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June 2021

Queen City Letter Carriers - NALC Branch 43 News & Views

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Ted Thompson
President

From the President's Desk

With continuing evolution of the COVID-19 pandemic and the availability of vaccination, the branch office has received numerous calls from members with questions or opinions on the continued use of facial coverings or masks. Most calls we have received are from members who wish to discontinue the use or mandate of facial coverings. Although, a few of those calls were from members concerned that they were to be discontinued. No matter what side of the fence one is on, I want to discuss what is or may be happening and why.

On May 17th, the Ohio Department of Health amended its remaining health order to conform to new guidance released by the Centers for Disease Control and Prevention (CDC). This new guidance allows those who have been vaccinated to stop wearing masks. However, the guidance also calls for those who have not been vaccinated to wear a mask and socially distance. Currently, I am not sure if, or how, the Postal Service could check or police such directive. The Postal Service recognizes the need to address updated health orders and CDC guidance, and are currently doing so. On May 19th, the Postal Service released a statement in which they recognized that the recommendations regarding the use of face coverings to prevent the spread of COVID-19 are starting to ease as more individuals become fully vaccinated. However, nationally the Postal Service is continuing its current face coverings and social distancing policy while they determine appropriate modifications to said policy based on the new CDC guidance. The current policy re-

quires all employees to wear face coverings in public settings; when there is a state or local face covering order or directive in place; or when an employee who does not deal directly with the public cannot achieve or maintain social distancing in the workplace. Ohio Governor Mike DeWine announced that all pandemic orders, except those involving nursing homes and assisted living facilities, would be removed on June 2nd. Change is inevitable, but as this deadline nears, and with national recognition of updated CDC guidance, I will keep all members updated the best I possibly can. Until then, please continue to mask up.

For those members that have been unfortunate enough to contract COVID-19, or for possible future infections, you need to be aware of a recent law. On March 11 of this year, President Biden signed the American Rescue Plan Act of 2021. The new law makes it easier for federal workers diagnosed with COVID-19 to establish coverage under the Federal Employees' Compensation Act (FECA). [Section 4016](#) of the law provides that a federal employee who is diagnosed with COVID-19 while carrying out duties that required contact with patients, members of the public, or co-workers, or included a risk of exposure to the novel coronavirus during a covered period of exposure prior to the diagnosis, is deemed to have an injury that is proximately caused by employment. The impacts of this provision are as follows:

Any COVID-19 claim filed under the FECA that was accepted for COVID-19 prior to March 12, 2021, is **not** impacted because coverage for benefits has already been extended.

Any COVID-19 claim filed under the FECA that was denied or withdrawn prior to March 12, 2021, is eligible for review under the new

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NEWS & VIEWS

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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.

eligibility requirements.

Any COVID-19 claim filed under the FECA on or after March 12, 2021, will be reviewed solely under the new eligibility requirements.

What this Means to You

If you previously filed a COVID-19 claim under the FECA that was accepted by OWCP, you can expect no change.

If you previously filed a COVID-19 claim under the FECA that was denied by OWCP based on a lack of federal exposure or a lack of medical evidence establishing causal relationship, you can expect to hear from our OWCP in the next 30 -45 days.

If you have never filed a COVID-19 claim under the FECA and you believe you have contracted COVID-19 as a result of your federal employment, you will need to file a CA-1 (Federal Employee's Notice of Traumatic Injury) and request for continuation of pay.

The U.S Department of Labor (DOL) acknowledges that it is difficult to determine the precise moment and method of virus transmission. Therefore, when an employee claims FECA benefits due to COVID-19, federal workers who are required to have in-person interactions with the public on a frequent basis - such as letter carriers - will be considered to be in high-risk employment. Accordingly, DOL has created new procedures to specifically address COVID-19 claims. The new procedures will also call the OWCP adjudicator's attention to the type of employment held by the employee, rather than burdening the employee with identifying the exact day or time they contracted the novel coronavirus. If a COVID-19 claim is filed

by a person in high-risk employment, OWCP will accept that the exposure to COVID-19 was proximately caused by the nature of the employment. The key evidence needed for a COVID-19 FECA claim as required by the law are establishing exposure and medical. For exposure, as high-risk employees, letter carriers should be considered as such and OWCP will recognize exposure most likely was the result of the individual's employment. For medical, you will need to provide evidence establishing a diagnosis of COVID-19. With the absence of our Compensation Officer Tom Roos, anyone who reasonably believes they were exposed to COVID-19 as a result of your employment are encouraged to contact the branch office and report your situational exposure so options and information can be discussed.

Hopefully, all employees that have requested paid Emergency Federal Employee Leave (EFEL) have submitted the appropriate documentation as the deadline was May 21st. Documentation required includes a request of PS Form 3971, an employee request and notification form with appropriate documentation, and signed employee agreement. The latter two forms originated from the Office of Personnel Management (OPM) who has guidance over EFEL. If anyone has yet done so, or is unsure what documentation is required, contact your steward or the branch office.

As a final note, the Ohio state convention scheduled for July 23rd-25th is still a go. In early June, I will have my first in-person meeting with the Ohio state board in over a year. Information from that meeting and any COVID protocols that may be mandated will be discussed at the June membership meeting. For delegates, registrations have been coming in, but as a reminder, the branch must receive your registration and check or cash no later than the June membership meeting. Hope to see you there.

Fraternally,
Ted Thompson



Pat Dougherty
Vice President

From the Vice President Heat Safety

Summer is rapidly approaching, now is the time to protect yourself by preparing for the heat. We work outdoors most of the day, and in the summer that guarantees exposure to the dangers of the sun's heat. Being in top physical shape is not enough to protect you from exposure. Even the most seasoned carriers should be wary of extreme heat. Carriers should take responsibility for their own outdoor safety by taking proactive steps to avoid danger, knowing the signs of trouble, and being prepared for it. Knowing how to prevent heat stress is what keeps a letter carrier safest on a hot day.

Keeping yourself safe starts with hydration. Water is essential to the body's natural cooling process, so drinking plentiful amounts of water, even before you leave the office, is the first step in heat safety. Continue to drink water while on your route as well as in the evening when you are at home, this way you can replace vital body fluids lost throughout the day. Be sure to dress appropriately for the weather, as well. On warm days, wear light-colored, loose-fitting, breathable clothing. The light colors reflect more sun and loose fit and breathable fabric let heat escape the skin faster.

Know the signs of heat stress. Even if you take all the precautions, your body may succumb to severe heat stress. You should be prepared to recognize the signs of the two kinds of severe heat stress:

1) **Heat exhaustion** symptoms include headache, nausea, dizziness, weakness, thirst, and heavy sweating. It can turn into heat stroke quickly if immediate action is not taken.

2) **Heat stroke** is the most serious heat-related illness and requires immediate medical attention. Symptoms include confusion, fainting, seizures, extremely high body temperature, and hot, dry skin or profuse sweating. The visible signs of heat stroke are red, hot, dry skin, or excessive sweating, seizures, and fainting.

Do not hesitate to act if you see the signs of heat stress in yourself or a coworker. Find shade or a cool place indoors, drink water, and notify your su-

pervisor, or, if necessary, call 911.

Even if you keep your body cool and protected from heat stress, the sun can still damage your skin. Sun damage is both short-term and long-term. The short-term damage is sunburn. However, even if you do not burn now, long-term exposure to the sun can bring skin damage later and even a risk of skin cancer in some cases. To minimize the risk of both sunburn and long-term skin damage from cumulative exposure to the sun's rays you need to take precautions daily. Use a strong sunscreen, even on cloudy days, and reapply as needed. Look at the sun protection factor (SPF), it is a multiplier of how long it allows you to be in the sun without burning. Wear appropriate clothes to cover as much of your skin as possible. Remember that the sun's rays can go through some types of fabric, so consider applying sunscreen under a shirt or hat just to be safe.

We all know as letter carriers there are times when the heat and humidity make our job miserable. However, there is nothing more important than making sure everyone who reported to work returns home safely. In the Postal Record NALC Director of Safety and Health, Manny Peralta has reported on this incident in the past and created resources and publications available to all NALC members. Over the last 10 years management have reported city letter carriers suffering thousands of heat-related injuries across the nation. During this same period, three letter carriers died due to working in the heat. On July 24, 2012 one such letter carrier named John Watzlawick, from Independence Missouri, reported to work, but never returned home safely. John died while on duty thanks to heat related injury. By the time John was admitted to the hospital that day he had a body temperature of 108.7 degrees. Hyperthermia was determined to be the cause of death by the Medical Examiner.

This is not the end of John's tragic story. John, and other carriers at the Independent Post Office, worked for a managerial crew that intimidated, threatened, and harassed carriers who spoke of heat as a reason for "not making the numbers." The NALC and the Occupational Safety and Health Administration (OSHA) got involved. OSHA issued a Citation #538158 to the USPS on December 12, 2012 labeled a willful, meaning the USPS violated the General Duty Clause of the OSHA Act of 1970, which requires employers to provide employees a workplace free from recognized hazards that cause or are likely to cause death or serious physical harm to employees. The Citation further gave hazard abate-

Continued on following page

ment recommendations to the USPS and imposed a \$70,000 dollar penalty for their failure to protect John and others from the known heat hazard.

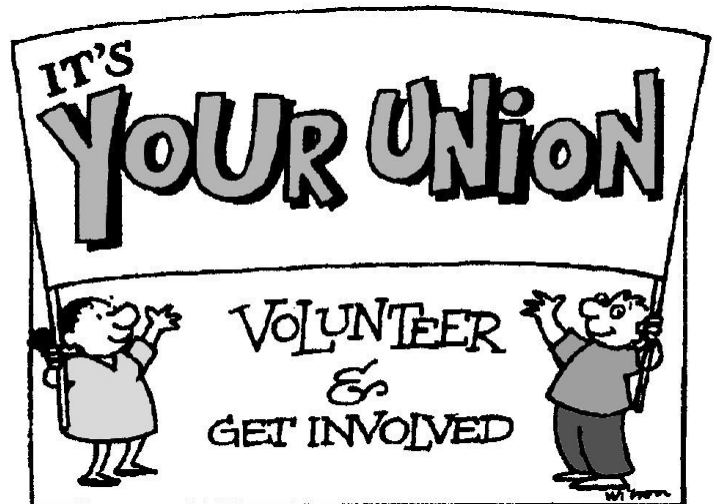
Typical of the USPS, they contested the citation and an OSHA hearing was conducted. The NALC had party status to this hearing. On September 10, 2014 Judge Ball issued a decision upholding the willful citation. In Judge Ball’s decision there were a few important conclusions observed: 1) The USPS heat safety program was at best informal. 2) Management communicated a “heat does not matter attitude.” 3) The threat of discipline was real and influenced employee behavior in such a way as to place them in a situation where they might disregard symptoms of heat related illness. 4) The USPS made no coordinated effort to contact local businesses about use of their facilities and instead passed all responsibility on to the employee and that this ad hoc system was not sufficient for purposes of a heat stress management program. 5) The USPS had an unwillingness to accept that heat impacts performance. 6) The USPS failed to respond to known instances of heat related illness. 7) The USPS exhibited a conscious disregard of, and plain indifference to, employee safety. 8) The USPS should not be entitled to any credit for good faith; the penalty of \$70,000 dollars

and the willful citation is upheld.

Again, the USPS challenged this OSHA decision. Ultimately, the USPS and NALC came to terms with creation of M-01860 and the USPS withdrew its challenge of Judge Ball’s order. In this Memorandum of Understanding (MOU), the parties recognized that heat abatement is an essential element of on-the-job safety for city letter carriers in all locations where city carriers are exposed to excessive heat, and therefore imposed several items, two of which are particularly important. Item #2 which included a heat index that factors the combined effect of temperature and humidity. A useful tool for carriers dealing with heat is an app available right on your smartphone. Simply download and install the Occupational Safety and Health Administration (OSHA) and the National Institute of Occupational Safety and Health (NIOSH) heat safety tool. Once the app is installed, it can detect your location and provide you with the current temperature, humidity, and heat index (combination of temperature and humidity.) It also will provide the expected heat index for the balance of the workday. The other important addition is item #4 which requires the USPS, when excessive heat “could” reasonably be expected, to have supervisors remind carriers to drink eight ounces of water for every 20 minutes of work through a heat safety message. On top of that, OSHA also recommends at least one pint of water per hour.

Overall, if you start feeling the effects of heat related illness, take the necessary precautions to stay safe. The M-39 dictates that no unreasonable comfort stops will be denied. Notify management and tell them you are feeling the effects of heat related illness and seek shelter indoors or find shade and get rehydrated. Stay safe and look after one another.

In Solidarity,
Pat Dougherty



HEAT EXHAUSTION	OR	HEAT STROKE
Faint or dizzy		Throbbing headache
Excessive sweating		No sweating
Cool, pale, clammy skin		Body temperature above 103° Red, hot, dry skin
Nausea or vomiting		Nausea or vomiting
Rapid, weak pulse		Rapid, strong pulse
Muscle cramps		May lose consciousness
<ul style="list-style-type: none"> • Get to a cooler, air conditioned place • Drink water if fully conscious • Take a cool shower or use cold compresses 	<h2 style="margin: 0;">CALL 9-1-1</h2>	<ul style="list-style-type: none"> • Take immediate action to cool the person until help arrives



2ND ANNUAL BRAD'S BLESSINGS
GET TEE'D OFF
CHARITY GOLF TOURNAMENT

DATE: SATURDAY, JULY 24, 2021

TIME: 1:30 PM (SHOTGUN START)

LOCATION: CALIFORNIA GOLF COURSE

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CINCINNATI, OH 45230

QUESTIONS: CALL JERRY GIESTING AT 513-498-7629

2ND ANNUAL BRAD'S BLESSINGS



Mike Mize
Formal A Rep

STEWARD'S CORNER

BACK TO BASICS

As a union representative, I am here to answer any questions you may have and to help with issues that come up. In fact, I see and hear from carriers daily about issues they are having. As I go out to different stations one issue I see over and over, way too many times, is carriers being issued discipline and yet not filing a grievance. Usually, I come out to stations to handle grievances dealing with carriers who have been dealt 7- or 14-day suspensions, and I immediately ask why they never filed on the Letter of Warning. This is tying my hands when I go in to represent you. If you have a question but do not ask me about it, how am I, or any of the union stewards and officers, going to help you? As carriers we need to remember our Weingarten Rights.

Weingarten Rights Federal labor law, in what is known as the Weingarten rule, gives each employee the right to representation during any investigatory interview which he or she reasonably believes may lead to discipline. Any time management asks you questions like "Did you use your load tool?" or "What about this package?" or "Why did you work overtime?" ask for a union steward and file a grievance. More importantly, if management issues you discipline make sure to ask for a union steward and file a grievance. Ninety five percent of managers in this city are not your friend. Stop making it easy for them. File a grievance on any and all discipline issued to you.

I also get the question about pivots. Management has the DOIS/Pet tool they use to tell us how much time we are going to need on any given day. We all know this is crap. What you should do as a carrier is, first, file a PS Form 3996 when you know you are not going to be done in eight hours. You know management is going to deny this, that is no surprise, but this is your first line of defense to unauthorized overtime. Second, is to call management by 3:00 pm and make them decide on what to do with the mail they did not authorize you to deliver. By doing these two steps, management will have a hard time getting discipline to stick because you did what you were supposed to do.

41.3.E E. When the Employer requires the use of certain supply items for the proper performance of a carrier's functions, such items

will be supplied by the Employer.

F. A newly appointed carrier or a carrier permanently assigned to a route with which the carrier is not familiar will be allowed a reasonable period to become familiar with the route and to become proficient.

G. The Employer will advise a carrier who has properly submitted a Carrier Auxiliary Control Form 3996 of the disposition of the request promptly after review of the circumstances at the time. Upon request, a duplicate copy of the completed Form 3996 and Form 1571, Report of Undelivered Mail, etc., will be provided to the carrier.

The next issue I want to discuss is harassment. This issue can be hard to prove and interpreted differently depending on what side you are on. Many of us are working long hours daily, depending on what station you are from. Whether it is from exhaustion or just someone having a bad day, it is easy for us to lose our temper or act out. We need to remember to be professional, remember who we are, and not let someone else cause us to lose our temper, or act out in a way that could get ourselves in trouble. If this is happening to you ask to see a union steward, and have the offending coworker do the same, we will need their help in these types of cases.

I just wanted to mention this and to show you part of the M-01242 JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE.

We also affirm that every employee at every level of the Postal Service should be treated at all times with dignity, respect, and fairness. The need for the USPS to serve the public efficiently and productively, and the need for all employees to be committed to giving a fair day's work for a fair day's pay, does not justify actions that are abusive or intolerant. "Making the numbers" is not an excuse for the abuse of anyone. Those who do not treat others with dignity and respect will not be rewarded or promoted. Those whose unacceptable behavior continues will be removed from their positions.

If you feel you are not being treated with dignity, respect, and fairness, again, ask to see a union steward.

Continued on page 8



Director Leg & Pol Affairs

Matt Bauer
Leg. & Pol.

I previously wrote about President Biden nominating 3 individuals to serve on the Board of Governors. He nominated Anton Hajjar (former general counsel of the AP-WU), and Amber McReynolds (voting rights activist) on February 25. On March 15, the nomination for Ron Stoman (former Deputy Postmaster General) was sent to the Senate. On May 12, Stoman was confirmed to a term as governor expiring December 8, 2021, but later was confirmed as a separate nomination to serve a term as governor expiring in 2028. Amber McReynolds was confirmed by the Senate on May 13 and has a term ending in December of 2026. Currently there is still one vacant seat waiting for the confirmation of Anton Hajjar.

Recently, the U.S. Census Bureau announced how many seats each state will have in the U.S. House for the next 10 years. Every 10 years the process called reapportionment takes place. In total, 5 states (FL, NC, CO, OR, MT) will gain one House seat, and 1 state (TX) will gain 2. But for every seat these states gain, another state had to lose one. There are 7 states that lost one congressional district each (CA, NY, IL, PA, OH, MI, WV). This means that Ohio will now be down to 15 congressional seats.

Ohio will also need to redraw the districts on the map. In the past, there has been controversy with the district map of Ohio. This year will bring a new mapmaking process for Ohio. Voters approved reforms in the past 5 years to avoid gerrymandering where districts are drawn to favor one party over another. The new process includes rules that the map must follow such as keeping 65 of Ohio’s 88 counties whole, and only letting 5 counties be split more than twice. These rules should prevent mapmakers from creating districts that weave in and out of political strongholds. The new process should include better opportunities for citizens to provide their input for the drawing. The Congressional maps will be created by state lawmakers with bipartisan approval required. The official mapmaking process will not start until summer, but the Census data was also expected to be released in February. This delay of Census could cause delays in redistricting the state.

Lastly, I would like to give exciting information of the new House Resolution 3076/Senate Bill 1720 (Reform Act). The Postal Service Reform Act will repeal the mandate to pre-fund retiree health care; an appropriate integration into Medicare for postal em-

ployees; and language to protect 6-day delivery permanently. This opportunity is HUGE for us.

The Postal Service Reform Act of 2021 (H.R. 3076), a bipartisan bill that aims to provide financial and operational stability to the Postal Service, was introduced by the House Committee on Oversight and Reform Chairwoman Carolyn Maloney (D-NY) and Ranking Member James Comer (R-KY) on May 11. The legislation addresses two of NALC’s top priorities:

- 1) The repeal of the mandate that the Postal Service pre-fund decades worth of health benefits for its future retirees, which was enacted through the Postal Accountability and Enhancement Act (PAEA) of 2006, embracing the bipartisan USPS Fairness Act (H.R. 695 and S. 145).
- 2) Language that requires the Postal Service to maintain an “integrated” network of both mail and packages six days a week.

If this bill becomes law, USPS will be required to maintain six-days-a-week mail delivery. Since 1983, the mandate to deliver mail six days a week has required yearly renewal in the appropriations process. This bill would eliminate the need for the annual fight to maintain this mandate.

While H.R. 3076 has bipartisan support, that alone will not be enough to see it through to the President’s desk. But it is a good start. Currently, Senate Homeland Security and Government

Continued on page 8

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Steward's Corner cont.

Recently, I looked at the Cincinnati Seniority Roster and almost half of the regular workforce are former CCAs. This is just in the 7 years we have been trying to hire people. How much longer are you going to go before you start to learn the rules for this job? Because I can tell you, the job gets easier when you learn the rules. There are thousands of carriers that came before you who have made this job worth having! Don't you owe it to yourself to ask questions and learn a little more about your profession?

SGT at ARMS
Mike Mize

Make the Call!

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Leg & Pol cont.

Affairs Chair Gary Peters (D-MI) and Ranking Member Rob Portman (R-OH) are beginning discussions on a Senate companion bill (S. 1720). This bill already has 19 cosponsors, 10 of them are Republicans. With the makeup of the Senate being evenly split 50-50 and legislation needing 60 votes to pass, having 10 original Republican cosponsors is an important accomplishment. If all remaining Democrats support this important legislation, this bill could be signed into law.

Please contact your House Representative and Senators to cosponsor these bills. You can easily contact Congress by visiting our website at www.branch43.org and follow the "Take Action" link on the homepage. For a list of all NALC legislative priorities please visit the link below.

<https://www.nalc.org/government-affairs/nalc-priority-congressional-bills-and-resolutions>

Matt Bauer
Director of Legislative and Political Affairs



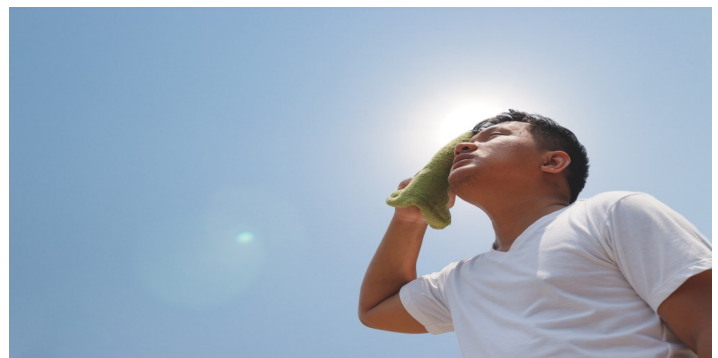
Taylor Whitt
Editor

FROM THE EDITOR

Hello and welcome to another edition of your union's News & Views! If you don't already know, it will officially be Summer in the City on June 20th (can't you just hear the song by the Lovin' Spoonful playing in the background?). I'm sure you've already read Pat Dougherty's article on heat illness and how to protect yourself against it, and if you have not, do yourself a favor and flip back to it (page 3). I'll wait.

Ok, wise-guy, read it after you read this. While there will not be any pop quizzes on that subject, I do have an assignment for you about heat awareness! I want to know what you do to stay cool in the summer while on the job. I want to know any tricks, mottos, people, or places that you use to stay safe from the sun. Do you keep a 20-gallon cooler of ice and water in your LLV? Do you wear a sunhat the size of Texas? Do you, like me, walk deliberately through the sprinklers on customers lawns? Maybe you are the carrier with a Creamy Whip on your route, and you can easily grab a cone on your way by! Whatever it is you do to beat the heat I want to know! Extra points for creative and unique answers! Best answers and/or pictures will be published in the upcoming July issue (deadline for submissions is Friday June 25). Please email your responses to me at taylorwhitt777@gmail.com and include your name and station as well. Alright, until next time! Thanks for reading, stay safe, and stay hydrated!

Your Editing Overlord,
Taylor Whitt





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May Membership Meeting Raffle Winners

Split the Pot - Jerry Giesting (\$49.00)

MDA - Janet Miley-Moore, Lamont Seaborough,
Melissa Crawley & Craig Young

Harold	Burns
Kenneth	Cook
Robert	Creutzinger
Andrew	Filusch
Thomas	Horn
Charles	Kaesar
Michael	Moran
Richard	Newman
William	Price
William	Rohe
Milton	Smith
Ronald	Steiby
Lester	Weber
John	Wuellner

June Retiree Birthdays

June Gold Carders

Raymond	Adkins
William	Ascue
John	Back Sr
Jan	Bash
Brian	Bradford
Ed	Brooks
Terry	Burke
Marvin	Chaney
Thomas	Dougherty
John	Doyle, Jr.
David	Duncan, Jr.
Brenda	Gamble
Bruce	Hartman
Bert	Hensley
Bill	Holloway
Scott	Houp
Thomas	Luken
Carolyn	Marks
Charles	Morris
Danny	Reynold
Edward	Richardson
Robert	Shepard
John	Zwick

May YOPC Attendees

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

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



Motions made at the May Membership Meeting

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

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

To adjourn. **Carried**

MEMBER BENEFITS

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Union Plus
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Join fellow retirees for lunch

1:00 pm - 1st Monday of each month

June 7th

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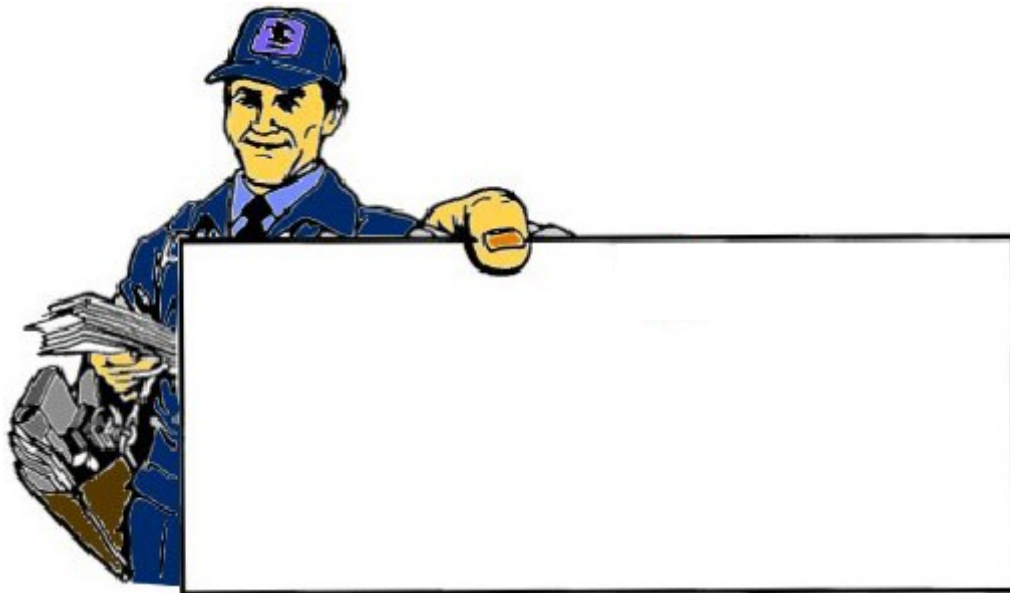
*Balance must be at least \$10,000 or greater to qualify. For loan balances below \$10,000 only the 90 day deferment will be offered. Member must qualify for the loan under normal underwriting guidelines. Minimum rate floor of this offer is 2.99% APR. Interest will accrue over the 90 day deferment period 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 - June 10th, 6:00 PM

Branch Meeting - June 10th, 7:30 PM

July YOPC - Wednesday, June 30th

