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January 2025

Queen City Letter Carriers - NALC Branch 43 News & Views

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Ted Thompson
President

From the President's Desk

I hope everyone has a happy new year. I always find myself reflecting on things this time of year, both professionally and personally. These reflections always end with inevitable conclusions; there is always something to be thankful for that we underestimate or take for granted and there is always more work to be done. In a year, and time, that seems filled with negativity, history always depicts great accomplishments and strides this country has taken yet offers us a reality of what is still desired and left to achieve. This January, as president of a labor union, I want to reflect on what I am grateful for.

During this month, we will all get a paid holiday in honor of the great late Dr. Martin Luther King Jr. Today, most Americans remember the civil rights leader for his peaceful protests against segregation and racism. We remember Dr. King for powerful, emotional, and moving speeches of equality. We remember his dream, but few know or remember his stance on workers rights. Dr. King was a keynote speaker at the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) convention in 1961. During his keynote address, Dr. King stated, "The labor movement did not diminish the strength of the nation but enlarged it. Those who today attack labor forget these simple truths, but history remembers them." In March and April of 1968, Dr. King travelled to Memphis Tennessee in support of striking African-American city sanitation workers. The workers were protesting unequal wages and working conditions. At the time, Memphis paid black workers significantly lower wages than it did white workers. There were no city-

issued uniforms, no restrooms, no union recognition, and no grievance procedure for the numerous occasions in which they were underpaid. In February of 1968 there was also the gruesome deaths of two workers in a garbage-compacting truck. On April 4, 1968, while in Memphis, Dr. King was fatally shot at the Lorraine Motel. Today, and in these difficult times of labor at the Postal Service and around the nation, I choose to remember and honor Dr. King by not taking for granted what we have. We have a contract. We have a grievance procedure. We have access to dispute discrimination though Equal Employment Opportunity (EEO) laws. This January, on the paid holiday we all receive in remembrance of Dr. King, celebrate his greatness and all he did to establish equality and all he did for American labor. For more quotes from Dr. King on labor, see page 4.

As I reflect on my gratefulness to Dr. King, it comes with an asterisk. There is always more desired, and results left to achieve. Yes, we have a running contract, but not a final contract. As of this writing, members across the country are voting on whether to accept or reject the Postal Service's offer for all your hard work. There is more to be desired. Yes, we also have a grievance procedure. But the grievance procedure is broken. Even further, we have access to dispute discrimination through the grievance procedure or EEO procedures. But these often don't achieve the desired results. We have a public Postal Service and jobs, but they are under attack.

In 2025, I will remain grateful for what I have, and I will not take for granted what I do have. I plan on honoring what I am grateful for and reaffirm my commitment to continue the fight until we reach a time of desired results. Let's not take for granted what we have - let's fight to make it stronger together.

Fraternally,
Ted Thompson

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

Printed in House



Denny Doud
NALC DRT Rep

Stewards Corner

Weingarten Rights & Garrity Rights

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 several types of warnings a postal inspector or an OIG agent may issue to you when an investigatory interview crosses over into the realm of a possible criminal investigation.

The 1975 U.S. Supreme Court decision in *NLRB vs. J. Weingarten* gives each employee the right to representation during any "investigatory interview which he or she 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.

Weingarten rights differ from Miranda rights management is not required to inform you of the right to representation and your steward cannot exercise them for you. You must ask for representation. If you don't ask at the beginning of an interview, you can ask for representation at any point you reasonably believe that the question could result in discipline.

Weingarten rights differ from Miranda rights management is not required to inform you of the right to representation and your steward cannot exercise them for you. You must ask for representation. If you don't ask at the beginning of an interview, you can ask for representation at any point

you reasonably believe that the question could result in discipline.

A federal employer may conduct an administrative investigation to determine misconduct of an employee at the same time as a criminal investigation of the employee is ongoing. The same facts that may lead to a criminal prosecution may be the same facts needed for a disciplinary action.

Garrity Rights protect public employees from being compelled to incriminate themselves during investigatory interviews conducted by their employers. This protection stems from the [Fifth Amendment](#) to the United States Constitution, which declares that the government cannot compel a person to be a witness against him/herself.

Garrity Rights stem not just from the Fifth Amendment, but also the [Fourteenth Amendment](#). While the Fifth Amendment could be said to apply only to the federal government, the "equal protection" clause of the Fourteenth Amendment makes the Fifth Amendment applicable to state, county, and municipal governments as well (determined by the United States Supreme Court in 1964's [Malloy v. Hogan](#)).

Prior to employees being disciplined by management, generally they will be given a pre-disciplinary interview (PDI) or an investigatory interview (II) by management. If you are given one of these interviews, there is no doubt your supervisor or manager is looking for information to use against you so they can issue you discipline. All letter carriers, including CCAs (regardless of how long they have been employed) have Weingarten Rights, which means you have the right to have a union steward present during a meeting in which management asks you questions that could lead to discipline. Stewards can assist you in any investigation by management and help ensure you get your "day in court."

U.S. postal inspectors are federal law enforcement officers who carry firearms, make arrests, execute federal

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Pat Dougherty
Vice President

From the Vice President

2024 Grievance Year in Review

As Branch 43 Vice President one of my primary duties is heading the grievance committee. With the year ending and beginning a new year I wanted to share with the membership the branch grievance activity for 2024. Branch 43 at the time of this article (December 27) had 1,723 grievances in 2024. In 2023 the branch filed 2,196 grievances, and in 2022 the branch had filed 2,477 grievances, so the grievance numbers for 2024 are significantly lower. While I do not have the availability of space to list all the grievances that have been filed, or every issue filed for, I will list the most common grievances that were filed this year by contract and discipline.

The breakdown for contract grievances is as follows: Article 8/Forced Overtime- 708 grievances. Harassment/JSOV – 60 grievances. Non-Compliance - 33 grievances. Removal from a hold down/bid assignment- 64 grievances. Quarterly Overtime Equity- 32 grievances. LWOP in lieu of SL/AL/LWOP issues- 30 grievances. Steward Time/No Information Provided/No Meeting- 23 grievances. Limited/Light Duty- 43 grievances. Workhour Guarantee - 47 grievances. Management/Rural/Clerk doing city craft work- 50 grievances. Letter of Demand- 4 grievances. Holiday Schedule- 3 grievances. Change in start time- 9 grievances. False Editing of Clock Rings- 3 grievances.

These contract grievances show a decrease of 416 overtime grievances from the prior year. Article 8 forced overtime is always the yearly most violated contractual provision of our collective bargaining agreement. Management gives carriers unrealistic expectations in the form of pivots by using the Performance Engagement Tool (PET) and this creates conflict among carriers and management resulting in an unharmonious working environment. Stewards had filed 708 grievances for Article 8 violations, but the majority were filed per service week in the cases for Article 8.5.F grievances filled throughout the year. The breakdown for discipline grievances is as follows: Letter of Warning- 267 grievances. 7-Day Suspension- 93 grievances. 14-Day Suspension- 56 grievances. Emergency Placement- 19 grievances. Notice of Removal- 36 grievances.

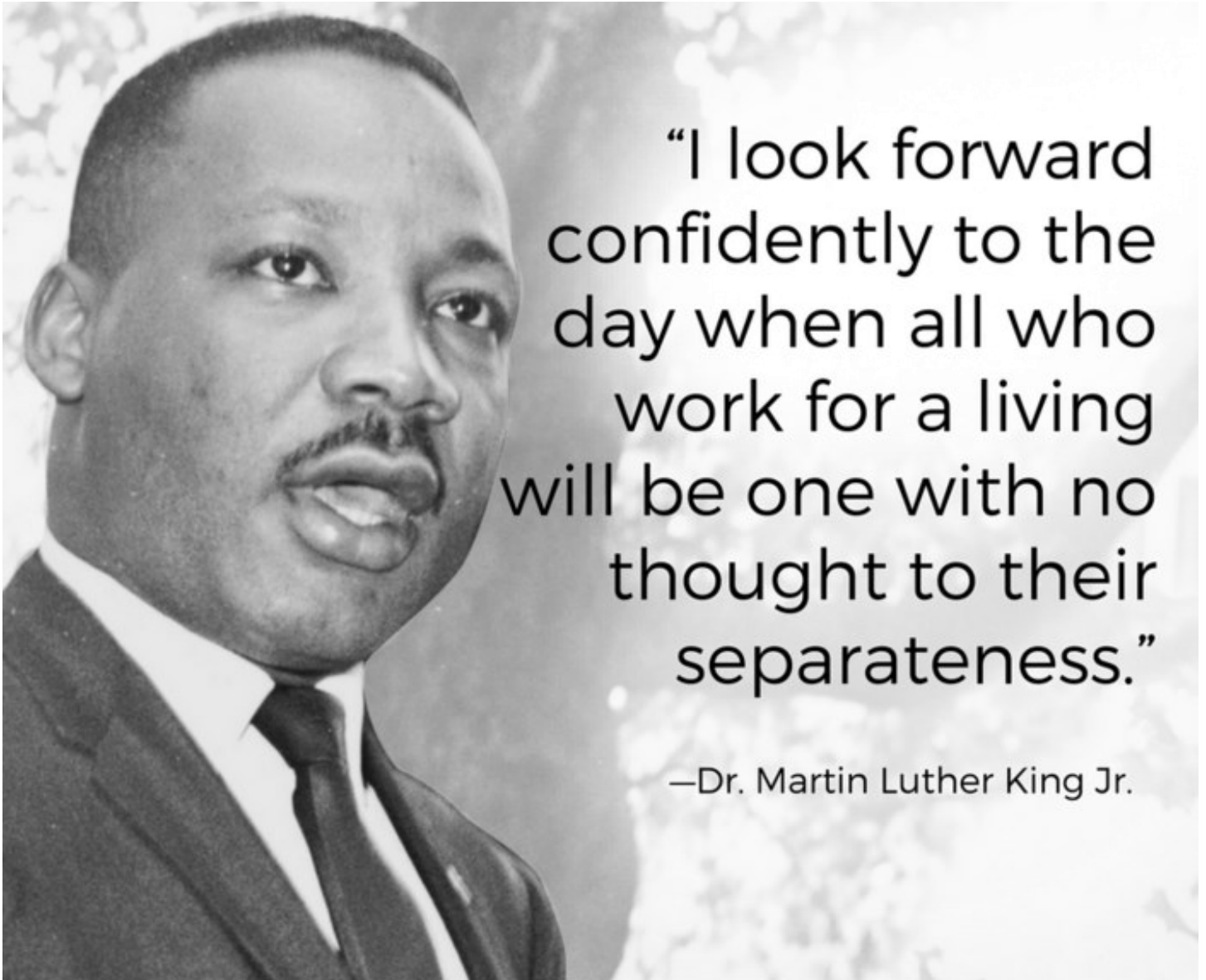
The discipline grievances filed this year show an increase of 206 total from the year prior. Manage-

ment throughout the country are focusing hard on carriers displaying unsatisfactory attendance this past year. If you have a condition that qualifies for FMLA that is affecting your ability to attend work regularly, I strongly recommend submitting the FMLA paperwork and getting approved. Doing so will provide legal protection for your absence due to any qualified FMLA condition.

The number of Letter of Warnings (LOW) has increased by 164 from the prior year. The number of 7-Day Suspensions increased by 23 from the prior year. The number of 14-Day Suspensions increased by 9 from the prior year. The number of Emergency Placements increased by 6 from the prior year. The number of Notice of Removals increased by 4 from the prior year. I must also note that every year we have discipline issued that is not grieved because management issued it without a union representative present or mailed it to employee home of record and the carrier failed to notify the union, they were issued discipline. Many times, the union only becomes aware that lower-level discipline was issued when we grieve a higher-level discipline that cites it as elements of past record. If management ever attempts to issue your discipline without a union representative present, always inform the union of this, so a grievance can be initiated on your behalf for the discipline issued. In the Cincinnati Installation line item 21 P of the local agreement, it reads to implement additional language in reference to Article 16 of the National Agreement and the discipline procedures contained within, no Cincinnati employee shall be issued discipline without a NALC steward present, if available. If no NALC steward is available, or if management elects to mail the discipline to the employees address of record, the NALC Branch 43 office shall be immediately notified of such action taken and provided a copy of the charged discipline. Keep in mind that signing the discipline issued to you is not an admission of guilt, it just acknowledges that you received the discipline and that is the incident date for the grievance in which the union only has 14 days to file on your behalf. If you do not grieve the discipline issued to you it will remain in your personal files and records for two years.

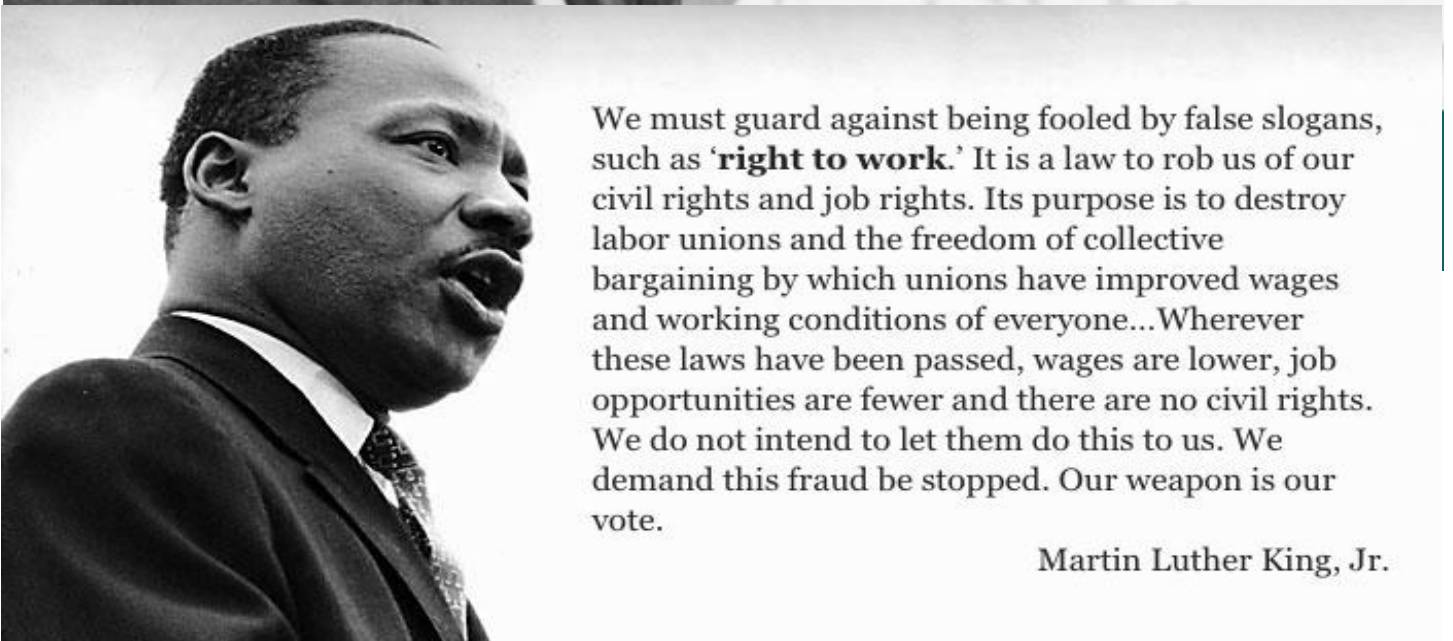
Of the 1,723 grievances filed in 2024 so far 401 remain open at some level of the grievance procedure Informal A, Formal A, Step B or pending arbitration, while the rest have been resolved at some step of the grievance arbitration process. The step and status of the cases resolved is as follows: Withdrawn- 104 grievances. Settled by Informal A (Shop) Steward- 397 grievances. Settled by Formal A

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“I look forward confidently to the day when all who work for a living will be one with no thought to their separateness.”

—Dr. Martin Luther King Jr.



We must guard against being fooled by false slogans, such as ‘**right to work**.’ It is a law to rob us of our civil rights and job rights. Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone...Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are no civil rights. We do not intend to let them do this to us. We demand this fraud be stopped. Our weapon is our vote.

Martin Luther King, Jr.

2025 Pay Period Chart				
Pay Period	Begins	Ends	Pay Date	Holidays
1	12/14	12/27	1/3	12/25 (Wed)
2	12/28	1/10	1/17	1/1 (Mon)
3	1/11	1/24	1/31	1/20 (Mon)
4	1/25	2/7	2/14	
5	2/8	2/21	2/28	2/17 (Mon)
6	2/22	3/7	3/14	
7	3/8	3/21	3/28	
8	3/22	4/4	4/11	
9	4/5	4/18	4/25	
10	4/19	5/2	5/9	
11	5/3	5/16	5/23	
12	5/17	5/30	6/6	5/26 (Mon)
13	5/31	6/13	6/20	
14	6/14	6/27	7/4	6/19 (Thur)
15	6/28	7/11	7/18	7/4 (Fri)
16	7/12	7/25	8/1	
17	7/26	8/8	8/15	
18	8/9	8/22	8/29	
19	8/23	9/5	9/12	9/1 (Mon)
20	9/6	9/19	9/26	
21	9/20	10/3	10/10	
22	10/4	10/17	10/24	10/13 (Mon)
23	10/18	10/31	11/7	
24	11/1	11/14	11/21	11/11 (Tue)
25	11/15	11/28	12/5	11/27 (Thur)
26	11/29	12/12	12/19	
1	12/13	12/26	1/2	12/25 (Thu)
2025 Leave Year				
Begins: PP 03-2025 (Jan 11, 2025)				
Ends: PP 02-2026 (Jan 9, 2026)				

2025 Carrier Bid Schedule			
opens	1/17/2025	1/31/2025	closes
	2/28/2025	3/14/2025	
	4/11/2025	4/25/2025	
	5/23/2025	6/6/2025	
	7/4/2025	7/18/2025	
	8/15/2025	8/29/2025	
	9/26/2025	10/10/2025	
	11/7/2025	11/21/2025	
	12/19/2025	1/2/2026	

Steward Corner cont.

search warrants, and serve subpoenas. Inspectors work with U.S. Attorneys' Office, other law enforcement, and local prosecutors to investigate cases and prepare them for court. Inspectors throughout the country enforce roughly 200 federal laws related to crimes that adversely affect or entail fraudulent use of the U.S. Mail, the postal system, postal employees, and customers.

Office of Inspector General (OIG) agents are utilized by the Postal Service to investigate internal crimes and frauds against the Postal Service. These agents conduct investigations in areas such as:

contract fraud, financial fraud, healthcare fraud, internal mail theft, official misconduct, technical investigations, special inquiries, and whistleblower/reprisals.

OIG agents also investigate bribery, kickbacks, extortion, conflicts of interest, and allegations against Postal Service executives. In addition, the Office of Investigations combats fraud and theft through the Countermeasures Directorate's crime prevention efforts.

Weingarten Rights have been afforded to employees because of federal labor law which was created in the U.S. Supreme Court ruling *NLRB v. Weingarten, INC.*, 420 U.S. 251 (1975). After that ruling from 1975, it created what is known as the Weingarten rule, giving each employee the right to representation during any investigatory interview which he or she reasonably believes may lead to discipline.

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 even if the answers may result in criminal charges, or should the employee refuse to answer, risking the possibility of discipline for "failure to cooperate" in an investigation?

This rule applies during any investigatory interview - whether management is searching for facts and trying to determine the employee's guilt or deciding whether or not to impose discipline. These questions could be posed during a closed-door meeting, through text messaging, a phone conversation or through an informal conversation at the supervisor's desk. In any situation, if the employee reasonably believes that discipline could result, they have

Weingarten representation rights.

Whether or not an employee's belief is "reasonable" depends on the circumstances of each case. Some cases are obvious, such as when a supervisor asks an employee whether he discarded deliverable mail. Generally, if you are asked a question concerning something you allegedly did wrong, you should reasonably believe that discipline could result, and you should request a steward.

WEINGARTEN RIGHTS

The steward cannot exercise Weingarten Rights on the employee's behalf. And unlike "Miranda Rights" which involve criminal investigations, the employer is not required to inform the employee of the Weingarten right to representation. You must ask for representation. You can ask at any point during an interview, even if you didn't ask for it in the beginning. No matter how smart you think you are, no matter how innocent you are, you should never under any circumstances participate in an investigative interview without a steward present.

Employees also have the right under Weingarten to a pre-interview consultation with a steward or another union representative. Federal courts have extended this right to pre-meeting consultations to cover Inspection Service interrogations as well. No matter who is questioning you, if you believe the questioning could lead to discipline, then you have the right to have a union representation present during the line of questioning.

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.

Although postal employees are required to cooperate with postal investigations, the carrier still has the right under Weingarten to have a steward present before answering questions. In the event a steward is not made readily available or if a steward is not present after you have asked for one, you may respond that you will be happy to cooperate in any investigation, but you will only answer questions once a steward is provided.

All of the above information can be found in the Joint Contract Administration Manual.

In Solidarity,
Denny Doud



Mark Camilli
Region 11 NBA

Winter 2024 National Business Agent Report

...And just like that, 2024 is at an end. We had highs, lows and everything in between. On a positive note, Region 11 continues to develop the next generation of union activists. 2024 was a banner year as we have had many Letter Carriers step up and take on varying roles of representing their co-workers on the workroom floor. We have many new Shop Stewards, OWCP and EAP Representatives as well as those who fill roles such as Union Organizers, Legislative Liaisons, Community Services, Mutual Benefits and NALC Health Benefits Representatives. We also have a full stable of very talented Arbitration Advocates, many who are relatively new, working alongside others that have been doing that type of work for many years. Our representation keeps getting better each year as the numbers for 2024 reflect their dedication and hard work. Sometimes we are a victim of our own success (an overall increase in grievances and arbitration hearings), but I remain committed to seeing that our members continue to get the best representation possible. While this all starts with our shop stewards, our Branch Presidents have been the backbone for Region 11's success. They serve as mentors, teachers and bear a whole host of other responsibilities that don't come easy nor without personal sacrifice. A deep heartfelt thank you goes out to all.

As I stated above – our overall grievance numbers are increasing. To meet the workload, Region 11 currently has eight full-time B Teams up and running. While their workload remains high, Region 11 cases make up less than 3% of the cases pending at the B Team level countrywide. As far as arbitration on the other hand, we lead the nation as far as cases being heard in arbitration. Since the inception of our current (2019-2023 contract) arbitration panel, we have been maintaining a 65-70% win rate. This is in addition to the approximate 3,000 cases we have resolved prior to going to arbitration (pre-arbs). As stated previously, victim of our own success! The representation and work involved has not been easy, but we will continue to rise and meet those challenges – and we do so in a unified front.

Being unified will be the key to our success moving forward. I see two main challenges ahead. One – at the time of this writing, ratification ballots for the tentative agreement are being mailed. Whichever way the membership decides, we need to come together to either present the best possible case in arbitration or

move forward if this tentative agreement gets ratified. Either way, the will of the majority will have spoken. We know what has been negotiated, and despite what I have read on social media posts – no one can guarantee (good or bad) the outcome in arbitration. Whichever way the membership decides and/or the outcome of possible arbitration, we need to stay together!

The second challenge I believe we will face (for at least the next two years) is the fallout from the last national election. The new Congress, Senate and White House have not taken the oath, yet there have been recent Senate and Congressional Committee hearings that did not paint the USPS in a rosy picture. Congresswoman Marjorie Taylor Greene (MTG) will lead a new house subcommittee titled, Delivering on Government Efficiency (DOGE) to work with an outside advisory committee led by Elon Musk and Vivek Ramaswamy. They are being appointed by incoming President Trump to the Department of Government Efficiency (another DOGE). MTG has already pointed to the USPS hearings and stated that the Postal Service is a “prime example of what DOGE and my Delivering on Government Efficiency committee will work to fix” (MTG Facebook post). That is coupled with Elon Musk's vision of cutting \$2 trillion (yes – with a t!) from US government spending. I do not see a way that all federal employees and their pay and benefits will not be under this group's microscope. With these two immense challenges, we can't let “infighting” divide us when we will need to be more united than ever. Of course these are my humble opinions, but it's hard not to think we will face some stiff headwinds in the near future.

From all of us at Region 11, we hope you and yours had a joyous and safe holiday season and a commitment to solidarity in 2025!



Vice President cont.

Steward- 695 grievances. Settled at Step B- 42 grievances. Awarded through Pre-Arbitration or Arbitration- 84 grievances.



Branch 43 brought eight cases to arbitration in 2024, four of which were class action grievances. We have received awards in three of these cases, while the briefs for the remaining case are not due until January 10, 2025. Of the three class action cases two of the cases were sustained for the union, an Article 8.5.F case instructing management to cease and desist violating the National Contract and an Arrow Key Initiative (AKI). The Arbitrator stated, "The AKI policy does not provide adequate security for the overnight storage of Arrow Keys and gas credit

cards. Management at the Cincinnati Installation is directed to provide a secure location for the locked storage of Arrow Keys and gas cards at all stations within the installation. Management should also have a supervisor or accountable clerk available to witness the return of Arrow Keys and gas cards at all stations within the Cincinnati Installation." The other class action case on "Welcome Back Letter" was procedurally flawed at the Informal A Steward level (date discussed with supervisor was left blank on PS Form 8190) and the Service argued they did not know about this grievance until the Formal A meeting. The Arbitrator stated, "The record reflects that the Union filed this grievance at Formal A, bypassing the Informal Step A process and violating Article 15. As such, grievance is denied as not arbitrable. The remaining four cases were individual grievances, and due to their personal nature, I will not be discussing them in this forum.

Additionally, 76 cases that were appealed beyond Step B this year have been resolved at the pre-arbitration stage. Mike Brim (RAA Region 11) has resolved many of these appeals for us at the area level. Mike does an excellent job representing the members of this branch. The others have been resolved by me and Ted Thompson in pre-arbitration negotiations.

I want to personally thank all the stewards for their dedication and challenging work filing and processing so many grievances throughout the year. These grievances also fail to consider the number of issues resolved without having to resort to filing a grievance.

In Solidarity,
Pat Dougherty

Motions made at the December Membership Meeting

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

To finish the hall flooring to include sanding, filling, and painting within the budget which was previously set at the April 11th membership meeting. **Carried**

To pay the bills. **Carried**

To adjourn. **Carried**



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NALC Health Benefit Plan

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www.nalchbp.org

You will be missed.

Donald Clay

Robert Copenhaver

James Gaynon

Robert Huelsman

Ronald Nicholas

Lloyd Redman

Family and Medical Leave Act (FMLA)

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

TTY: 1-866-833-8777

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PO Box 970905

Greensboro NC 27497-0905

FAX: 651-456-6041

December Membership Meeting

Raffle Winner

Split the Pot - Mike Blair

Shiela	Abbey	Robert	Northcutt
Don	Beinke	Allan	Parsons
John	Bird	Daniel	Quinlan
Deborah	Bryant	Larry	Risola
Barbara	Carnahan	Rodney	Ruffin
Ralph	Carter	Amarjit	Sharma
Patty	Compton	Rick	Shelton
Kellie	Demaree	James	Sipe
Cheryl	Depenbrock	Steve	Smith
Roger	Donahue	Toni	Thomas
Blake	Flowers	Gerald	Tiemeier
Douglas	Gast	Jeffery	Walker
Stephanie	Gibson	Robert	Wilkinson
Ronald	Homan	Dandy	Williams Jr.
Karen	Howard		
Gary	Janson		
Michael	Kamp		
Earle	Kelch II		
Judy	Kirchgessner		
Michael	Knau Jr		
John	Losito		
Ronda	Luken		
Randall	Marksberry		
Carol	McGowan		
Carla	Miles		
Sharon	Moran		
Patrick	Mulvaney		
Gary	Myers		

January Retiree Birthdays



January Gold Carders

Clyde	Anderson
Elbert	Brown
Donald	Eaton
Gary	Gabbard
Charles	Haehnle
Carl	Harrell
Charles	Shrack
Mark	Stulz
James	Wilson

December YOPC Attendees

Deborah Bryant
Sue Egbers
Diana Enwright
Art Holt
Burt Hughes
Bill Lipp
Gerry Mees
Robert Wilkinson

Join fellow retirees next
month for sharing old times,



Join fellow retirees for lunch

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

February 3rd

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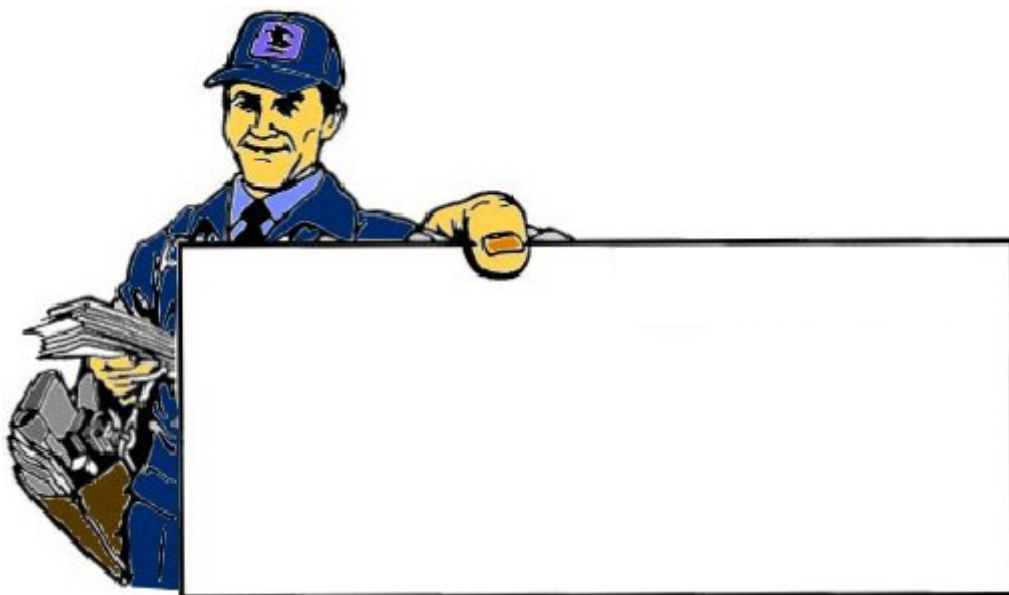
*Balance must be at least \$10,000 or greater to qualify. For loan balances below \$10,000 only the 90 day deferment will be offered. Member must qualify for the loan under normal underwriting guidelines. Minimum rate floor of this offer is 2.99% APR. Interest will accrue over the 90 day deferment period 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

"ADDRESS SERVICE REQUESTED"

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Upcoming Events

Officers Meeting - January 9th, 6:00 PM

Branch Meeting - January 9th, 7:30 PM

Branch Inventory - Jan. 20th, 9:00 AM

MLK Jr. Holiday - Monday, January 20th

February YOPC - Wednesday, Feb. 5th

