



# THE VOICE



OF THE GOLDEN GATE LETTER CARRIERS

BRANCH #214

NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO

January/February 2005

Award-winning newspaper

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## GET INJURED, GET FIRED WATCH YOUR BACK, LOOK FOR PHOTOGRAPHERS

By Bill Thornton, Vice-President

Suffering an on-the-job injury is bad enough. But there is an added problem of being injured at work: The possibility of losing your job and going to jail. I am exaggerating a bit. Few people lose their jobs and even fewer go to jail for OWCP (Office of Workers' Compensation Program) fraud. But for the few injured employees who find themselves in such situations, it's a nightmare. Add the paperwork and care required negotiating your claim through the maze of regulations and bureaucracy. Even if you do everything right there is the possibility that management will stick your claim in a drawer and leave it there.

### Do not exceed medical limits

Such dire circumstances can arise from allegations that employees falsify documents relating to claims, including failure to declare outside income while receiving com-

### The post office is trying to show fraud in even minor injuries.

pensation, and claiming to be disabled when they are not. Postal inspectors typically videotape claimants performing tasks that are beyond medical restrictions indicated by the doctor on the CA-17, or performing work duties at another job that are beyond medical restrictions.

### Increased employee surveillance

The union is seeing reports of increased surveillance of employees on compensation, including those who had only recently filed claims. One such employee was photographed visiting her mother at a hospital, and standing outside her car in a parking lot. She was asked to explain matters to inspectors. Individuals who file claims must not only demand that their claims are properly handled by management but the claimant also needs to fulfill their responsibility to provide all necessary documentation, etc.

### Assume you are being watched at home

Beyond doing everything required to get your claim accepted, it is important to *watch your back*. It's too bad that this is so but that's the reality. Postal service management, utilizing postal inspectors, the Office of Inspector General (OIG), outside consultants and even snitches are increasingly scrutinizing employees who have filed claims. The easiest way to *watch your back* is to start by being squeaky clean in all things involving your claim.

(continued on page 5)

### Under the wire

## Local agreement reached in San Francisco for route adjustments

By Tony Gallardo, President

After thoughtful negotiations, NALC Branch 214 and the Office of the San Francisco Postmaster have come to an agreement for route evaluations and adjustments. Postmaster Noemi Luna, along with management's representatives Bob Reed and Larry Frost met with Officers of Branch 214 on three different occasions last month, carefully crafting the agreement which appears on (page 3) in this issue of **The Voice**.

On December 7, 2004, the Postal Service at the national level notified the NALC in writing that they would be withdrawing from their Memorandum on route evaluations and adjustments. The Memo gave either party the right to withdraw from the agreement 14 days after serving written notice.

(continued on page 3)



Photo courtesy Joan Hurst



Photo Branch 214 files

**Joan Hurst, Retired Regional Administrative Assistant to the Region 1 National Business Agent**  
 Joan was honored at the November Branch meeting for all her work helping Branch 214 throughout the years. Joan's first union job was in an all-girl band (far left) in which she thought the money was great, however, she soon found out managers take their percentage and sometimes abscond with their hard earned money. Shortly thereafter she joined the Postal Service as a Letter Carrier, became an NALC Shop Steward and the rest is history...

### Branch Officers

- Tony Gallardo ..... President
- Lili Buencamino Beaumont .. Executive Vice-President
- Bill Thornton ..... Vice-President
- Jerome Tercero ..... Secretary-Treasurer
- Ray Fong ..... Field Director
- Carol Maggio ..... Assistant Secretary-Treasurer
- Leonard Cruz ..... Sergeant-at-Arms
- Franklin Woo ..... NALC Health Benefits
- Larry Gerigk ..... Safety and Health
- Cathy Simonson ..... EEO Officer
- Mike Callahan ..... MBA representative
- Kim Truong ..... Director of Organization
- June Buccat ..... Trustee
- Kathleen McConnell ..... Trustee
- Vicki Sawicki ..... Trustee

### Voice Staff

- Ivars Lauersons ..... Editor
- Juliette Chen ..... Associate Editor
- Gerry Lee ..... Graphics

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### Branch 214 notes

Congratulations to **Jabali Sawicki**, son of EPC Chief Steward/Trustee **Victoria Sawicki**, who received his Master's in education from Columbia University.

Kudos to **Rachelle M. Tercero**, grand-daughter of deceased Branch 214 member **William Neilson**, niece of (retired) **Mario Valadez**, and daughter of Secretary-Treasurer **Jerome Tercero** on passing the California State Bar.

A clarification from the December issue of **The Voice**: Refer to "Zingledude, the Netter" on page 8. In the "Postal bytes" box, there was a question of whether a PTF would get overtime on a Friday when he had annual leave. Ray Fong, our Field Director, found a citation in the Materials Reference section of the NALC, which cited PTF leave in the ELM 512.522(a). It says, "A part-time flexible employee who has been credited with 40 hours or more of paid service (work, leave, or a combination of work and leave), in a service week is not granted annual or sick leave during the remainder of the service week. Absences in such cases are treated as non-duty time, not chargeable to paid leave of any kind. Supervisors should avoid granting leave resulting in the requirement for overtime pay." It is also cited in the J-CAM 2004, 8-3.

### T.V. 214 Schedule

**SAN FRANCISCO, AT&T Cable Channel 29:**  
**Every third Sunday of the month at 7:00 p.m.**  
**February 20, 2005; March 20, 2005;**  
**April 17, 2005**

**Gallardo** (continued from page 1)

**Agreement finalized**

The 14-day notice meant that we had to reach an agreement by December 21, 2004, or be subject to the route inspection process set forth in the M-39. On December 21, right on time, we finalized the agreement.

What this means is that letter carriers in San Francisco will have their routes evaluated and adjusted using the method that we have just negotiated. During 2005, the zones that we have agreed to evaluate and adjust in this manner are 94104, 94118, 94115, and 94124.

**S.F. letter carriers will have their routes evaluated and adjusted using the method that we have just negotiated.**

**Not your usual route inspection**

In these stations a union and management co-leader pair will be asking the regular carriers to tell them how long their routes are. The co-leaders will take into consideration all relevant information, including whatever relevant information the regular carrier can provide. If the union and management co-leaders agree, the route adjust-

**Routes will be evaluated by a union and management co-leader pair.**

ment will be accomplished without the usual 6-day route inspection process.

If you are the regular carrier on a route in any of these zip codes, please start thinking about the specific issues on your route that warrant consideration in determining its evaluation. Your input is vital to this process.

**Applicable in S.F. only**

This new agreement only applies to those routes that are within the City and County of San Francisco.

**During the week of February 26, 2005, the Belvedere-Tiburon Post Office will conduct route inspections and adjustments in the same way as we have done in the past, with co-leaders overseeing a 6-day route count as described in the M-39.** The San Francisco District's

**Your input is vital to this process.**

route inspection schedule for 2005 does not currently include any other post offices covered by Branch 214.

**San Leandro** is not in the San Francisco District and could possibly have route inspections as well. However, they have not informed us one way or the other on this matter.

USPS San Francisco Installation  
NALC Branch 214 – AFL-CIO  
**LOCAL MEMORANDUM OF UNDERSTANDING  
FOR ROUTE EVALUATIONS AND ADJUSTMENTS**

In accordance with the National Memorandum of Understanding between the United States Postal Service and the National Association of Letter Carriers signed on 8/4/04 dealing with evaluating and adjusting routes, the following MOU is in effect.

The target impact after routes are evaluated is the reduction of 24 routes for the entire City of San Francisco. This is only a target and the route evaluations will drive the impact amount.

The process shall be applied as agreed to below, at Rincon North Station, (94104). The parties shall reconvene immediately after the completion of the route evaluations and adjustments in Rincon North (94104), to re-evaluate the process and modify it if necessary, by mutual consent.

Methodology Section (NALC /USPS Joint Evaluation Impact Report)

- 1) Joint Process
  - a) The Union and management shall each choose sufficient co-leaders to accomplish the route adjustment goals mutually agreed to by the President of NALC Branch 214 and the Postmaster of the San Francisco Installation.
  - b) The Co-leader process will be utilized to reach a fair evaluation and adjustment of the routes in the chosen stations. Initially, there will be two management co-leaders and two Union co-leaders. All 4 co-leaders will be used in Rincon North (94104). This number shall be appropriately adjusted, when other stations are added to the schedule to have their routes evaluated and adjusted.
  - c) The Co-leaders shall oversee the route evaluation and adjustment process, and shall resolve all disputes arising from this process.
  - d) Routes will be withheld in those offices chosen to be evaluated and adjusted, in accordance with Article 41, Section 1.A.1 of the National Agreement.
  - e) Section 41.3.O of the National Agreement must be addressed when selecting a route for elimination, if necessary.
- 2) Dispute Resolution
 

The parties shall adhere to the Dispute Resolution process as established in the San Francisco District Joint Route Inspection Agreement.
- 3) Route Evaluations
  - a) Each route in Rincon North (94104) shall be evaluated individually.
  - b) Additional individual stations shall also have all of their routes evaluated and adjusted using this process. Each station shall be chosen alternately by the management and the Union.

c) Management and Union agree to the following four (4) zones, in the order listed, for inspection in 2005:

- 94104
- 94118
- 94115
- 94124

d) Prior to interviewing the regular carrier and the supervisor on the route that is being evaluated, the co-leaders shall examine all relevant data concerning the route, and the station being evaluated. The co-leaders shall use the data only as a guideline. The data to be considered by the co-leaders shall include but not be limited to the following:

- 1) The Volumes and actual demonstrated performance documented from April 12, 2004 through May 28, 2004.
- 2) DOIS reports. If DOIS information is used, the same time period is to be used for all routes in the station / section.
- 3) Time standards for carrier office work will be calculated at both 100% to standard and 70% to standard, to determine base office times. [38 minutes will be added for base line items unless other information is available.]
- 4) The co-leaders may review data using the same formula as in 3 above, from a mutually agreed 6-week period.
- 5) The base street time will be determined by utilizing information from the most recent route inspection, if applicable. When necessary, a PS Form 3999 can be completed for the route.
- e) The regular carrier on the route that is being evaluated, along with his or her supervisor, shall meet with both Co-leaders to evaluate the route. All input, which the parties believe to be pertinent, will be discussed and considered. The goal of this process will be to agree on the current length of the route. The method and means of adjustment and the time frame by which an agreed to adjustment could take place, shall be determined by the co-leaders.
- f) If no agreement is reached by the co-leaders, the route shall be evaluated and adjusted with a 6 day count and inspection as defined in the San Francisco District Joint Route Inspection Agreement.

Review process:

Routes will be reviewed after 60 days, as stipulated in the M-39. Additional adjustments will be required if determined by the co-leaders.

At any point in this process, either party can withdraw from this agreement providing it is done in writing with advanced notice of 7 days given to the other party.

This agreement as described above is agreed to on this 21<sup>st</sup> day of December 2004 and will expire on September 30, 2005, unless both parties agree to an extension.

(signed)	(signed)
_____ Tony Gallardo, President NALC Branch 214, AFL-CIO	_____ Noemi Luna, Postmaster USPS, San Francisco Installation



**Thornton** (continued from page 1)

**Use common sense**

It is important to consider, if for example you are totally disabled, just what total disability means. Medical documentation that supports your work limitations should be considered in the light of your activities outside the workplace. The CA-17 and medical narratives from your doctor indicate your physical limitations as far as normal performance of carrier duties. Every individual's case is different but there is some common sense involved here. Total disability means you cannot perform any carrier duties or other duties that the postal service could provide

**If you can't do the work at the post office, you shouldn't be able to do it at home.**

in lieu of those duties. That's pretty severe. It doesn't necessarily mean you are confined to bed and you should and need to be able to perform necessary life activities. But it does mean that you are, according to the limitations indicated by your doctor, not capable of engaging in most sports activities, home repairs, etc. You could be totally disabled and able to participate in sports therapy as prescribed by your doctor. But common sense should prevail. You should not be exceeding in your activities outside work the limitations that your doctor has provided the postal service.

**Weingarten Rights**

In the event that postal inspectors confront you concerning your OWCP claim, you should safeguard your rights. Call the union immediately. You must exercise what are known as *Weingarten Rights* by asking for a shop steward when being interviewed by inspectors. An employee is entitled to a steward during any interview by management that could lead to discipline. But you must request a steward; otherwise these *Weingarten Rights* do

not kick in. In the worst case, you could find that a criminal investigation is being conducted. Typically, postal inspectors will read the employee the *Miranda Rights*,

**If inspectors want to talk to you, invoke Weingarten Rights.**

informing the person of a right to an attorney and to remain silent. Do not talk to postal inspectors without a shop steward, and in the case of a criminal investigation, an attorney. It is important to note here that *privilege* or the safeguards of steward/employee conversations do not apply to criminal investigations.

**Keep the door closed on inspectors**

Also, there is no provision under OWCP regulations that covers visits by *persons representing the employing agency*. This means that you don't have to let postal inspectors, etc., who visit your house to interview you about your case into your house.

**Office of Inspectors General**

There have been reports that the Office of Inspectors General, which has wide investigative duties within government agencies, and the postal service, are increasingly becoming involved in the investigation of OWCP fraud by craft employees. Their functions may be changing in that OIG was previously only involved in OWCP fraud

**The easiest way to watch your back is to be squeaky clean about your claim.**

allegations against craft employees when large amounts of money were involved. The OIG presence in these processes indicate how seriously the postal service is taking compensation costs and what lengths they will go to reduce them, including increasing surveillance of injured employees.



**From the Retirees Luncheon ...**  
*more photos beginning on page 6*

Photos Branch 214 files

*Step up to the plate*

## Steward appreciation

By Jerome Tercero, Secretary-Treasurer

As we approach another New Year, there are many challenges that lie ahead for letter carriers. One is: what does the future of the Postal Service mean to each of us? I guess we can all focus on the obvious, which is: am I getting a paycheck every two weeks? Another is: what can I do to make a difference?

### Wearing many hats

The answer to that question is quite simple. Being a shop steward is a very difficult task. Besides having a route of your own, the stewards are constantly bombard-

### What can you do to make a difference?

ed with members seeking advice, supervisors asking questions, refereeing different issues on all fronts, listening to domestic issues, and representing members in the Dispute Resolution Process. Many members expect the steward to have the solutions to all that occur on a daily basis.

Many regard the union as the answer to all their grievances. While that may be true for some, others do not accept that so easily. The cry is always—I pay union dues, so you have to get me out of this jam, regardless. When it doesn't work out to the member's satisfaction, the shop steward generally is the brunt of the workroom criticism. Now, ask yourself, is that fair? The answer, quite obviously, is "Hell, no!"

### Get involved

There are many issues that occur during the course of a workday. The steward is responsible to ensure that dur-

ing that day management is contractually compliant. Often times while attempting to accomplish this goal, the steward needs the assistance of members in the work unit. Too often we hear "I do not want to get involved", or "I don't like that person". Whatever your reason, wouldn't you expect your fellow union members to support you when necessary? Absolutely!

### The shop steward generally is the brunt of the workroom criticism.

#### First line of defense

Now, I ask, what can you do to help your union? Quite simply, support your shop steward. They are the first line of defense; they are the backbone of the NALC. Without them, the rest of us are not worth much. Letter carriers need to stick together in the tough times that lie ahead. Remember you are the NALC. Get involved. The next generation of union activists must step forward to keep the Postal Service vibrant and delivering the nation's mail for generations to come.

#### Steward breakfast

On Sunday, March 6, 2005 at H's Lordships located at the Berkeley Marina, Branch 214 is hosting a brunch to honor all our stewards. The cost is \$15 for adults, \$7.50 for children. This is an opportunity for all of us to say "thank you" to the men and women of Branch 214, who tirelessly give their time and energy to all of us. You can

### Support your shop steward; they are the backbone of the NALC.

organize a table and help promote this occasion in your own station. So take some time and think about "what can I do to make a difference?"



*more photos  
beginning on page 8*

*Jerome Tercero on left*

Photos Branch 214 files

*Get active, protect your future*

## Join the NALC E-Activist Network

By John Beaumont

President, California State Association of Letter Carriers

Will the Post Office be here for another 15-20 years? Will you receive the annuity you planned for when you retire? Can employee health care costs triple within the next few years? These and many other questions concerning wages, benefits, and the future existence of the United States Postal Service are valid. There is a movement going on, both in Congress and private industry, to radically change the overall operations of the Postal Service.



### Rate flexibility

The future of our company relies on allowing the Postal Service to be more involved in the commercial delivery market while loosening the miles of red tape it must cut through to provide a fairly priced product to our customers. While the future of our company's survival depends on imple-

### Will the Post Office be here for another 15-20 years?

menting such a change, it does not need to do so at the expense of the very workers who built this legendary institution. We need positive postal reform before things that we have worked so hard for start slipping away.

### Valley of vacant buildings

Look all around us. In the Bay Area, thousands of good paying jobs have been contracted out or, even worse, disappeared completely. Drive south down Highway 101

### Will your annuity be there when you retire?

from the city and you will pass building after building, all vacant, and all part of what was once the national phenomenon known as the Silicon Valley industry. Only the large companies seem to have remained, and even those have severely cut back their operations and employees. United Airlines has not only cut back jobs, but they have pressured their workers into reducing their pensions. If

nothing is done to correct the mounting costs incurred by the Postal Service we may be facing the same fate.

### Benefits and collective bargaining

While change is needed, the type of change is being debated by both the Presidential Administration and Congress. NALC President Bill Young has stated that taking away our benefits and/or taking away our collective bargaining rights is not negotiable, but there are those who

### We must call or write our congressional representative.

will still try to push these types of changes as a means to correct the financial situation of the USPS. The only way we can combat this is to stick together and become active by calling and writing our representatives when the time comes to support a positive Postal Reform Bill, or to fight against one that would take away our collective bargaining rights and benefits.

### We keep in instant touch with the E-Activist network.

### Fast contact through e-mail

How will we know when to act? Who do we contact when the time comes? Keeping informed is the first step in readiness to take action when necessary to protect your future. The NALC has put together an extensive program known as the E-Activist. By enrolling in the E-Activist program you will be given up-to-date information on future proposals and bills concerning postal reform before they are enacted by Congress. The E-Activist updates, which are sent out by our President Young, let

### E-Activist gives you up-to- date information.

you know who should be contacted and when. Communications sent through the E-Activist program also assists you in putting together your letter, if needed, so that it covers all the necessary arguments either for or against a particular bill.

To get signed up is easy, just ask your shop steward for an E-Activist form, fill it out and give it back to them to send it in for you. By doing this you will be joining thousands of other members who are keeping themselves updated and informed on the changes being proposed that will forever change the future of the postal service. *Getting signed up and involved is free. Can you afford not to?*

# RETIREES LUNCHEON, DECEMBER 2004



Photos Branch 214 files

Service pins were awarded at the luncheon.

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more photos on page 15

Spence Burton, center

Another service pin awarded

Photos Branch 214 files

## Michael Durrenberger

Michael Durrenberger, a member for 64 years, passed away on January 13, 2005. Mike retired from the Parcel Post in San Francisco and was a long-time activist. He served Branch 214 as Treasurer and was also Treasurer of the San Francisco Letter Carriers Mutual Aid. Most will remember Mike when he worked at Butler Uniform on 9th Street (formerly Tamony's Uniform). All of us at Branch 214 send our condolences to his family.

## WELCOME NEW MEMBERS

- |   |   |
|---|---|
| <b>Lynn A. Armenta</b><br>(San Leandro) | <b>Joe Wei-Cai Lei</b><br>(San Leandro Main)      |
| <b>Julio Chacon</b><br>(Redwood City)   | <b>Gabriel Lopez-Flores</b><br>(San Leandro Main) |
| <b>Hong Chen</b><br>(Bryant Street)     | <b>Ramil Montez</b><br>(San Leandro)              |
| <b>Raymond Chin</b><br>(San Rafael)     | <b>Elba Santana</b><br>(San Anselmo)              |
| <b>Edward Heung</b><br>(Bayview)        | <b>Hong Qi Sun</b><br>(San Leandro Main)          |
| <b>Gordon Gee</b><br>(Diamond Heights)  | <b>Khai Q Tran</b><br>(San Leandro)               |
| <b>Steve Kwok Ho</b><br>(Daly City)     | <b>Tatiana Waldman</b><br>(Visitacion)            |
| <b>Vijay Kumar</b><br>(San Anselmo)     | <b>Jeffrey T. Win</b><br>(Daly City)              |

## Branch 214 Meetings

### Branch meetings, 7:00 P.M.

February 2, 2005 ILWU Hall, 400 North Point, SF  
 March 2, 2005 ILWU Hall, 400 North Point, SF  
 April 6, 2005 ILWU Hall, 400 North Point, SF

### Steward meetings, 6:00 P.M.

February 2, 2005 ILWU Hall, 400 North Point, SF  
 March 2, 2005 ILWU Hall, 400 North Point, SF  
 April 6, 2005 ILWU Hall, 400 North Point, SF

### Retiree social meeting, 12:30 P.M.

February 7, 2005 740 Del Monte Ave., South SF  
 April 4, 2005 740 Del Monte Ave., South SF  
 June 6, 2005 740 Del Monte Ave., South SF

## In Memoriam

- Michael Durrenberger**  
**Harold Grangoff**  
**William Hoch, Jr. (active carrier)**  
**Larry Pangan**  
**Thomas Richardson**

Grievance 101

## Basics of the grievance procedure

By Lynda Beigel, retiree

What is the grievance procedure at the union office? Which grievances end up there and what do we do with them?

For all grievances, the shop steward learns there is likely to be a problem, either from the grievant or in another way. The steward then investigates within two weeks of learning about the situation, and, as soon as possible within that period, meets with a supervisor at Informal A.



### Informal A

If it is resolved at Informal A, the union office will receive the file from the steward and (for discipline and monetary resolutions only) send a letter to the grievant(s) informing him/her of what the steward accomplished. The letter will usually be signed by the branch officer currently responsible for that station, complex, or city; it will be sent to the grievant with a copy to the steward. This is so

### Don't hold on to grievances when they are denied.

that the steward is kept informed of union correspondence with grievants and has a record of the resolution.

### Formal A

If it is not resolved at Informal A, the steward must turn it in (or mail it in) on the same day to the union office to appeal within a week and assign to a Formal A representative. This one-week deadline is critical. (Do not hold on to grievances when they are denied. The union files thou-

### Don't make the officers' job harder than it has to be.

sands of grievances a year. On any day many cases must be processed. Please don't make the officers' job harder than it has to be.)

The Formal A representative will then meet with the station manager (or OIC). If it is resolved at Formal A, the union office will send a letter to the grievant. (Or, in class actions, if more than one person gets money, each

The last stretch

## Working toward retirement...

By Daniel SooHoo, Part-Time Regular, PM Collection

Happy New Year to the members of Branch 214. For a runner, it is the stretch run before the finish line. Years of planning and preparation will bring a new level of living. The annuity you earned will create this new change in



your life. Thrift Savings Plan (TSP) can help supplement your cash flow if you are under the CSRS. The TSP is your retirement if you are under the FERS. Because the enormous amount of information given to a participant of the TSP program, it may be hard to understand what is happening with your investment. This is the reason why this is a short

article. I want to devote more time and more thought for the next article on Thrift Savings Plan. 'Til the next article...!

Note: Let's punch some numbers: If you decided to start a payroll saving plan using US Savings Bonds when I first wrote about it (*The Voice* issue of September/October 2003), you would have invested \$800 at the \$50 bond level which is \$1,600 in bonds.

recipient gets a copy of the letter.) Copies of the letter will go to both the steward and the Formal A representative.

### Step B, or DRT

If it is not resolved at Formal A, the union representative will appeal to the Dispute Resolution Team (DRT) for a decision at Step B. When the union receives a B decision, a letter goes to the grievant(s) with copies to the steward and formal A representative. If the DRT does not resolve the grievance, they will forward it to the postal region and union business agent for possible arbitration.

### Form 8190

On Form 8190, the grievance form that both sides sign, the date of incident is the date the grievant received the discipline letter or the date that Article 8 was violated or the date the union (steward) discovered a possible contractual (or FMLA or FLSA, etc.) violation. The **date of filing** is the day the steward and supervisor meet at Informal A. When a grievance is "withdrawn", it has been taken out of the grievance procedure without prejudice to either party, usually because a contractual violation could not be proven.

*Ignorance is not bliss*

## Know your FMLA rights

By Vicki Sawicki, EPC chief steward

Often carriers think they can breeze through their postal careers without a scratch. Perhaps you can. But a word to the wise is sufficient. In this issue, I will highlight FMLA rights, better known as Family Medical Leave Act.

You can use FMLA protection for yourself if you are sick and/or someone in your immediate family is ill. But there are a few things you must do in order to get the protection.



If you know you need to be absent from work due to medical reasons or to care for an immediate family member, you should let management know as far in advance as possible that you need the time off work. It is then management's responsibility to inform you of the Family Medical Leave Act by giving you a FMLA fact sheet to see if you qualify.

Your absence may be covered under the FMLA if it is for:

- Caring for a new child. A new parent has the right to take 12 weeks of FMLA to care for a new child in the first year.
- A serious health condition (defined as any illness, injury, impairment or physical or mental condition that involves one of the following:
  1. Hospital care—this means inpatient care (that is, an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
  2. Absence plus treatment—a period of incapacity of more than 3 consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves treatment 2 or more times by a health care provider (nurse, physician's assistance, physical therapist under orders or on referral by a health care provider); or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (like chemotherapy, for example).
  3. Pregnancy—any period of incapacity due to pregnancy, or for prenatal care.
  4. Chronic health conditions requiring treatments which (examples of chronic conditions are asthma,

migraine headaches, gout, bronchitis) requires periodic visits for treatment by a health care provider; continue over an extended period of time (including recurring episodes of a single underlying condition) and which may cause episodic rather than a continuing period of incapacity (for example, asthma, diabetes, epilepsy, etc.)

5. Permanent long-term conditions requiring supervision—a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The patient must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

### If someone in your immediate family is ill, you may qualify.

Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple treatments (non-chronic conditions): Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider, et al, for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

In order to facilitate approval of your FMLA absence, it is important that your health care provider states that you have a "chronic" illness and state the illness. Example, "Vicki has asthma and has recurring attacks". The medical documentation should also state the number of times you will have an attack of said illness and the approximate duration of incapacity per attack. Example,

### If you have a chronic condition, you may qualify.

"Vicki will be ill three times per month (approximately), four times per year or once a week." "When Vicki has an asthma attack, it usually lasts one or two days".

FMLA is your benefit. It is there for you, to protect you. It is hassle-free leave. Once you qualify you are entitled to three months of FMLA leave per year. Management cannot discipline you for any time off protected by FMLA.

Lastly, in order to qualify, you must have worked 1,250 hours the previous year.

These are a few points about the Family Medical Leave Act. More details later. When in doubt, ask.

*(Additional information for this article was supplied by Lili Buencamino Beaumont.)*

*Thoughts and opinions*

## After 25 years

By Ivars Lauersons, Editor

As the year turned to 2005, I couldn't help but think about where the post office is now compared to when I started. The basic fun of a good job, working hard when there's a lot of mail, being able to relax a little when mail slackens off, is no longer there. At least two things, in my view, have changed for the worse—supervisors do not all come from the craft, and the continuing attempt to use the flawed DOIS system to intimidate carriers.



### Non-craft supervisors

The use of supervisors from outside the post office has a neutral result, but on balance, is not a success. The outsiders have to learn post office operations on the job. They have no concept of what delivering mail means. To talk to them of things like late relays, late arrival of mail, handling mark-ups, late leaving times, high number of vacation

holds, catching up on your route after a vacation, is like speaking a foreign language. Their language is also foreign to carriers. "DOIS says you are undertime," is not postal English. That DOIS' content is being challenged at the national level is a good thing.

### Mysteries of management training

As editor, it has been a long-time dream to have someone who has gone through management training write

## Supervisors hired from outside the post office don't speak postal English.

what they really are trained in. Is there the secret class on how to intimidate carriers? Are there any classes on what the contract means, or the local memos of understanding, or past practice? Is there any instruction on how to behave as a supervisor so that you can work with carriers? Or, is the instruction "you are the boss and they're not" used? From the chip-on-the-shoulder attitude, strutting as if they know everything, not ever listening to what the carriers might know and say, I'd say the "you are the boss" instructions are taught.

### Why is the postmaster curtailing mail?

In the last issue I wrote about self-inflicted wounds by postal management. This was the view from a carrier's perspective. But I am also a postal customer. And in my

## We train new carriers; we shouldn't have to train new supervisors.

town in the suburbs of San Francisco, I got mail that just jumped out as arriving late. One was a letter from Senator Diane Feinstein, who wrote in reply to the e-mail message we were asked to send to the White House urging a vote on the postal reform bill. Our union forwarded this mail to the Senator, and she replied by mail. This was franked mail dated November 19, 2004. I received it December 20, 2004. It must have been treated as third class mail and consigned to some curtailment pile in the local post office.

## A whistleblower is not honored in the post office.

Another item that jumped out was the delivery of the Pacific Area Update, the management newsletter postal employees get monthly. The September and October issues arrived together in December. What irony that the post office's own information sheet is delayed as unimportant mail.

### SNAFU

What are we to make of this kind of information? Nothing, as we know. There is no realistic response to customer complaints about delivery. There is also no response to pointing out problems from the inside. A whistleblower is not honored in the postal system.

The final question then is, what is a carrier to do after 25 years when the old system is not working? The answer is to do what carriers have always done: work around absurd programs to get the mail delivered anyway; and remind yourself that impossible programs eventually phase themselves out. Even the supervisor from hell

## Work around absurd programs to get the mail delivered anyway.

eventually moves on. If you've survived 25 years carrying mail, you can survive another year.

Next time I'll take up the issue of cozying up to management by individuals and the union as a whole.

# Proposed by-laws changes

*Proposals will be read on March 2, 2005 and the vote will be taken on April 6, 2005.*

The following is a proposal to change Article IV Section 2 of the By-laws of NALC Branch 214. It is proposed that we delete the parts that appear in strike though and replace them with the parts that are underlined.

## ARTICLE IV OFFICERS

**SECTION 2.** All Officers of Branch 214 shall be elected ~~biennially-triennially~~ and hold office for ~~two (2)~~ three (3) years or until their successors are duly elected and installed. Elected officers will assume official duties on the first regular scheduled meeting in January, after the election.

The following is a proposal to change Article VI, Section 6.5 of the By-laws of NALC Branch 214. It is proposed that we delete the parts that appear in strike though and that we add underlined sections.

5. For the faithful performance of their duties, the full-time officers shall receive the following annual salaries, payable biweekly:
  - a. President: 115% of the highest-grade, highest-step annual salary paid to Letter Carriers ~~(currently Level 6, Step O)~~. (currently Letter Carrier Grade 2, Step O).
  - b. Executive Vice President, Vice President, Secretary-Treasurer, and Field Director, each: 112% of the highest-grade, highest-step annual salary paid to Letter Carriers ~~(currently Level 6, Step O)~~. (currently Letter Carrier Grade 2, Step O).
  - c. Assistant Secretary-Treasurer: highest-grade, highest-step annual salary paid to Letter Carriers (currently Letter Carrier Grade 2, Step O).

The following is a proposal to change Article VI, Section 7 of the By-laws of NALC Branch 214. It is proposed that we delete the parts that appear in strike though and that we add the underlined sections.

## ASSISTANT SECRETARY-TREASURER

**SECTION 7.** The Assistant Secretary-Treasurer shall be a full-time officer of Golden Gate Branch 214. He/she shall preside in the absence of the President, the Executive VP, the Vice President, the Secretary Treasurer, and the Field Director. The Assistant Secretary-Treasurer shall be responsible for the Branch payroll, including all attendant records and necessary reports as required by law. The Assistant Secretary-Treasurer shall also perform the duties of the Office of Treasurer as set forth in Article VI, Section 5 of the National Constitution of Federal and Subordinate Branches and shall perform other duties as assigned by the Branch, ~~president, being available for 20 hours a week and as needed. The Assistant Secretary Treasurer shall be paid the sum equal to 20 hours pay at level 6 Step O per week, payable biweekly. The Assistant Secretary Treasurer shall be entitled to 50% benefits, if not cov-~~

~~ered by the USPS, under section 5 of this Article and 50% of officer expenses under Article 12, Section 5.15.~~

## ARTICLE VII FEES, DUES, FINES AND ASSESSMENTS

### CURRENTLY READS:

**SECTION 1.** The current dues of Golden Gate Branch 214 (\$17.02 as of 5-4-99) shall be increased by an additional 40¢ beginning with the first pay period of the year 2000. Additionally, this amount shall be increased each January at the rate of 1/10 of 1% of any raise in the base salary.

### PROPOSED TO READ:

**SECTION 1.** The current dues of Golden Gate Branch 214 ~~(\$17.02 as of 5-4-99)~~ (\$23.55 as of 1-1-05) shall be increased by an additional \$.40 beginning with the first pay period of the year 2000. Additionally, shall be increased each January at the rate of 1/10 of 1% of any raise in the base salary.

### CURRENTLY READS:

**SECTION 3.** The dues of retired members of Branch 214 shall not exceed the annual per capita tax for retired members of the National Association of Letter Carriers and the California State Association of Letter Carriers.

### PROPOSED TO READ:

**SECTION 3.** The dues of retired members of Branch 214 shall be twelve dollars (\$12.00) per year. ~~not exceed the annual per capita tax for retired members of the National Association of Letter Carriers and the California State Association of Letter Carriers.~~

### CURRENTLY READS:

**SECTION 7.** Any member failing to pay any fine, assessment or monthly dues within thirty (30) days after the same shall become due shall forfeit his membership. He or she shall vacate any office held in Branch 214 effective on the date of such forfeiture. He or she shall not be entitled to vote in the business of Branch 214 and he or she shall not be eligible for nomination or be elected to any office. The Secretary-Treasurer shall notify this member of his delinquent state within seven (7) days. He or she shall then be allowed an additional sixty (60) days in which to conform to his/her delinquent fine, assessment or dues.

### PROPOSED TO READ:

**SECTION 7.** Any member failing to pay any fine, assessment or monthly dues within thirty (30) days after the same shall become due shall forfeit his membership. He or she shall vacate any office held in Branch 214 effective on the date of such forfeiture. He or she shall not be entitled to vote in the business of Branch 214 and he or she shall not be eligible for nomination, ~~or~~ be elected as a compensable convention delegate, or elected to any office. The Secretary-Treasurer shall notify this member of his delinquent state within fourteen (14) ~~seven (7)~~ days. He or she shall then be allowed an additional sixty (60) days in

(continued on page 14)

**By-laws** (continued from page 13)

which to conform to his/her delinquent fine, assessment or dues.

**ARTICLE XII**  
**FUNDS**

**CURRENTLY READS:**

**SECTION 3.** ~~There shall be a Convention Fund, comprising of a fixed amount of two thousand one hundred dollars (\$2100.00) per month. Any additional proceeds from Branch functions may also be included.~~

**PROPOSED TO READ:**

**SECTION 3.** *There shall be a convention fund; the amount shall be determined by the Budget Committee based on the convention sites and the provisions set forth in Article V.B.5. At the Budget Committee meeting immediately following the last convention, the committee will base the number of compensable delegates to budget for on the prior number of compensable delegates who attended the last conventions. The amount shall be set divided between the budgets following and approved by the members at a regular meeting. Any additional proceeds from Branch functions may also be included.*

**REFERENCE ARTICLES**  
**FIXED EXPENSES**

**SECTION 5.** A committee to be known as the Budget Committee shall allot the financial obligations for each six months of the year. They shall meet in September in order that they may make a report at the October meeting, and in March in order that they may submit a report at the April meeting of all the obligations for the ensuing six months. This committee shall ascertain the expected revenue of the Branch for the ensuing six months, and shall allocate the full amounts for all fixed expenses. All funds over and above this amount shall be placed in the General Fund. No motion shall be entertained to remove money from the General Fund, unless approved beforehand by the Budget Committee, and in the event of their disapproval, by a two-thirds affirmative vote of those present and voting at a regular meeting.

**FIXED EXPENSES SHALL INCLUDE:**

1. Officers' salaries
2. Shop Steward expenses
3. Office expenses (Approx.)
4. Hall Rent
5. Social Security Tax
6. Unemployment Insurance
7. Funeral expenses (Approx.)
8. State Per Capita Tax
9. Dues to groups to which we are affiliated, and Per Capita Tax of like groups
10. Election expenses
11. Convention Delegate expenses (The amounts of this category fixed by Branch)
12. Attorney fees
13. Office rental
14. Legal counsel contingency fees

15. Officer's expenses
16. Good of the Order Committee (\$325.00) per month

Any other fixed expenses of this section may be added to or subtracted from by the usual changes in By-Laws

**REFERENCE ARTICLE**  
**ARTICLE V**  
**ELECTIONS**

**B. CONVENTION DELEGATES**

**SECTION 5.** Prior to the November Branch Meeting, the Budget Committee shall meet. They shall be responsible for determining a reasonable amount of money to be allowed each compensatory delegate to the upcoming State and/or National Convention. **THE COMMITTEE MUST TAKE THE FOLLOWING INTO CONSIDERATION:**

- A. The cost of round-trip lowest economy airfare to both the State and National Convention. If the convention city is not served by regular air service, or the cost to drive is lower than flying, then a reasonable travel allowance can be used, based on the IRS going rate.
- B. The average total union hotel costs: which shall be based upon the average price of a shared double room in the convention cities. Deadline for indicating roommates for convention purposes is December 20th. If a delegate chooses not to have a roommate or chooses to stay in another NALC approved union hotel, the delegate will only receive one half of the single room cost. If a delegate chooses to stay in a non-union hotel, the delegate will forfeit the hotel reimbursement, as long as there are union hotels and they are available.
- C. The cost of any delegate registration fees for both conventions.
- D. Per Diem rate based on the convention site location. The cost of the following National Convention breakfasts: HBP, MBA, Legislative, and Retirement and such funds shall be set aside in the Convention Fund for the HB Representative, MBA Representative, Legislative Liaison(s), and Retirees to attend such breakfasts, if they are delegates. The President may assign other delegate(s) to attend any NALC breakfast.

After having arrived at the total projected cost figures, the Budget Committee will then ascertain how many compensatory delegates we will then send to the upcoming conventions.

At the November Branch meeting, the Budget Committee shall report their findings to the membership. The members then in accordance shall have the opportunity to overrule or amend the recommendation of the Budget Committee. This shall require a two-thirds (2/3) vote.

If the number of members who are willing and eligible to be compensatory delegates exceeds the number arrived at by the Budget Committee, a secret ballot vote shall be held at the December Branch meeting, in order to determine which members shall be compensatory delegates to the State and/or National Convention.

In the event of any emergency, the members at the regular meeting may allocate any remaining Convention Fund money for Convention purposes ONLY. This shall require a two-thirds (2/3) vote.

# ANNUAL DINNER / DANCE HONORING THE RETIREES

Saturday Night, April 16, 2005 • No Host Cocktails 6:00 PM

🌀 **Deadline !!! Send Money by April 1** 🌀

**Italian American Social Club, 25 Russia (off Mission), San Francisco**

Theme: *Mardi Gras*

**Delicious dinner with wine 7:00 PM**

Roast Beef Italiana, Roast Chicken Rosemary plus antipasti, salad, pasta, dessert, etc. (Vegetarian upon request)

**Dancing after dinner** 🌀 Music by Luis Romero 🌀

Tickets \$25 for members and guests—Send coupon below

🌀 *Branch members who retired between May 2004 and April 2005 and guest receive complimentary tickets.* 🌀

Ticket Order – Mail to ANNUAL DINNER, Attn: Bill Thornton, NALC 214, 2310 Mason St., 4th Flr., San Francisco, CA 94133

Member's Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address / City / Zip \_\_\_\_\_

Send \_\_\_\_\_ tickets @ \$25 each. Enclosed is my check or money order for \$ \_\_\_\_\_

Guests name(s) \_\_\_\_\_

\_\_\_\_\_ I retired in 2004 – 2005. Send me my complimentary tickets. \_\_\_\_\_ Vegetarian meal requested.



Photos Branch 214 files

*Retirees Luncheon, December 2004*

GOLDEN GATE BRANCH NO. 214  
NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO  
2310 MASON ST., THIRD FLOOR  
SAN FRANCISCO, CALIFORNIA 94133



Address service requested

A Non-Profit Organization  
U.S. POSTAGE

**PAID**

San Francisco, Calif.  
Permit No. 10302

## STEWARD BRUNCH

### IT'S TIME TO HONOR YOUR HARD-WORKING SHOP STEWARD !

Sunday, March 6, 2005 • Gathering 10:30 AM • Brunch 11:00 AM

🌀 **Deadline !!! Send money by February 25** 🌀

**H's Lordships Restaurant, 199 Seawall Dr., Berkeley**

*Delicious Brunch with champagne includes:* Fresh Fruit, Seafood Salad, Oriental Chicken Salad, Caesar Salad, Grilled Marinated Salmon, Roast Beef Au Jus w/Carver, Scrambled Eggs, Waffles, Crisp Bacon, Gilled Sausage Links, Potatoes O'Brien, Muffins and Danishes. *Beverages:* Orange Juice Station, Coffee and Tea Station.

*Desserts include:* An Assortment of Cakes, Pastries and Chocolate Mousse

🌀 Music by Luis Romero 🌀

**Tickets \$15** for Stewards, Members and Guests — **\$7.50 Children** 4 to 12 yrs

✂ Ticket Order – Mail to STEWARD BRUNCH, Attn: Jerome Tercero, NALC 214, 2310 Mason St., 4th Flr, SF, CA 94133

Member's Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address / City / Zip \_\_\_\_\_

Send \_\_\_\_\_ tickets @ \$15 each. Send \_\_\_\_\_ Child tickets @ \$7.50 each. Enclosed check or money order for \$ \_\_\_\_\_

Adult Guests Name(s) \_\_\_\_\_

Child Guest Names(s) \_\_\_\_\_

Toddler Guest Name(s) and Ages \_\_\_\_\_

I will need \_\_\_\_\_ Booster seats for Toddlers. I will need \_\_\_\_\_ High Chair for Toddlers.

## Annual Dinner/Dance Honoring Retirees

*April 26, 2005*

*Theme: Mardi Gras*

**See ticket order  
– Page 15**

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- **Steward appreciation** – Page 6
- **E-Activist Network** – Page 7
- **FMLA rights** – Page 11