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April 2021

Queen City Letter Carriers - NALC Branch 43 News & Views

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Ted Thompson
President

From the President's Desk

Between federal law, Postal Memorandum of Understanding (MOU), and state vaccination phases, there is plenty of recent updates related to COVID-19. The American Rescue Plan Act of 2021 was signed into law on March 11th. This law provides paid leave benefits for letter carriers affected by COVID-19. Effective March 12th, and running until September 30th, or until the \$570 million in funding is depleted, a new leave category called Emergency Federal Employee Leave (EFEL) is available to all federal employees who experience a COVID-19 related absence that qualifies under the provisions of the Act. Federal employees can use up to 600 hours of leave. Oversight of this leave will be administered by the Office of Personnel Management (OPM). Therefore, OPM is required to issue guidance covering how the leave is to be administered by covered agencies, including the Postal Service. As of this writing, OPM has yet to fully finalize such guidance, limiting the Postal Service the ability to fully implement EFEL. The Postal Service is currently operating under a headquarter memorandum and interim process. Under the interim process, until OPM finalizes guidance, the Postal Service is authorizing up to 80 hours for full-time employees and a proportional amount for PTF and CCA employees who do not have a 40-hour a week schedule. To use the leave, employees must meet one of eight qualifying reasons (page 5). There are other considerations to factor in determining if you want to use this leave. For career employees, EFEL does not count as credible service towards an employee's retirement benefits. Also, employees

cannot contribute to Thrift Savings Plan (TSP) while on EFEL. For now, the Postal Service will be managing and tracking this leave within the Enterprise Resource Management System (eRMS). Management is tasked with coding this leave properly to receive funding from OPM. Timekeepers are instructed to enter in eRMS all EFEL hours and code that leave as 086-21. It is important to understand what this leave is, who is entitled to it, and how much you are entitled to, because you will need this information to properly request it. To request this leave, employees must submit a PS Form 3971 indicating the reason they must take leave and that you are unable to work due to one of the qualifying conditions. For leave type, request other, and in the comment section write EFEL 086-21. From a Postal headquarters memorandum, it stated employees should be advised that additional requirements including, but not limited to, producing appropriate documentation to support their need for leave, are likely to be imposed in official guidance from OPM.

The Postal Service and NALC recently extended several COVID-19 related MOUs until June 4, 2021. With the signing of M-01942, the parties extended temporary expanded sick leave for dependent care (M-01910), temporary use of the 7:01 rule (M-01913), temporary workplace changes to promote social distancing (M-01915), and temporary use to Temporary Carrier Assistants (M-01916). An agreement was made granting local parties the ability to develop a sign-up process for full-time employees who previously did not, or could not, place their names on either the overtime desired list or work assignment list (M-01944). Currently, there is no local agreement to implement this. Also extended is USPS memorandum (M-01914) which instructs managers and supervisors to allow liberal changes of schedule to accommodate employees who are dealing with childcare

Continued on following page



NEWS & VIEWS

Volume 132, Number 4
Published Monthly by:
Queen City Letter Carriers
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Cincinnati, Ohio 45223-2684

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EDITOR'S 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

President cont.

issues related to the pandemic, provide liberal sick leave to ill employees, treat all COVID-19 related leave as scheduled leave, and directs that leave taken for COVID-19 related reasons may not be cited in discipline for failing to maintain a regular work schedule.

Since last month's edition of the *News & Views*, Ohio Governor Mike DeWine has announced vaccine distribution updates with the opening of Phase 1C through 1E, and Phase 2A through 2D. With the opening of phase 2D beginning March 29th, all Ohioans 16 and older are eligible to receive the COVID-19 vaccine. There are numerous resources available to find vaccine providers and schedule appointments. Ohio has a new vaccine scheduling system called Vaccine Management Solutions. Ohio also has a vaccine provider location directory. Both these resources are available at coronavirus.ohio.gov. For those seeking vaccination, you are eligible to use EFEL under qualifying condition number 8. You are also eligible for this leave if you experience any adverse side effects.

After about 18 months working without a contract, the membership overwhelmingly voted to accept the tentative agreement that was reached last November. March 8th is the official ratification date. The new contract

RATIFIED

covers a 44-month term from September 20, 2019, to May 20, 2023. The office has received many calls on when back pay will be received, and new salaries configured. I have no specific date but have been informed the Postal Service is in the rigorous process to complete. However, the third regular cost-of-living adjustment (COLA) has been figured following the release of the January Consumer Price Index. The third COLA calculat-

ed out to be \$416 annually. This increase will be payable retroactive to February 27th and will be included in back pay calculations.

I am pleased to share some of the ongoing efforts of myself, Branch Secretary Burt Hughes, and Branch HBR/MBA Jim Metz to personally hand out as many 50 and 60-year member awards as possible (pages 6 & 7). Due to the pandemic and cancelled branch events in which awards are normally given, it was great to get out and honor them over the past few months. Congratulations to all! There are a few upcoming branch or regional events I would like to share. First, while the registration deadline has passed, Region 11 will be hosting a virtual retirement seminar on Sunday April 18th. This seminar will be conducted via WebEx from 1:00 -3:00 pm. If you are interested in attending, please notify me as soon as possible. I cannot guarantee placement but will do anything I can to get you in if possible. This month will be the last month in which an application for the scholarship drawing is included (page 8). Applications must be received at the Branch office by April 30th. Five randomly selected winners, along with five randomly selected alternates, will take place at the May membership meeting. For all stewards, or any member wanting to learn more or thinking of becoming a steward, Branch 43 will be conducting our biannual steward seminar on Thursday April 22nd. Dinner will be served beginning at 6:00 pm with training slated to begin at 7:00 pm. This training conducted is open to all members interested in attending. For all members and stewards, please make your reservations by calling the branch office. Spring Hall clean up has been scheduled for Sunday, May 16th at 9:00 am. As always, Branch 43 meetings are scheduled for the second Thursday of the month and the next upcoming meeting is scheduled for April 8th at 7:30 pm. Hope to see some new faces, but always enjoy the old ones.

Fraternally,
Ted Thompson



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—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 questions 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 problem was resolved by the federal courts in the *Kalkines* and *Garrity* decisions.

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 ability. Failure to answer completely and truthfully may result in disciplinary action, including dismissal. 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

Continued on following page

Vice President cont.

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



Dave Utz

Formal A Rep

Management

Letter Carriers

By now most have heard about the USPS giving early outs to upper management and consolidating areas. This should have been done years ago. Employees know where the fat is, at the top. Postmaster General Louis DeJoy needs to cut all excess fat, upper management is earning 6 figure salaries and do nothing with the mail or parcels. But on daily teleconferences, they tell area, or district, or station management how the carriers should give more, "Every carrier has pivot time." Perhaps management should go carry a route to help the stations in need. I bet they would have way to many stationary events (the stationary event is the latest way management never has to leave the station or desk but tells us we sat still for 11 minutes, "no..no..no"). Is it the carriers fault that Cincinnati is over 100 CCAs short? NO, but I guess upper management, somewhere, forgot the hiring subject on a teleconference. In Cincinnati we have at least 10 204Bs or acting supervisors in training. Math time: $10 \times 8 \text{ hours} = 80 \text{ hours a day}$ they should be carrying routes or $10 \times 10 \text{ hours} = 100 \text{ hours a day}$. It seems very obvious since we are so short staffed this would help tremendously. How many hours of overtime and penalty overtime would that save daily? How many less of you carriers would be forced or mandated unwanted overtime if the 204B in your office carried mail? Better yet, how many managers and supervisors do we really need when there isn't enough carriers to deliver the mail? **Wow, maybe I should lead a teleconference.**

Now to the carriers, Branch 43 has meetings the second Thursday of the month and we need a lot more younger carriers to get involved. Steward elections will be coming up at the end of year. The Branch has a Steward training April 22nd and will have another sometime this fall. Anyone can attend, listen, and learn. Knowledge is power. Management only gives you one side, learn the other side. Thanks for all your hard work.

Dave Utz

NALC Formal A Representative



Emergency Federal Employee Leave	
Qualifying Reasons	Leave Eligibility
<p>An employee is entitled to take EFEL related to COVID-19 if the employee is unable to work because the employee:</p> <ol style="list-style-type: none"> is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. is caring for an individual who is subject to such an order as in (1) or has been so advised as in (2). is experiencing COVID-19 symptoms and seeking a medical diagnosis. is caring for the employee's son or daughter if the school or place of care of the son or daughter has been closed, requires or makes optional a virtual learning instruction model, requires or makes optional a hybrid of in-person and virtual learning instruction models, or if the child care provider of the son or daughter is unavailable, due to COVID-19 precautions. is experiencing any other substantially similar condition. is caring for a family member with a mental or physical disability or who is 55 years of age or older and incapable of self-care, without regard to whether another individual other than the employee is available to care for such family member, if the place of care for such family member is closed or the direct care provider is unavailable due to COVID-19. is obtaining immunization (vaccination) related to COVID-19 or is recovering from any injury, disability, illness, or condition related to such immunization. 	<ul style="list-style-type: none"> All career and non-career employees, regardless of tenure, are immediately eligible for EFEL. Full-time Employees can receive up to 600 hours of paid EFEL, capped at \$2,800 per pay period. Part-time Employees can receive up to the proportional equivalent of 600 hours, capped at a proportional equivalent of \$2,800 per pay period.

STEWARD SEMINAR

Thursday, April 22th

Dinner begins at 6:00 PM
Training begins at 7:00 PM

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.

NALC BRANCH 43



Lester Weber - 60 years



Greg Behrmann - 50 years



Sandra Copenhaver - 50 years

MEMBERSHIP AWARDS



Gerry Mees - 50 years



Michael Kleintank - 50 years



Dennis Murphy - 50 years

2021 NALC Branch 43 Scholarship Rules & Application

Eligibility Requirements:

1. Applicant must be the son/daughter, legally adopted son/daughter, stepchild or grandchild of an active or retired Letter Carrier of Branch 43.
2. Applicant's parent or grandparent must be in good standing with Branch 43 NALC for a minimum of three (3) years prior to submitting the application.
3. The member may not have applied for or have held a management position with the USPS, including 204-B positions, for three (3) years prior to submitting the application.
4. Application forms will be made available for pickup at Branch 43 headquarters beginning March 1st of each year. The application form will be printed in the March and April editions of the News and Views annually. The form will also be available at the Branch 43 website beginning March 1st of each year.
5. Applications MUST be postmarked no later than April 30th of each year. Applications may be dropped off in person at Branch 43 no later than the close of business on April 30th of each year.

Name of Member: _____

Name of Scholarship Applicant: _____

Applicant's Relationship to Member: _____

Applicant's school of choice: _____

Awarding of the Scholarships:

1. Winners will receive a Five Hundred (\$500.00) scholarship to be drawn by lottery at the regular Branch 43 Membership meeting in May each year.
2. Four (4) scholarship winners and four (4) alternates will be drawn. If, for any reason, a scholarship recipient will be unable to use the scholarship, then the alternates, in the order they were drawn, will be awarded the scholarship.
3. Awards are for one (1) year only. However, the winner is free to submit an application each year he or she is eligible to apply.
4. Scholarship Awards will be deposited into the winner's school account, established at an accredited college or trade school, in the applicant's name.

Any and all issues arising from the rules and applications as it pertains to the Branch 43 Scholarships will be reviewed by the Branch 43 Board of Trustees. The findings and decision of the Board of Trustees pertaining to the Branch 43 Scholarship Fund will be FINAL.

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Retired Member of Branch 43

Pat Mulvaney (513) 284-1504

Family and Medical Leave Act (FMLA)

Human Resources Share Service Center

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TTY: 1-866-833-8777

MAILING ADDRESS:

HRSSC FMLA EASTERN
PO Box 970905

Greensboro NC 27497-0905

FAX: 651-456-6041

March Membership Meeting Raffle Winners

Split the Pot - Mike Barhorst (\$47.00)

MDA - Burt Hughes, Connie Griffith, Brian
Bailey, Mike Barhorst, Taylor Whitt, Dean
Scherpenberg, Jerry Giesting & Charlie Williams

John	Ambrose
Melvin	Cain
Frances	Carpenter
Mark	Franxman
Charles	Grant
Richard	Grimes
Paul	Heger
Thomas	Horn
Russell	Kater
Kelly	Marshall
Patrick	McGowan
Matt	Meibers
James	Merritt
Michael	Molloy
Cynthia	Mulvaney
Linda	Murphy
Theodore	Ridder
Carmelo	Romito III
Virginia	Schomaker
Paul	Schotte
Dennis	Shields
Carl	Smith
Alan	Steely
Gary	Wilson
Thomas	Winters
Williard	Woodall
Michael	Young

April Retiree Birthdays

**Happy
Birthday**

**April Gold
Carders**

Joseph	Brock, Sr.
Stan	Burch
Chester	Cox
Larry	Irvin
James	Jenkins
Thomas	Keane
Daniel	Mugavin
Charles	Williams
Joseph	Yount

**March YOPC
Attendees**

Deborah Bryant
Diana Enwright
JR Ford
Jerry Giesting
Art Holt
Burt Hughes
Dick Keller
John Macon
Gerry Mees
Bob Shepherd
Robert Wilkinson

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

**Contact Information
for U S
Representatives**

Steve Chabot – 1st District

<http://chabot.house.gov>

202-225-2216

513-684-2723

Brad Wenstrup – 2nd District

<http://wenstrup.house.gov>

202-225-3164

513-474-7777

Thomas Massie – 4th Dist. KY

<http://massie.house.gov>

202-225-3465

859-426-0080



**Motions made at the March
Membership Meeting**

To dispense with the roll call of Officers and reading of the previous month's minutes. **Carried**

To accept the financial reports and pay the bills. **Carried**

To spend up to \$5,000 for 2 new laptops and a new projector. **Carried**

To adjourn. **Carried**

**Join fellow retirees
for lunch**

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

May 3rd

**Red Squirrel
8227 Colerain Ave
Cincinnati, OH 45239**

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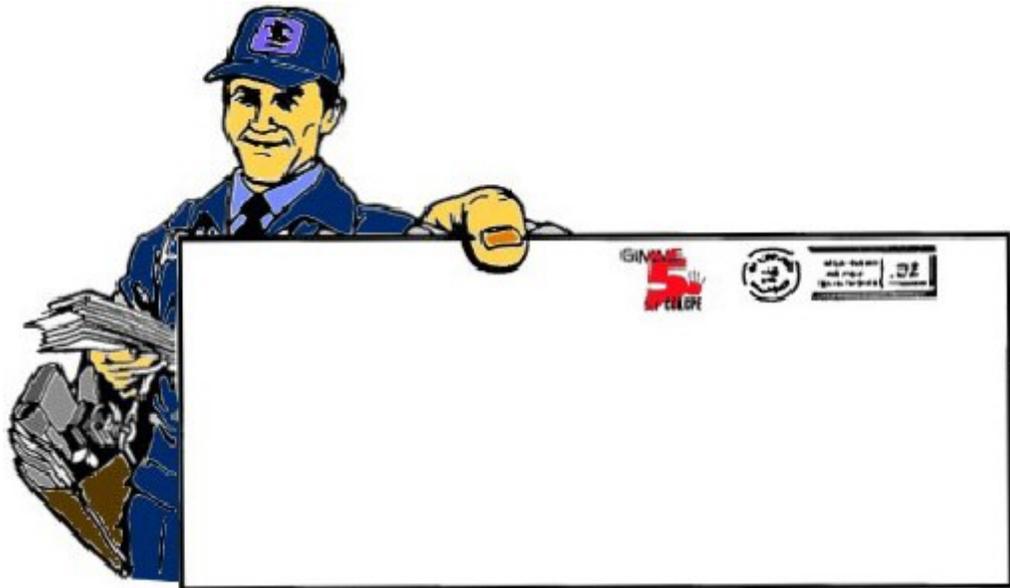
*Balance must be at least \$10,000 or greater to qualify. For loan balances below \$10,000 only the 90 day deferment will be offered. Member must qualify for the loan under normal underwriting guidelines. Minimum rate floor of this offer is 2.99% APR. Interest will accrue over the 90 day deferment period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

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Cincinnati, Ohio 45223

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Upcoming Events

- Officers Meeting** - April 8th, 6:00 PM
- Branch Meeting** - April 8th, 7:30 PM
- Virtual Retirement** - April 18th, 1:00 PM
- Steward Seminar** - April 22nd, 6:00 PM
- May YOPC** - Wednesday, May 5th
- Hall Clean Up** - May 16th, 9:00 AM

