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February 2022

Queen City Letter Carriers - NALC Branch 43 News & Views

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Ted Thompson
President

From the President's Desk

January's membership meeting, along with installation of officers, was cancelled due to the rise and spread of the COVID-19 Omicron variant. Towards the end of December last year, COVID-19 cases began to spike locally. At that time, Ohio Governor Mike DeWine announced that he is deploying over 1,000 members of the Ohio National Guard to assist hospitals with staffing shortages in the face of the worsening landscape. Guard members are also working at testing locations or facilities. As I have said since the onset of the pandemic, when local numbers reported increase, there is a direct correlation with the number of our members impacted. Thus, I want to start off this month's edition with where we stand with everything pandemic related.

In late December, the United States Supreme Court agreed to hear legal challenges to the Biden administration's vaccine mandates or testing for large employers. Those mandates would be administered through the Occupational Safety and Health Administration (OSHA) and an Emergency Temporary Standard (ETS) on COVID-19 vaccine and testing. The rule required workers at business with more than 100 employees (including the Postal Service) to get vaccinated or comply with weekly testing requirements. On January 4, the Postal Service requested temporary variance from OSHA that would have delayed implementation of the OSHA ETS for 120 days. Behind the scenes, the Postal Service was meeting with leaders from the major postal unions. Those same unions were also having legal representatives decipher the legality of the mandates. Ultimately, on January 13th, the

Supreme Court ruled on the OSHA vaccine and testing rule and blocked OSHA's ETS. The Supreme Court's ruling appears now to have rendered the Postal Service's extension request, along with all other legal and contractual meetings with union representatives, moot. While this ruling will put to rest any concerns with members in regard to vaccine requirements, because of the uptick in positive cases affecting the membership, once again, the issue of masks is a daily conversation with stewards or members.

The last updated, or revised, face covering policy shared with my office is still in effect. This policy states, "In accordance with CDC and OSHA, "fully vaccinated people can resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance. According to the CDC and OSHA, people are considered fully vaccinated for COVID-19 two weeks or more after they have completed their final dose of a COVID-19 vaccine authorized by the U.S. Food and Drug Administration in the United States. Supporting verification of COVID-19 vaccination status will not be required and should not be requested. Employees who have not been fully vaccinated are required to wear face coverings in any situation in which they cannot achieve or maintain social distance – at least six feet and in public-facing settings where there is a state or local face covering order or directive in place."

Also in late December, several COVID-19 related Memorandum of Understandings (MOU) were extended once again. By joint agreement, these memoranda include temporary expanded sick leave for dependent care, temporary use of the 7:01 rule, temporary workplace changes to promote social distancing, temporary use of TCAs, and reinstatement of temporary additional paid leave

Continued on following page



NEWS & VIEWS

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NALC Branch 43
11070 Southland Road
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www.branch43.org
Phone: 513-542-6400
Fax: 513-542-0043

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EDITOR'S (Taylor Whitt) 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: taylorwhitt777@gmail.com

Printed in House

President cont.

for CCAs. There was also another temporary time limit extension on Step B and arbitration appeals as well as an agreement to give local parties the ability to mutually develop a sign-up process for full-time employees to place their names on the overtime desired list(s). 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 issues related to the pandemic. These MOUs have only been extended until February 11th, but I would anticipate these will continue to be extended once again.

I provide this information because I am still receiving daily emails with numerous members who tested positive for COVID. Branch 43 has been strongly encouraging any member who tests positive to file a claim through the Department of Labor (DOL) Office of Workers Compensation Programs (OWCP). Compensation claims for COVID-19, which can help compensate the member for lost time, protect the member from potential out-of-pocket expenses, as well as provide medical care for immediate and potential long-term effects, are not complicated or difficult to get approved. However, the question of whether over the counter home, or rapid tests, are acceptable to the DOL in COVID claims has come up several times recently with members. In order to establish a diagnosis of COVID-19, an employee (or survivor) should submit the following in accordance with FECA Bulletin No. 21-09 from April 28, 2021:

A) A positive Polymerase Chain Reaction (PCR) COVID-19 test result; or
B) A positive Antibody or Antigen COVID-19 test result, together with contemporaneous medical evidence that the claimant had documented symptoms of and/or was treated for COVID-19 by a physician (a notice to quarantine is not sufficient if there was

no evidence of illness); or
C) If no positive laboratory test is available, a COVID-19 diagnosis from a physician together with rationalized medical opinion supporting the diagnosis and an explanation as to why a positive test result is not available. In certain rare instances, a physician may provide a rationalized opinion with supporting factual and medical background as to why the employee has a diagnosis of COVID-19 notwithstanding a negative or series of negative COVID-19 test results.

With Omicron cases rampaging the membership and local community, PCR tests can be hard to come by. Some reports I have received is it took 3 days to get a PCR test scheduled by a healthcare provider and a testing facility. That said, claimants should make every effort possible to obtain actual lab test results as this is your best option for claim approval. The DOL does not want to accept at-home test results as there is no verification that the results are from the member making the claim. If, and only if, as a last resort, over the counter tests must be used, you will need documented symptoms from a tele-health or doctor office visit, a diagnosis of COVID-19, and a medical narrative from the doctor connecting the diagnosis to exposure on the job. If you are unfortunate enough to contract COVID-19, I strongly encourage you to file a claim. Our office has helped dozens of members already with help in this process and getting their claim approved. If you have any questions regarding claim information, you can contact our new OWCP officer Matt Bauer at matt.bauer@branch43.org or contact me or Pat at the office.

The Postal Service will also be servicing the nation to deliver at-home COVID test kits as well as potentially, if legislation passes, N95 masks for every individual in the United States. Next month, I will focus, and have updates on our staffing situation!

Fraternally,
Ted Thompson



Pat Dougherty
Vice President

From the Vice President

Maximum hour limits

The last several months we have been taking a tremendous amount of phone calls from CCAs and non-ODL carriers regarding how many hours management can contractually force them to work in a service day and service week. I have addressed this topic in the past but based on the number of calls recently, it is important to write on this topic again. CCAs you are the non-career work force and USPS can contractually schedule you to work every day. CCAs are subject to the Employee Labor Manual (ELM) Section 432.32 that states your maximum hours in a service day is twelve (12) consecutive hours with a lunch and that puts you at 11.5 hours of work per service day. However, the Cincinnati Installation is included in a new Article 34 pilot program and the parties have a Memorandum of Understanding (MOU) called **New Employee Experience and Retention Program** that puts limitations on the number of hours for CCAs and PTFs at the pilot sites. All CCAs and PTFs at the pilot sites will receive at least one day off each workweek. Work-hours will be limited for newly hired letter carriers at the pilot sites as follows: Weeks 1 and 2 CCAs and PTFs will be limited to a maximum of 8 hours per day and 40 hours per week. Weeks 3-6 CCAs and PTFs will be limited to a maximum of 10 hours per day and 56 workhours per week. Effective week 7 of employment through the duration of this pilot program, all CCAs and PTFs at the pilot sites will be limited to a maximum of 11.5 workhours per day (consistent with the ELM Section 432.32), and 60 workhours per week. Additionally, during this pilot, all CCAs and PTFs at the pilot sites will receive a defined work schedule, identifying anticipated non-scheduled days, start times and end times, and route assignments. This schedule will be posted by the close of business on the Tuesday of the preceding week. Employees will also have access to updated route books and maps. CCAs if this is not being followed in your office, please talk to your union steward, and notify the union hall of any problems or issues regarding the MOU.

Non-ODL carriers in Article 8.5. D we have something in our contract called mandatory overtime. If the "Overtime Desired" list does not provide sufficient qualified people, qualified full-time regular em-

ployees not on the ODL may be required to work overtime on a rotating basis with the first opportunity assigned to the junior employee. Non-ODL carriers if management works you more than 10 hours on a scheduled day or more than 8 hours on a scheduled day off (SDO) notify your shop steward and file a grievance for management violating your Article 8.5. F limitations.

The Cincinnati Installation and several Branch 43 associate offices are sitting at historically low staffing levels for letter carrier craft employees. This is not just a local problem, but it also is becoming a national issue throughout the country. The bottom line is until the USPS addresses the culture from the top of its organization on how it treats craft employees, we as an organization (USPS) will find it extremely difficult to maintain proper staffing levels moving forward. The USPS must recognize that craft employees are their greatest asset and key to any future success of this organization. The hard truth of the matter is the retention rate of new craft employees over the last several years locally and nationally is atrocious and detrimental to this organization future success. It places the remaining craft employees under tremendous stress and dealing with unrealistic expectations due to low staffing levels.

There are two separate restrictions on the maximum number of hours a letter carrier craft employee may be required to work. One is found in Section 432.32 of the Employee and Labor Relations Manual (ELM), and the other in Article 8, Section 5.G of the National Agreement.

ELM Section 432.32 provides the following rule that applies to all employees, including city carrier assistants:

Except as designated in labor agreements for bargaining unit employees or in emergency situations as determined by the PMG (or designee), employees may not be required to work more than 12 hours in one service day. In addition, the total hours of daily service, including scheduled work hours, overtime, and mealtime, may not be extended over a period longer than twelve consecutive hours.

Because this ELM provision limits total daily service hours, including work and mealtime, to 12 hours, an employee is effectively limited to 11.5 hours per day of work plus a half-hour lunch. However, the ELM also permits the collective-bargaining agreement to create exceptions to this general rule. An exception to this rule can be found in Article 8, Section 5.G of the National Agreement, which provides the following:

Continued on following page

Vice President cont.

Full-time employees not on the “Overtime Desired” list may be required to work overtime only if all available employees on the “Overtime Desired” list have worked up to twelve (12) hours in a day or sixty (60) hours in a service week. Employees on the “Overtime Desired” list:

- 1) may be required to work up to twelve (12) hours in a day and sixty (60) hours in a service week (subject to payment of penalty overtime pay set forth in Section 4.D for contravention of Section 5.F); and
- 2) excluding December, shall be limited to no more than twelve (12) hours of work in a day and no more than sixty (60) hours of work in a service week.

The exception in Article 8.5.G applies only to full-time employees on the overtime desired list. Excluding December, the above provision limits those employees to no more than 12 hours of work in a day and no more than 60 hours of work in a service week. However, since the term “work” within the meaning of Article 8.5.G does not include lunch, the twelve total hours of work in a day for carriers on the overtime desired list may extend over a period of 12.5 consecutive hours.

Additionally, Article 8.5.G provides that the limits do not apply during December when full-time employees on the overtime desired list may be required to work more than 12 hours. These exceptions do not apply to city carrier assistants, part-time employees or full-time employees who are not on the overtime desired list, all of whom are effectively limited to 11.5 hours of work per day by ELM Section 432.32, even during December.

National Arbitrator Mittenthal ruled in C-06238 that the 12-and 60-hour limits are absolutes. Excluding December, a full-time employee may neither volunteer nor be required to work beyond those limits. In C-07323 Arbitrator Mittenthal ruled that when a full-time employee reaches 60 hours in a service week, management is required to send the employee home-even in the middle of a scheduled day. He further held that in such cases the employee is entitled to be paid the applicable eight-hour guarantee for the remainder of his or her scheduled day.

On October 19, 1988, the national parties signed a memorandum of understanding (M-00859) to implement the above-mentioned Mittenthal awards. Part of that memorandum states:

The parties agree that except for December, full-time employees are prohibited from working more than 12 hours in a single workday or 60 hours

within a service week. In those limited instances where this provision is or has been violated and a timely grievance filed, full-time employees will be compensated at an additional premium of 50 percent of the base hourly straight time rate for those hours worked beyond the 12- or 60-hour limitation. The employment of this remedy shall not be construed as an agreement by the parties that the employer may exceed the 12- and 60-hour limitation with impunity.

As a means of facilitating the foregoing, the parties agree that excluding December, once a full-time employee reaches 20 hours of overtime within a service week, the employee is no longer available for any additional overtime work. Furthermore, the employee’s tour of duty shall be terminated once he or she reaches the 60th hour of work.

Arbitrator Snow ruled in C-18926 that the Memorandum of Understanding M-00859 limits the remedy for any violations of the Article 8.5.G maximum hour limits to an additional premium of 50 percent of the base hourly straight time rate. However, Arbitrator Snow’s award does not necessarily limit remedies for repeated or deliberate violations of ELM 432.32. Remedy for this violation, when deliberate or repetitive, has been heard by many regional arbitrator's. Some have provided additional monetary remedies, some have ruled the Snow award is binding at the additional 50 percent of base hourly straight time.

CCAs and regular carriers not on the overtime desired list are limited to twelve consecutive hours with a lunch or 11.5 work hours in a service day. Management cannot contractually force you to work any longer in a service day. If you reach this limit in a service day and return to the office and are instructed to go back out do not argue with management, just politely tell them you reached your work hour limits for the day and clock out. Notify your steward and allow them to address the situation with the supervisor or manager who instructed you to exceed your work hour limits in a service day. Be careful and stay safe.

In Solidarity,
Patrick Dougherty





Taylor Whitt
Editor

FROM THE EDITOR

To my fellow carriers,

I'm glad to have you back for another edition of your Union's News & Views. With a month already logged into the 2022 books I, alongside many of you, are left wondering. Us carriers are left wondering why this year has so many of last year's problems. I mean, are we crazy? Is an entire group of hard-working Americans crazy? These are the questions I ask myself: Am I crazy? Am I the only one who notices that this system is not working? Am I the only one tired of the insanity? Am I the only one who sees that the problems we've been dealing with for the last two years are not going to just disappear? As it turns out, I am *not* the only one who notices these things. I am *not* the only one who is tired of the insanity. And I am *not* the only one who knows that last year's problems are, unfortunately, here to stay.

Recently, the News & Views staff have received more anonymous letters airing out grievances, unfair work practices, and demands for reformation. Normally, the News & Views policy asks that all submissions are signed with you/your name(s) and the office you are from. This allows for transparency and, hopefully, comradery among your fellow NALC members. This is also to make sure one is a Branch 43 member as the branch receives mail from all over the country. This is also because in a real grievance process there is no anonymity. Therefore, there is no anonymous statements or testimony in grievance proceedings. However, due to the influx of compelling opinions wishing to protect their privacy while exercising their right to freedom of speech, I have made an executive decision to accept and publish an anonymous letter in this addition.

Nevertheless, I will always encourage you to sign your name and office if you are comfortable and able. That said, please send any and all letters, pictures, art pieces, comics, and so on to: taylorwhitt777@gmail.com.

I will leave you with the first anonymous letter we received. If the writer is reading this now, thank you for your courage and your passion for this craft (and apologies for the delay in publication). Your honesty is as sharp as it is compelling. And if you ever did petition for signatures, mine would be one of the many names on your letters. To everyone else, I hope you might be inspired by your fellow carrier's words. I hope you might submit

to the News & Views, and if nothing else, I hope you might be proud to be a part of this union.

Keep on, Keepin' On,
Taylor Whitt, Editor

Anonymous Letter to Branch 43

Leave this with your editor:

We work all day and night. Price, Evans, and Lane are responsible for destroying at least five stations on their own and keep their jobs. Others that want to do like them are waiting to take their places.

CCA's don't want a job that works [them] all weekend, sixty hours a week. Do away with Sunday delivery. Start [people] at \$23 an hour, treat people with respect, and maybe some will stay. [But working] Sundays are the wrong way!!!

When the hall basically shuts down this month, send all those not elected to an office back to carry mail, we all know who they are. We need all the bodies we have to help.

When you start back up, maybe file for these static routes [that are] taking OT from carriers on Route Only. You know, like a city-wide class action.

Changes are needed ASAP, or we won't make our 30 [years] to retirement.

Words don't add up, action does.

Give us our days off back. Give us hope. We aren't machines.

I know you won't print this if [it's] not signed.

Well, I have no time to write every station in the city to get everyone to sign this. Ask your editor. She seems to know what the feeling of the membership is. Attitude affects leadership, whether it's management or union officers.



Winter's Not Over Yet!



Protecting Workers from Cold Stress

Cold temperatures and increased wind speed (wind chill) cause heat to leave the body more quickly, putting workers at risk of cold stress. Anyone working in the cold may be at risk, e.g., workers in freezers, outdoor agriculture and construction.

Common Types of Cold Stress

Hypothermia

- Normal body temperature (98.6°F) drops to 95°F or less.
- **Mild Symptoms:** alert but shivering.
- **Moderate to Severe Symptoms:** shivering stops; confusion; slurred speech; heart rate/breathing slow; loss of consciousness; death.

Frostbite

- Body tissues freeze, e.g., hands and feet. Can occur at temperatures above freezing, due to wind chill. May result in amputation.
- **Symptoms:** numbness, reddened skin develops gray/white patches, feels firm/hard, and may blister.

Trench Foot (also known as Immersion Foot)

- Non-freezing injury to the foot, caused by lengthy exposure to wet and cold environment. Can occur at air temperature as high as 60°F, if feet are constantly wet.
- **Symptoms:** redness, swelling, numbness, and blisters.

Risk Factors

- Dressing improperly, wet clothing/skin, and exhaustion.

For Prevention, Your Employer Should:

- Train you on cold stress hazards and prevention.
- Provide engineering controls, e.g., radiant heaters.
- Gradually introduce workers to the cold; monitor workers; schedule breaks in warm areas.

For more information:



U.S. Department of Labor
www.osha.gov (800) 321-OSHA (6742)

OSHA 3156-02R 2014



How to Protect Yourself and Others

- Know the symptoms; monitor yourself and co-workers.
- Drink warm, sweetened fluids (no alcohol).
- Dress properly:
 - Layers of loose-fitting, insulating clothes
 - Insulated jacket, gloves, and a hat (waterproof, if necessary)
 - Insulated and waterproof boots

What to Do When a Worker Suffers from Cold Stress

For Hypothermia:

- Call 911 immediately in an emergency.
- To prevent further heat loss:
 - Move the worker to a warm place.
 - Change to dry clothes.
 - Cover the body (including the head and neck) with blankets, and with something to block the cold (e.g., tarp, garbage bag). Do **not** cover the face.
- If medical help is more than 30 minutes away:
 - Give warm, sweetened drinks if alert (no alcohol).
 - Apply heat packs to the armpits, sides of chest, neck, and groin. Call 911 for additional rewarming instructions.

For Frostbite:

- Follow the recommendations "For Hypothermia".
- Do not rub the frostbitten area.
- Avoid walking on frostbitten feet.
- Do not apply snow/water. Do not break blisters.
- Loosely cover and protect the area from contact.
- Do not try to rewarm the area unless directed by medical personnel.

For Trench (Immersion) Foot:

- Remove wet shoes/socks; air dry (in warm area); keep affected feet elevated and avoid walking. Get medical attention.

For more information:



U.S. Department of Labor
www.osha.gov (800) 321-OSHA (6742)



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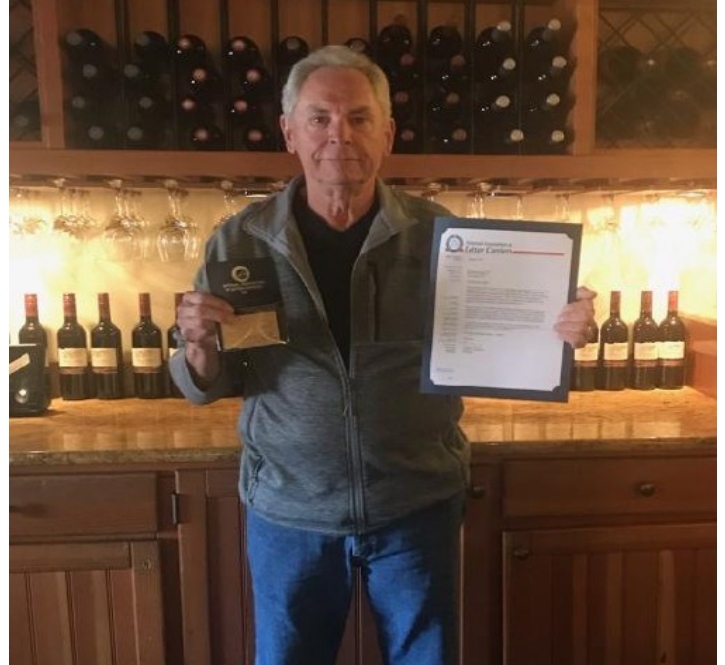


If you have any questions or need additional information
Contact: Lisa Butts 513-684-5167 Lisa.Butts@usps.gov,
Peggy Thomas 513-684-5452 Margaret.A.Thomas2@usps.gov and/or
Donna Flint 614-472-0810 Donna.J.Flint@usps.gov

***Last Punch for Larry Risola,
Loveland Post Office***

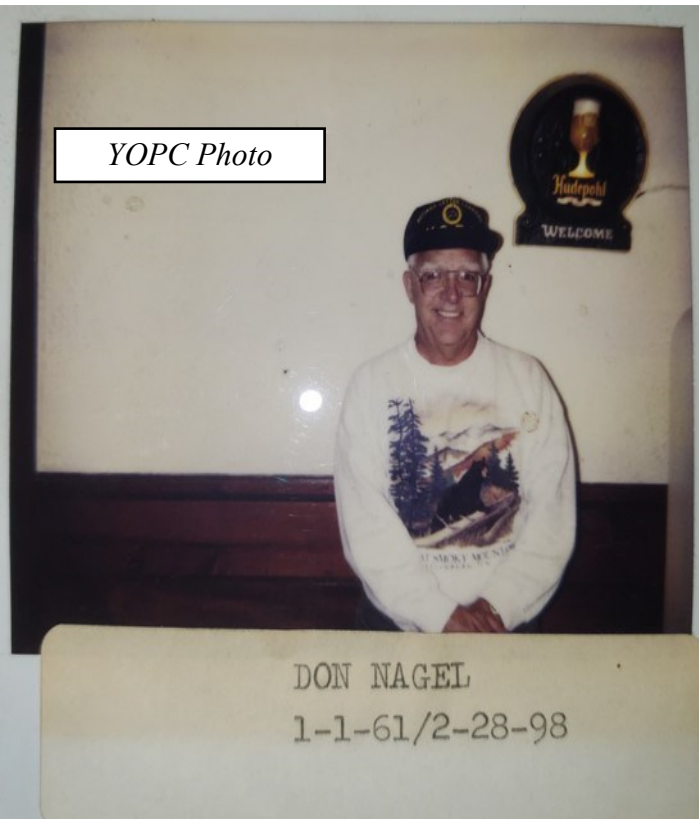


***50 Year Membership Gold
Card for Greg Stulz***



Don Nagel- then & now- 60 Years of Membership

YOPC Photo



*Don receiving his 60 year membership award
at branch meeting*





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100 Indiana Ave., N.W., Washington, DC 20001-2144**

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ADDRESS: _____

CITY, STATE, ZIP: _____

NALC BRANCH NUMBER: _____ BRANCH OF SERVICE: _____

I BELONG TO THE FOLLOWING VETERAN GROUP(S):

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Robert	Baty
David	Bellemore
Terry	Brinck
Alice	Combs
Timothy	Coning
Steven	Docter
Michael	Donoghue
Dennis	Fangman
Charles	Fletcher
Sandra	Franklin
Ruby	Griffey
Vernita	Hallee
John	Hyland
James	Kelly
Richard	Martin
Darren	McCants
David	Pitman, Sr.
Lewis	Raugh
James	Rodgers
Thomas	Roos
Linda	Schreiber
Kenneth	Shepherd
Donald	Sloan
David	Thompson
Kimberly	Winters
Donald	Wolf, Jr.

February Retiree Birthdays

**January YOPC
Attendees**

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

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

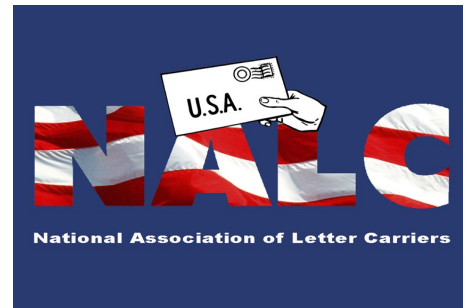


**February Birthday
Gold Carders**

James	Clemons
Robert	Daugherty
Raymond	Deidesheimer
Michael	Eaton
Clarence	Fath
William	Hartlaub
Harold	Hunt
Henry	Jones
George	Schneider
John	Singleton
Robert	Welch



**Raymond Layman
William Price**



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for lunch**

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March 7th

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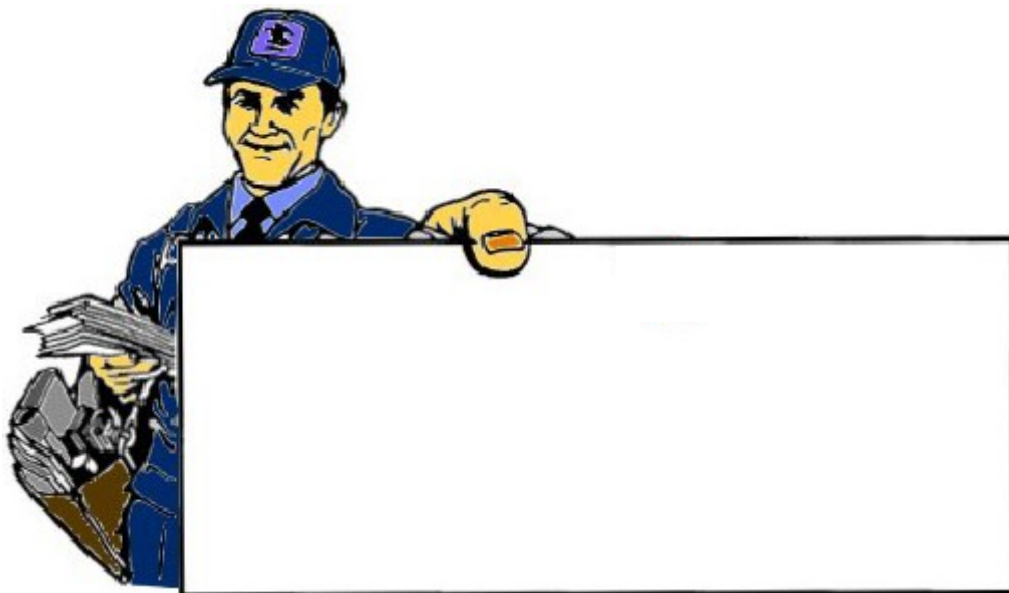
*Balance must be at least \$10,000 or greater to qualify. For loan balances below \$10,000 only the 90 day deferment will be offered. Member must qualify for the loan under normal underwriting guidelines. Minimum rate floor of this offer is 2.99% APR. Interest will accrue over the 90 day deferment period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

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Upcoming Events

Officers Meeting - Feb. 10th, 6:00 PM

Delegate Meeting - Feb. 10th, 7:00 PM

Branch Meeting - Feb. 10th, 7:30 PM

President's Holiday - Monday Feb. 21st

March YOPC - Wednesday, March 2nd

Region 11 Retirement Seminar - Sunday,
March 6th, 1:00 - 3:00 (must pre-register)

