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February 2020

## 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

Thank you to all the members and volunteers who just participated in our recent 20<sup>th</sup> Jim Frentzel Memorial Bowl Against Dystrophy (BAD) Tournament at Stones Lanes. While honoring Jim and raising money for the Muscular Dystrophy Association a good time was had by all who attended. If you missed it this year, think about participating in next year's event. It's always good to get outside of the work environment and share a little camaraderie with our co-workers all the while raising funds for a worthy organization to help others less fortunate than most of us.

By now, Westwood is in full swing with route inspections. Westwood will be followed by 21 other zones in Branch 43, with the majority of route inspections taking place in Cincinnati offices. As in the past, the Branch will provide route inspections training to those members in offices who have an interest. If your office is scheduled for inspections and you want to learn the process, your rights and how to protect yourself during a formal inspection please call the Branch office and notify us or talk to your steward about it. The Branch also has route protection guides available to those interested. For the last few years, every spring and fall, the Postal Service has notified the Branch of inspections and reached out to play 'let's make a deal.' Historically, in some zones or offices we have reached mutual agreements on route adjustments and in others we haven't entertained a joint adjustment. This year, with the aggressive inspection list we have received, I am not very entertaining to continue playing the game. Thus, I am expecting most zones on the list will go through

with inspections. During inspections, myself along with Pat will do the best we can with our schedule to be in those offices inspected each morning and for the Dry Run training each carrier must receive from the Postal Service. While out in the office, our main function will be as an observer. Formal route inspections are not a joint process; we are not out there to help or guide the service in their duties. We will be out there observing if they follow the guidelines of our contract and the M-39 and documenting when they don't. In the event the Postal Service fails to properly count and adjust routes to as near 8 hours as possible, we will have our documentation to provide the steward and guide them through the grievance arbitration process to correct the issues. If routes are not properly adjusted, it is a long and daunting process to get the routes corrected but Branch 43 has had a very successful past in arbitration when the issues do arise. If your office is going through inspection, be professional and perform your duties as you do every other day, but if you are concerned or want additional resources please contact us or your steward and we will get or provide you the information you seek.

Most offices should be done by now with annual leave vacation selections for 2020. I have a list of members who have experienced various issues during the selection process. If you did not get any annual leave selections due to being off on leave, illness, bidding or were assigned to another office please contact me and I will make sure you receive annual leave selections. Most issues I have been notified of on selections issues revolved around CCA's.

Of note on CCA's, the NALC and USPS just recently reached a settlement (M-01906) for the Postal Service violating the caps or percentages of CCA's hired per district. All CCA's with 30 months or more of relative standing on February 15,

*Continued on following page*



### NEWS & VIEWS

Volume 131, Number 2  
Published Monthly by:  
Queen City Letter Carriers  
NALC Branch 43  
4100 Colerain Avenue  
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](mailto:thompson@branch43.org)

Printed in House

### President cont.

2020 will be converted to full-time career status in their installation. This settlement will not convert any Cincinnati CCA. Recently, our latest group of CCA's converted in the city had 10 months relative standing. This settlement will however greatly affect members in our associate offices. CCA's in offices below 200 workyears, in Ohio Valley District, with 26 months relative standing will be converted to part-time flexible career status (PTF). Branch 43 has 7 members that will be converted to career under this settlement. The Postal Service has 60 days from the date of the settlement (January 22<sup>nd</sup>) to complete those conversions.

Lastly, on the legislative front, the USPS Fairness Act (H.R. 2382) is expected to be brought forth by the Speaker of the House of Representatives for a formal vote this week. Hopefully, many of you have downloaded the NALC App on your phone and have received this notification. I am asking all branch members, your family, friends and anyone you know who cares about the Postal Service,

our jobs and our stability to contact your congressional representative and ask for their support on this resolution.

Currently, this bipartisan bill has 301 cosponsors. While that is an overwhelming majority of congress who have signaled support for this important legislation, their vote is even more important. Even more importantly locally, neither one of our southern Ohio congressmen have signed on in support. Please contact congressional representatives Steve Chabot and Brad Wenstrup and ask for their vote; remember, you vote for them, and this is a vote for you. This bill seeks to end the disastrous mandate for the Postal Service to prefund retiree health care decades in advance. As you should know, this mandate is largely responsible for our employers current manufactured financial crisis and passage of this bill is a huge step towards its elimination. You can reach your member of congress by calling the Capital Switchboard and providing your zip code to connect to their office. (202) 224-3121.

Fraternally,  
Ted Thompson

## BOWL AGAINST DYSTROPHY







Pat Dougherty  
Vice President

## From the Vice President

### Article 10.5 Sick Leave

If you must call out for unscheduled sick leave using the 1-877-477-3273 number, make sure before you hang up to write down the conformation number down for your records. Upon returning to work, the employee must submit a PS Form 3971 for the hours and dates of sick leave used. This is important to maintain for your records in case we must file a grievance on your behalf, because some rogue manager or supervisor puts you in for Leave Without Pay (LWOP) instead of your requested sick leave. Let's go over some contract language regarding the use of sick leave. Section 513.1 defines sick leave as leave which "insures employees against loss of pay if they are incapacitated for the performance of duties because of illness, injury, pregnancy and confinement, and medical (including dental or optical) examination or treatment." Letter carriers apply for sick leave, either in advance or after returning to work, by submitting a PS Form 3971. When an employee has an unexpected need for sick leave, he or she must notify the appropriate postal authorities as soon as possible of the illness or injury and the expected duration of the absence. Sick leave is paid at the employee's regular straight-time rate, and limited to maximums of 8 hours per day, 40 per week and 80 per pay period. ELM Section 513.65 provides, "If an employee becomes ill while on annual leave and the employee has a sick leave balance, the absence may be charged to sick leave." The conditions for authorization of sick leave are outlined in Section 513.32 of the ELM. When a request for sick leave is disapproved, the supervisor must check the block "Disapproved" and write the reason(s) on the PS Form 3971 and note any alternative type of leave granted (ELM Section 513.342). If sick leave is disapproved and the absence is nonetheless warranted, the supervisor may approve, at the employee's option, annual leave or LWOP (ELM Section 513.63). If the employee does not have sufficient sick leave to cover the absence, at the option of the employee any difference may be charged to annual leave and/or LWOP (ELM Section 513.61). Likewise, if the employee does not have any sick or annual leave for an approved absence, the approved absence may be charged to LWOP (ELM Section 513.62).

Medical certification the ELM Section 513.361 and .362 establish three rules: 1) For absences of more than three days, an employee **must** submit "medical documentation or other acceptable evidence." 2) For absences of three days or less a supervisor **may** accept an employee's illness (unless the employee has been placed in restricted sick leave status, in which case verification is required for every absence related to illness regardless of the number of days involved.) 3) For absences of three days or less a supervisor may require an employee to submit documentation of the employee's illness "when the supervisor deems documentation desirable for the protection of the interests of the Postal Service." Numerous disputes have arisen over situations in which a supervisor has required an employee not in restricted sick leave status to provide medical documentation for an illness of three days or less. Generally, to challenge such a decision successfully the union should demonstrate that the supervisor acted arbitrarily, capriciously or unreasonably in requiring the employee to obtain medical documentation. The union should be prepared to show that the grievant has a good overall sick leave record and no record of abuse. The branch has been very successful in filing grievances for members when we can show the grievant has not been placed on restricted sick leave and the grievant has a good overall sick leave balance proving the ability to maintain a regular work schedule. The remedy for these grievances is reimbursing the grievant their co-pay and mileage to and from the doctor's office. Consistent with the Rehabilitation Act, the parties agree that the ELM Sections 513.362 and 513.364 do not require the employee to provide a diagnosis (M-01629). Employees who are on extended periods of sick leave must submit at regular intervals, but not more frequently than once every 30 days, satisfactory evidence of their continued inability to perform their regular duties, unless "a responsible supervisor has knowledge of the employee's continuing incapacity for work" (ELM Section 513.363).

The National Agreement provides a right to use sick leave in certain situations, known as Sick Leave for Dependent Care. Under language contained in the national Memorandum of Understanding a letter carrier is entitled to use up to 80 hours of Sick Leave for Dependent Care per year. To give care or otherwise attend to a family member with an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave by the employee. Family members shall include son or daughter, parent, and spouse as defined in ELM Section 515.2. Approval of sick leave



Denny Doud  
NALC DRT Rep

## STEWARD'S CORNER

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

If a carrier needs to call back to the station or send a message on their scanner prior to 3:00pm as instructed and was told to deliver the mail and be back in the time they were given in the morning.

#### Question:

I needed additional time to finish my route. Management told me that the additional time I needed was not authorized or deliver all the mail and return at the time you were given in the morning. What does this mean?

#### Answer:

In short, it means nothing. This is a classic example of management not providing clear and concise directions. Management is constantly giving letter carriers contradictory and confusing instructions. 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. The situation often manifests itself when a carrier determines they need additional time to complete their assignment and sends a message on scanner or calls management seeking further instructions. In some instances, supervisors will attempt to intimidate the carrier by giving them deliberately conflicting instructions or responding to the carrier to continue, however, the additional time is not authorized. When management instructs a carrier to deliver all the mail, they have just authorized any additional time necessary to complete that instruction. 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 grievant was unable to complete the route." If management attempts to claim the time needed to perform work that they specifically instructed you to complete is allegedly unauthorized overtime or attempts to utilize a PS Form 1017-B (Unauthorized Overtime Record) in this situation, immediately request a steward. The steward can investigate this issue and file a grievance on your behalf. Do not allow managements game playing to affect your daily work. Take ownership of your job by coming to work and performing your duties in a safe and efficient manner, taking all the necessary time to do the

job including your 30 minute lunch and your two (2) 10 minute breaks, also any additional breaks for personal needs such as comfort stops when necessary.

Denny Doud  
NALC DRT Representative



Matt Bauer  
Leg. & Pol.

## DIRECTOR LEG & POL AFFAIRS

Before post offices existed, there were two options for delivering a letter. Someone with money could hire a courier for hand delivery. In the era before trains, planes, and automobiles, this could take days or weeks spent on horseback riding from one state to another. Of course, the price would reflect the distance and time for the courier to deliver the letter.

Another option would be for many to use a local inn as a way to send mail. They would toss their letters on a table in a room, address included, for travelers heading in that direction to grab and drop off the letter at another inn when they arrived. As you could imagine, this was very unreliable.

In 1775, the Second Continental Congress appointed Benjamin Franklin as the nation's 1<sup>st</sup> postmaster general. He was in charge of overseeing a mail delivery organization that would eventually become the United States Postal Service (USPS).

USPS links the US together. It ensures that every person has access to cheap, reliable communication everywhere in the country. The USPS serves everyone, with letter carriers dedicated to delivering an advertisement as reliable as a certified letter. The founders believed this was so important that the postal service is one of the few government agencies specifically in the Constitution. Article One, Section Eight, charges Congress with the power "to establish Post Offices and Post Roads," and since 1775 it has.

The USPS runs one of the largest organizations in the country. It has the 2<sup>nd</sup> most civilian employees with over 600,000 career and non-career employees. It's the 3<sup>rd</sup> largest employer (government or private), behind the armed forces and Walmart. It has been rated the most trusted brand of 2019 with a 42% score (Amazon 2<sup>nd</sup> with 38.2%). USPS has collective bargaining with 7 different unions (representing over 500,000 employees). They have over 143,000 collection boxes (blue boxes). They purchase about

*Continued on following page*

*Leg & Pol cont.*

675,000 tires and 730 million rubber bands. The next Postmaster General will be the 75<sup>th</sup> appointed.

While we are on the subject of facts and figures, the USPS handles a total of 47% of the entire world's mail (more than 146 Billion pieces mail every year or 400 million a day). To move this kind of volume, the postal service needs an army of mail carriers. USPS employs over 342,000 to deliver (more than half of the total staff).

As many Americans have learned during the recent government shutdowns, the USPS does not rely on the federal government for money. Despite operating as an essential government agency, the postal service is entirely self-funded. It takes no revenue from taxpayer dollars. Instead it collects all of its money from business operations. The 3 biggest money makers are 1<sup>st</sup> Class mail, shipping packages, and marketing mail.

Competition from multiple sources have caused the postal service to struggle financially, but the most arguably change has been the decrease in 1<sup>st</sup> class mail (due to digital communications). However, internet sales hasn't been all bad, and in some ways has helped enormously, with the rise of shipping fees partially offsetting losses to 1<sup>st</sup> class mail. This hasn't alone been enough to stem the red ink.

It's not that the postal service has a revenue problem. The USPS took in more than 71 billion in 2019 but spent over 79 billion in expenses. The issue? One of our biggest reasons for the red ink is the 5.5 billion to 5.8-billion-dollar expense that the postal service pays yearly for benefits of retirees in advance. Currently, this account has over 54 billion dollars that has not been used or touched. This pre-funding has accounted for 90% of the recorded losses since 2007. No other agency or private sector has this kind of expense.

Recently, the National Association of Letter Carriers (NALC) has succeeded in obtaining over 300 signatures of congress bill HR 2382 (USPS Fairness Act) to remove this prefund mandate. Now the NALC has started to obtain signatures from signatures for the same bill in the Senate (S.2965). Currently there are 2 signatures on this bill. Removing this mandate is the 1<sup>st</sup> step to securing the future of the postal service.

**THIS IS IMPORTANT.** Our jobs depend on this. Our retirement depends on this. Our Organization depends on this. Please help in 2 ways. Call Congress and ask for the support and give to the Letter Carrier Political Fund. This fund is used to make

sure our voice is heard. If everyone gave \$5 per check to this fund, our voice could not be ignored. Please email me at [Matt.Bauer@branch43.org](mailto:Matt.Bauer@branch43.org) to sign up or better yet visit the union hall at our next monthly meeting on February 13<sup>th</sup>.

Matt Bauer

Director of Legislative and Political Affairs

## MEMBER'S CORNER

### Upcharges? Just because.... Just doesn't cut it....

I recently had cataract surgery on both eyes, supposedly at a surgery center, but because at the time I breathed through my neck, the 'Gas Passer' got cold feet and insisted the procedure be done in a hospital setting for the good of the patient. Thus, re-scheduling and more delay. The long and short of it, I had both procedures done in a hospital. Both went off perfect with no problems and over 100% in each eye. I couldn't be happier; having to wear corrective lenses since 4th grade. Years of managing bulky glasses in all sports and every climate was a pain in the arse I was more than ready to be rid of. After a couple weeks I received a bill in the mail stating I owed an upcharge of \$345. Soon to find out, this was an upcharge I owed 'just because' just didn't cut it for me.

I finally reached a manager and demanded to know what the \$345 charge was for. He disappeared for four weeks only to resurface on my voicemail offering patient help for those patients who cannot afford their medical costs which is a program the hospital has had great success with. I continued to pursue this and finally got someone with a name and title. As I explained, my Medicare rep and my secondary insurance rep both advised me I owed nothing. This woman, representing the hospital, disappeared for three weeks. I was then sent in bill format informing me I owed zero (0) money without any explanation. Upon further review brothers and sisters, if you are covered under Medicare and you are accepted as a patient for anything, the law stands that the provider is obligated to only charge what the contracted rate is, only, no upcharges, add on's, supplemental or incidental rate increases. Have a great New Year, God bless you all.

Mike Kamp

Murray, Retiree





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Raugh	Lewis
Rodgers	James
Roos	Thomas
Schreiber	Linda
Shepherd	Kenneth
Sloan	Donald
Thompson	David
Winters	Kimberly
Wolf Jr.	Donald

## February Retiree Birthdays

### January YOPC Attendees

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

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



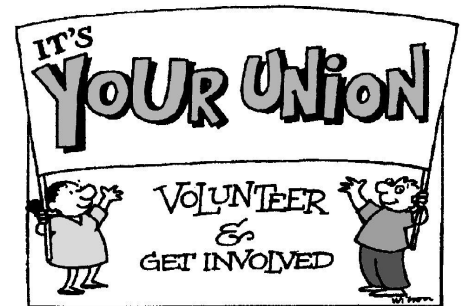
### Gold Carders

Clemsons	James
Daugherty	Robert
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**Roy Mangham**

**James Baldwin**



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## Family and Medical Leave Act (FMLA)

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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**

## January Membership Meeting Raffle Winners

**Split-the-Pot** - Diana Enwright (\$32.50)-  
donated by Diana back to MDA

**MDA**— Postponed until February meeting  
for pass the hat for Tyler Robinson

### Motions made at the January Membership Meeting

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

**Carried**

Give Skip Grant and Tom Roos a \$250.00 gift card for all their work in 2019. **Carried**

Branch pass the hat for Tyler Robinson and Branch donate \$500.00 to Tyler Robinson.

**Carried**

To pay the bills. **Carried**

To adjourn. **Carried**

*Vice President cont.*

for dependent care will be subject to normal procedures for leave approval. The carrier's right to Sick leave for Dependent Care under the contract is separate and different from the right to leave under the Family and Medical Leave Act of 1993. Sick leave for Dependent Care is a benefit established by the National Agreement; the FMLA is a federal law. Still, there are certain overlaps. For instance, the definitions of son, daughter, spouse and parent used for Sick Leave and for Dependent Care are the same as the FMLA definitions. So, an employee may take time off to care for the same persons under both Sick Leave for Dependent Care and the FMLA. If you have any questions on any of the sick leave rules and regulations, ask your local shop steward or call the union hall.

In Solidarity,  
Pat Dougherty

### *Last Punch Bunch*



*Tom Rottinghaus, Murray*



*Jenny Linz, Harrison*



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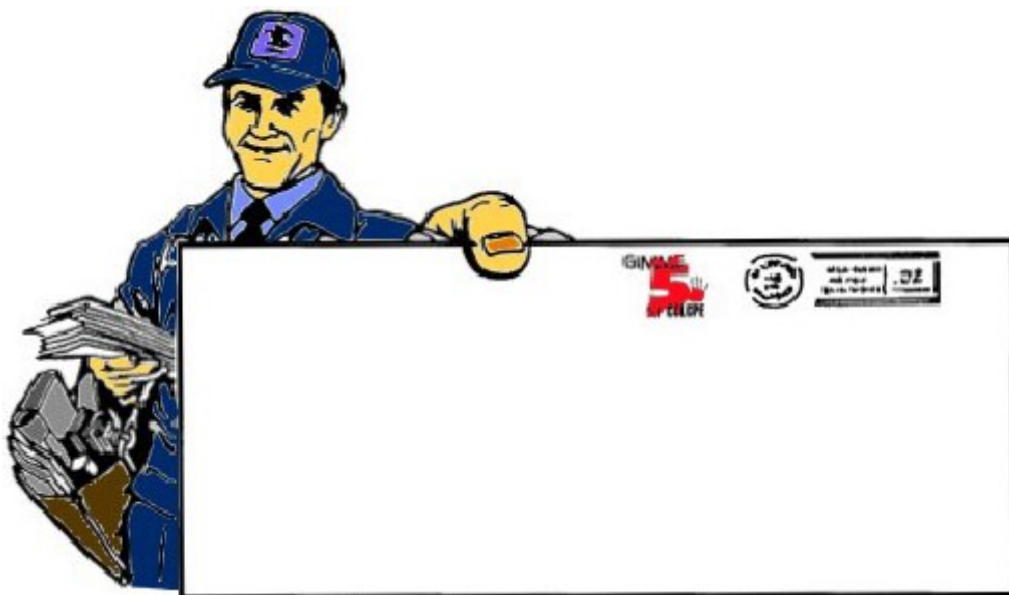


## ***Queen City Letter Carriers***

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### **Upcoming Events**

**Officers Meeting - 6:00 pm, Feb 13th**

**Branch Meeting - 7:30 pm, Feb 13th**

**Presidents Day Holiday - Feb 17th**

**March YOPC - Wednesday, Mar 4th**

