QUEEN CITY LETTER CARRIERS 43 AMBRICA

Since July 25, 1890

July 2023

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Ted Thompson President

From the President's Desk

There are a few developments in the month of June that I would like to share. In the beginning of June, the NALC notified the Postal Service of a grievance pending arbi-

tration of their intent to refer the grievance to the interpretive step where the national parties should meet to discuss the case. Failure to reach resolution would result in the grievance being scheduled for national arbitration. This grievance involves a member being robbed of their paycheck through a fraudulent LiteBlue website. Management's contention in this grievance is the same as in the 2 grievances we have pending arbitration for Branch 43 members robbed of their paychecks. Management's contention is that the employee bears responsibility for the loss because it was the employee that logged into a fake LiteBlue website. The NALC rejects this contention. The Postal Service has the responsibility to safeguard its employees from this type of criminal activity by ensuring that USPS controlled websites are secure. The Postal Service also has a legal and contractual obligation to properly compensate employees for their work. All grievances of this nature are now held pending the national interpretive step or arbitration hearing and award.

Also, in the beginning of June, the Postal Service began mailing letters to many Branch 43 members that were very vague. These letters simply stated, "In the coming weeks you will receive a pay adjustment. This pay adjustment is made in compliance with the grievance settlement of grievance #6X-19N-6X-C 22098723." That's all the letter stated. So, for any Branch 43 members, past or

present, who were a PTF hired under Table 2 Step AA, this was the national case that settled the NALC dispute on pay discrepancies on the Postal Service's method of calculating overtime pay, Sunday premium pay, general wage increases, and Cost of Living Adjustments. These changes we sought were implemented in Pay Period 9 (April 9, 2023). Any back pay due to PTF carriers for hours in which they worked while in Step AA prior to April 9th should be on their paychecks by July 21, 2023. For any Branch 43 PTF that does not receive back pay by this date, please get with your shop steward or call the branch office. As a result of the Postal Services incorrect calculations. PTF employees were being underpaid by \$1.25 for each overtime hour worked, \$1.67 for each penalty overtime hour worked, and \$0.21 for each hour of Sunday premium in which they worked.

At the end of June, the U.S. Supreme Court ruled on a case of a former postal carrier. The branch office is fielding numerous calls and questions on this case, and I believe there to be some misconceptions on this ruling. At the center of the case is Gerald Groff. He started his career prior to when the Postal Service signed a contract with Amazon in 2013 to deliver parcels on Sunday. He then asked to take off Sundays for church and rest to observe his Sabbath in line with his religion as an Evangelical Christian. Groff argues that while his supervisors initially exempted him from working Sundays, it eventually changed. Groff refused to work Sundays, and this led to discipline. Eventually, according to Groff he resigned from the Postal Service because he was faced with a decision of choosing his job or his faith.

Groff's attorneys asked the Supreme Court to toss out a 1977 precedent that made it easier for some employers to deny requests for religious accommodations. That precedent was that an employ-

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NEWS & VIEWS

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EDITOR'S (Ted Thompson) NOTES Branch 43 members are encouraged to send articles to the News & Views. Items of interest about your station, current events, etc. are welcome. The following guidelines apply:

- (1) We may edit your article for grammar, punctuation, spelling, etc.
- (2) If it should prove necessary to edit an article for space or coherence, every effort will be made to preserve the substance and intent of the article.
- (3) Unsigned articles will not be printed. Letters, criticism and suggestions for improving the News & Views are also welcome. If your letter is not intended for publication, please state so. Letters held to 150 words are less likely to be edited.
- (4) Articles must arrive at the Branch office by the 15th in order to make the next month's issue. Digital format is preferred. Send items to: thompson@branch43.org

Printed in House

President cont.

er could avoid requests for or deny requests of religious accommodations if the cost of doing so would be more than a de minimus, or trivial amount. The Supreme Court ruled unanimously to alter this standard or precedent. Justice Samuel Alito wrote the opinion for the unanimous ruling. Alito wrote, "An employer must show that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business." In the future, courts "should resolve whether a hardship would be substantial in the context of an employer's business in the commonsense manner that it would use in applying any such test." The Supreme Court then sent the case back to the lower court for litigation.

While now employers (Postal Service) have a higher burden or level of hardship before denying an individual a request, this ruling did not settle the case on the merits. The lower court must still decide, based on this new standard, whether the Postal Service improperly denied Mr. Groff's request for accommodation not to work Sundays. In court, the Postal Service is arguing that granting a request not to work Sundays would put an undue burden on other employees and an undue hardship on their operations. While this case is definitely one to watch with potential implications for the Postal Service and its employees, currently there is no final ruling, and thus no impact on current employees. When I do become aware of a final ruling, which may or may not then be appealed to the Supreme Court again, I will update you all.

While I sit as an Executive Board member with the Cincinnati AFL-CIO, there has been a strong push from Ohio and Cincinnati to get information to their members on the special August 8th election. Labor unions have been, and remain, united to stop a Ohio Constitutional Amendment that if passed, will overturn 111-year right of Ohioans by raising the

threshold to pass an amendment in Ohio from a simple majority of 50% +1 to 60%. While most of the public ties this issue and election to an anticipated vote on women's reproductive rights, I look at a change like this to Ohio Senate Bill 5 from 2013. Senate Bill 5 which was signed into law banned strikes by public workers and established penalties for those who participate in walkouts. Ultimately, a coalition of labor forces gathered over 1.3 million signatures to put that new law on a November ballot. Ohioans then voted to strike down that law 61% to 39%. If issue 1 were to pass this August, SB 5, with today's politicized environment would most likely be law. If passed, it would be extremely hard to overturn unjust laws. This amendment, if passed, would destroy citizen-driven ballot initiatives as we know them and upend our right to make decisions that



directly impact our lives. On special elections like this, voter turnout is usually low. Because of this, we have an opportunity to come out in force and keep Ohioans democracy alive. Voting rules for postal employees are governed under the Employee and Labor Relations Manual (ELM).

Section 519.23 provides for postal employees to be excused and paid administrative leave to vote in elections when certain conditions are met. Absentee ballots are available to request at this time through your county elections office. Early in-person and vote by mail begins July 11th. August 8th polls are open 6:30 am to 7:30 pm.

On August 8th, I ask you to join me in voting NO and rejecting Issue 1. One person, one vote!

Fraternally, Ted Thompson



Pat Dougherty Vice President

From the Vice President Performance Engagement Tool (PET)

The branch has been receiving calls over the last several weeks from carriers stating management is telling them in their

morning confrontation that their paper is telling them the carrier has X amount of down time today. The Performance Engagement Tool (PET) is the most recent computerized data-generating workload projection program designed by the Postal Service. Just like other USPS workload projections tools of the past, such as Delivery Unit Volume Recording System (DUVRS) and Delivery Operations Information System (DOIS), supervisors use PET to project how long it will take letter carriers to perform their daily duties. PET works by attempting to compare a letter carrier's past street time performance and mail volumes with the current daily situation and then uses that information to determine how long it may take a letter carrier to perform his or her duties that day. The office time projection generated by PET only considers how long it would take a letter carrier to case and pull down the day's volume of letters and flats, based on 18 pieces per minute for casing letters, 8 pieces per minute for casing flats, and 70 pieces per minute for pulling down letters and flats combined. The office time projection allows for no fixed office time to perform necessary daily functions such as vehicle inspections, service talks, retrieving mail from throwback case, withdrawing mail, and retrieving or signing for accountable mail. These are just a few of the required daily office duties not accounted for in PET's projections.

The street time is also projected differently in certain locations. In some offices, supervisors will select one of four different street time options and apply that time to today's equation for PET to utilize in projecting the street time for today. The four options are: 1) The average street time for the same day of the week for the previous six weeks. For example, if today is Monday, then one of the possible street time selections is the average street time recorded in DOIS for the previous six Monday's. If today is Friday, then the projection is the average street time recorded in DOIS for the previous six Friday's, etc. 2) The average street time for all delivery days during

the previous six-week period. 3) The most recent PS Form 3999 time. 4) The base street time for your route. In some parts of the country, the only street time option for supervisors to select from are the PS Form 3999 time (the amount of time it took the last time management walked with the letter carrier) or the base street time for the route. While Postal Service has instructed its supervisors to compare the mail volume for previous days to the current day when deciding which street time to select for PET, none of these projections consider daily situations such as weather, parcel counts, traffic, construction, etc.

While this most recent attempt at projecting a letter carrier's daily workload may apply a different formula than used by any other management projection tool in the past, what hasn't changed are the responsibilities and reporting requirements outlined in Handbook M-39, Management of Delivery Services and Handbook M-41, City Delivery Carriers Duties and Responsibilities. Letter carriers are still responsible for estimating the amount of time it will take to complete their assigned duties, and management still has a responsibility to manage that workload within the confines of the handbook language as well as previous national-level settlements regarding the use of any such time-projection tool. Letter carriers have the right and NALC can challenge the use of any workload projection tool as the sole determinant of a carrier's daily workload or its utilization as the basis for disciplinary actions. These rights were granted and have been settled many times in the past in nationallevel settlements such as M-01664 and M-01769. National-level settlement M-01664 was signed on July 30, 2007, and national-level settlement M-01769 was signed on September 16, 2011. These settlements very clearly state that daily workload projections by management are not the sole determinant of a carrier's leaving or return time or daily workload, and the resulting projections from using tools such as PET cannot constitute the sole basis for corrective action. Workload projections, which do not consider the full amount of time necessary for letter carriers to complete their daily assignments, create a breeding ground for disputes when letter carriers fill out a PS Form 3996, Carrier-Auxiliary Control, requesting overtime or auxiliary assistance. Handbook M-41, Section 131.4 states that it is a letter carrier's responsibility to inform management when they are of the opinion, they will be unable to finish their assigned daily duties in the scheduled time.

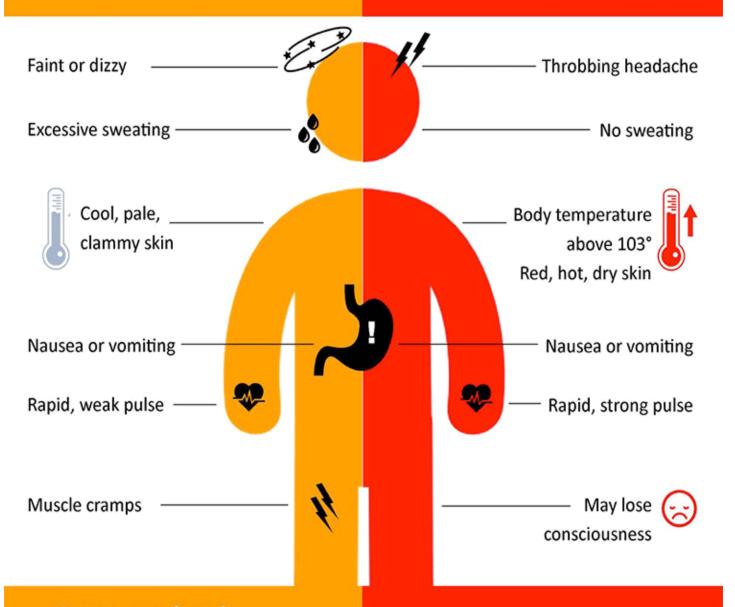
Handbook M-39, Section 122.33 states:

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HEAT EXHAUSTION

OR

HEAT STROKE



- Get to a cooler, air conditioned place
- Drink water if fully conscious
- Take a cool shower or use cold compresses

CALL 9-1-1

 Take immediate action to cool the person until help arrives



Mark Camilli Region 11 NBA

National Business Agent Summer 2023

At the time of this writing, the NALC and USPS agreed that the current 2019-2023 National Agreement will remain in full force until a new negotiated agreement, or an arbitrated agreement takes effect. Reports detail that talks between the parties have been productive and negotiators are hopeful that we can

reach a negotiated settlement. If successful negotiations are not achieved the NALC is ready and able to go forward in interest arbitration. Stay tuned and please monitor nalc.org for further updates.

As we transition from Spring to Summer, it has been busy for the officers and stewards across Region 11. Both States have recently attended very productive lobbying trips in Washington, DC and we had a successful round of training (including a mock arbitration hearing) at the Region 11 Rap Session held in Syracuse, NY. I want to thank Branch 134 President Tom Dlugolenski along with the Branch 134 officers, stewards, retirees, and members who helped make our meeting very successful! Congratulations to this year's recipients of the Region 11 Lifetime Achievement award – Br. 134 Jim Lostumbo and Recipients of the Region 11, Robert J. Massaroni Leadership Awards – Br. 210 Norm LeFrois and Br. 134 Ron Adams. Congratulations to all! In the next month or two, I look forward to productive and successful Ohio and New York State Conventions. Region 11 will also continue training with our "Shop Steward School", Retirement Seminars and Branch OWCP Representatives throughout the year.

As many of us are focused on contract negotiations, we can't let our guard down on the legislative front! For our members in the Civil Service Retirement System (CSRS), H.R. 82 is a House of Representatives bill that would repeal the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). The GPO and WEP are parts of Social Security law that unfairly reduce or sometimes eliminate Social Security benefits of federal annuitants of CSRS. On March 1, 2023, Ohio Senator Sherrod Brown along with Maine Senator, Susan Collins introduced an identical Senate version of the bill. The Senate version is S.597. Another piece of legislation that I believe is not getting enough attention but would help many Letter Carriers is H.R.618 and S.131 (again, thank you Ohio Senator Sherrod Brown

for co-sponsoring this!) Many injured Letter Carriers are finding it difficult to get treatment as many Dr.'s shied away treating OWCP related injuries due to onerous billing issues. These pieces of legislation would expand care options by amending the Federal Employees' Compensation Act (FECA) to allow federal workers injured on the job to receive treatment from physician associates/physician assistants (PAs) and nurse practitioners (NPs). Current law prohibits PAs and NPs from treating federal workers in worker compensation cases. This bill would increase the number of eligible providers, making it easier for injured federal workers to access the care they need. Please encourage your representatives to support these important pieces of legislation. If you are currently not participating in giving contributions to our PAC – the Letter Carrier Political Fund, please consider doing so. Contact you Branch President for more information on how you can help support our PAC.

Summer heat is here. As always, please take care of yourselves in extreme heat conditions. Rest, water, shade. Have a fun and safe summer season!

Mark Camilli National Business Agent Region 11

Vice President cont.

The employee, upon request, will be provided a PS Form 3996, Carrier-Auxiliary Control, after the supervisor has been verbally informed as to the reason for the request. The employee shall not be denied the form, and upon request, a duplicate of the completed form will be provided to the employee. The PS Form 3996 is the letter carrier tool to combat management PET tool so, utilize it every time they try to give you unrealistic expectations! If you don't utilize the PS Form 3996 that will be the first thing management will use against you when they write you up for unauthorized overtime. When you complete the PS Form 3996 give it directly to the floor supervisor and request a copy back. The supervisor is required to check approved or disapproved sign the form and provide the copy back upon request from the carrier. If the supervisor checks disapprove then don't get mad and argue with them just state, I'll do my best and if you can't meet that time call back or text back on your scanner for further instructions. There are only three options to give a carrier 1) deliver the mail that authorizes the overtime. 2) They can send you help. 3) They can tell you to be back at a certain time and if you can't deliver all the mail in that time you

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Four Governors,

Bob Taft (R), John Kasich (R), Dick Celeste (D), and Ted Strickland (D)

Five Attorneys General,

Betty Montgomery (R), Jim Petro (R), Nancy Rogers (D), Lee Fischer (D), and Richard Cordray (D)

And Your Union Oppose Issue 1

ISSUE 1: Threatens our freedom at the ballot box



Ends majority rule and "one person, one vote"

Empowers special interests and corrupt politicians

On August 8, VOTE NO ON ISSUE 1

Paid for by Ohio AFL-CIO. Not authorized by any candidate or candidate's committee.

AFLCIO-2305-141



Dave Utz Formal A Rep

STEWARD'S CORNER

Thanks to all of you for working long hours and carrying two and three days of mail. It means a lot to our customers to receive our deliveries. If people ask what's going on in the USPS, tell them management can't find workers that want to work 12 hours a day, over 60 hours a week, and be treated like a dog. Go

faster...make your time or else...why are you stationary for 11 minutes. A new station manager told me carriers only get one comfort stop a day. Of course, carriers cannot be denied reasonable comfort stops, all new carriers need to learn the rules, or you will keep being treated like a dog.

A pack of Wolves travel in a line, the alpha wolf leads with his mates behind, and they are a couple of the strongest members of the pack. The older members and young in the middle using the same path the alpha has cleared for them, and at the end are stronger wolves also to protect the middle but also to keep from being attacked from behind. Branch 43 has way too many carriers in the middle, we need some strong members to step up and get involved and help with our pack. Branch 43 can only be strong when we all work together. Carriers need to stop the infighting and support one another. I cannot believe a carrier would write a statement against another brother or sister NALC member.

Now that I have vented, management has no value for your time. Branch 43 had an agreement that when non-ODL carriers worked over the limits of Article 8.5.F, they would be paid 50% more. Management stopped the 50% more payment and now Branch 43 should be filing grievances at every station. When non-ODL carriers work over 10 hours on a regular schedule day and over 8 hours on off day. Management does not believe carriers are worth another 17 dollars after we have worked long and hard for this company for years. Management acts like they don't give a shit about carriers.

But the most frustrating thing is stewards have been asking carriers to write statements regarding what you have lost by working these long hours and only a few have been written, every station should have statements from over 75% of the carriers. Take a minute and write a statement, as a parent I have missed baseball, football games and practice, band competitions, and church functions. I must pay more for day care because I cannot pick up my kid on time and working like we do can definitely affect family time with your part-

ner.

We need these statements because Branch 43 is requesting administrative leave for all hours of work in excess of 8.5.F. by all non-ODL carriers. The statements show carriers are out more than money can buy, which is our off time. Remember the USPS does not think you are worth 17 dollars extra they walked away, and we will go for all the marbles. But we need all carriers' help, by writing a simple statement and giving it to your steward.

The choice is yours, are you the beat down dog or is Branch 43 like the pack of wolves that work together for the benefit of the pack, BRANCH 43 carriers. Solidarity is key to success, lets unite!

Dave Utz Formal A Representative



Vice President cont.

are instructed to be back notify that supervisor you will have to bring back mail to make that time and fill out PS Form 1571 and for reason write management did not authorize me time to deliver this curtailed mail and have your supervisor sign. If the Performance Engagement Tool (PET) is being used in your office in contradiction to national settlements M-01664, M-01769, and Handbooks M-39 and M-41 then ask to see your shop steward so he or she can investigate and file a grievance!

In Solidarity, Pat Dougherty Page 8 July News & Views



Burt Hughes Secretary

Secretary Report

Please help us locate some of our retired members; we could use the assistance. The Phone numbers in our records are entered from the 1187 membership forms. Many of these retired members no longer have home phone numbers and the phone numbers we have are either no longer good or obsolete. If you are one of the carriers listed below, or if you know any of these carriers and have contact information for them, please contact the union hall or ask the member to contact the union hall so we can update our records. Any assistance would be appreciated. Please have them contact me or someone in the office at the union hall below:

11070 Southland Road

Cincinnati, Ohio 45240

(513) 542-6400

Clyde Anderson Jerome Ober

Clifford Brown Richard Reardon

Fred Hugenberg Edwin Rosenstiel

James Jenkins George Schneider

Raymond Kock Donald Strohufer

James McDonald Fred Ware

Motions made at the June Membership Meeting

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

To pay the Health Benefit Rep salary for the Health Benefit Seminar October 16-18th. Carried

To get a PA system for the meeting hall at a cost of \$266.63. Carried

After tonight to cease with the \$50 Postal Pulse survey drawing since it can be done electronic. **Carried**

To pay the bills. Carried

To adjourn. Carried



NALC Health Benefit Plan

Customer Service

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

	You continue to serve your country— THANK YOU!
SETERAM	NALC Veterans Group Complete this form and mail it to: NALC Veterans Group, c/o NALC, 100 Indiana Ave., N.W., Washington, DC 20001-2144
NAME:ADDRESS:	
CITY, STATE, ZIP:	
The state of the s	BRANCH OF SERVICE:
NALC BRANCH NUMBER:	

Family and Medical Leave Act (FMLA)

Human Resources Share Service Center

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



USPS Employee Assistance Program

1-800-327-4968

(1-800-EAP-4-YOU) TTY: 1-877-492-7341 www.EAP4YOU.com

June Membership Meeting Raffle Winners

Split the Pot - Al Slaughter

Postal Pulse - Tim Hatmaker

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Richard Berndsen
Edward Colegate

Stephen Depenbrock

Steve Dison

John Eveland Jr.

Dalton Fee
Roger Giblin
Stephen Ginn

Frederick Holl

Edward Holzschuh

Mark Hubbard

Jeffery Jacobs

Calvin Johnson

July Retiree Birthdays

Denise Knue

Thomas Kroner

Paul Leslie

Dale Lusk

Barbara Martin

David McCleary

James McNulty

James Meale

Gerald Mees

Melvin Miles Jr

John Neeley

Christopher Padgett

Mark Petersen

Mary Rosenacker

Harry Schwettman, Jr.

Albert Sellmeyer

Richard Smethurst

Mark Walter

June YOPC Attendees

Liz Darby
Sue Egbers
Diana Enwright
JR Ford
Jerry Giesting
Art Holt
Dick Keller
Gerry Mees
Ken Pflanz

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



July Gold Carders

Jerry Ashmore

Robert Caldwell

Billie Chitwood

Herman Douglas

Dennis Estridge

Fred Hugenberg

Gerald Knight

Raymond Koch

William Saurewein

Donald Scheben

Paul Wilbers



You've earned them.

Now enjoy them!

Check out all 40 great cost-saving benefits created exclusively for union workers and their families.



Join fellow retirees for lunch

1:00 pm - 1st Monday of each month

August 7th

Cancun Mexican Bar & Grill

401 Riverboat Row Newport, KY 41071

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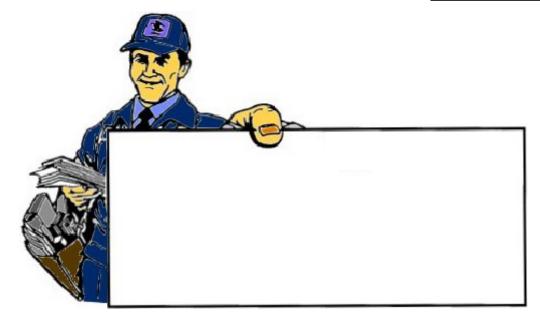
*Balance must be at least \$10,000 or greater to qualify. For loan balances below \$10,000 only the 90 day deferment will be offered. Member must qualify for the loan under normal underwriting guidelines. Minimum rate floor of this offer is 2.99% APR. Interest will accrue over the 90 day deferment period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

Independence Holiday - Tuesday, July 4th
Officers Meeting - July 13th, 6:00 PM
Delegate Meeting - July 13th, 7:00 PM
Branch Meeting - July 13th, 7:30 PM
August YOPC - Wednesday, August 2nd



