council will meet to discuss whether to send a second ballot to each member for ratification or rejection of a potential new tentative agreement or to proceed to binding interest arbitration. Under the law, decisions of that arbitration board would be final and binding upon the parties. In a democratic vote, the will of NALC's membership has been made clear -

the tentative agreement that represented the best offer the Postal Service put on the table is not good enough for America's city letter carriers. We have earned more and we deserve more. We will negotiate in good faith with the Postal Service at the bargaining table during the limited timeframe set forth in the NALC Constitution. We call on the Postal Service to do the same. As I made clear since the very beginning of this process, NALC is well prepared to fight like hell for a better contract in interest arbitration, and that is exactly what we will do if the Postal Service is unwilling to reach agreement on terms that fairly compensate and reward our members."

As this period of negotiations begins, I will provide periodic updates for all the stewards and the membership. Better yet, attend the branch membership meeting on February 13th where I will be discussing the process and possibilities in greater detail. While I do not have data on how Branch 43 voted yet, I look forward to those results and thank all of you that voted. Let's keep fighting!

Fraternally, Ted Thompson



NALC Health Benefit Plan

Customer Service
For eligibility, claim and benefit information
1-888-636-NALC (6252)

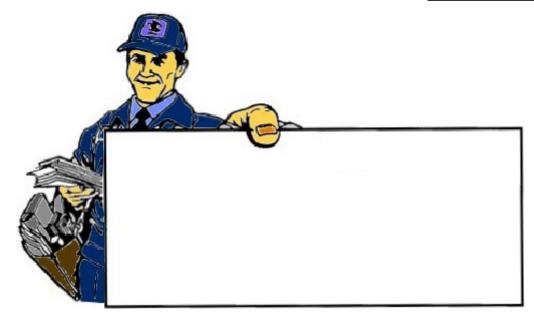
For additional information visit our website at:
www.nalc.org/depart/hbp
www.nalchbp.org

Queen City Letter Carriers

NALC Branch 43 11070 Southland Road Cincinnati, Ohio 45240

"ADDRESS SERVICE REQUESTED"

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



Upcoming Events

Officers Meeting - Feb. 13th, 6:00 PM
Branch Meeting - Feb. 13th, 7:30 PM
Presidents Holiday - Monday, Feb. 17th
March YOPC - Wednesday, March 5th



