



Branch 84 Newsletter

Representing Letter Carriers in Southwest Pennsylvania May - June, 2017

841 California Avenue

Pittsburgh, PA 15212-3808

Phone: 412-321-3795

Toll Free: 1-800-872-2338 Fax: 412-321-4955

Email: nalcbr84@nalc84.org

Website: www.nalc84.org

President's Report

Ted Lee

Contract Status

There are no new updates concerning our contract, at the time this article was written. However, I hope to learn new information by early May. By that time, I will have attended the Committee of Presidents meeting in Chicago on April 30th and May 1st. At this meeting, President Fred Rolando is scheduled to address all of the 225 Branch Presidents scheduled to attend from across the country. I suspect the contract will be brought up. President Rolando, also, will meet with 20 of those Branch Presidents in a separate meeting. (I am one of the twenty he will meet with separately). I will ask questions, take notes and report back to the membership on any developments especially, any information on contract talks.

Uniforms

Summer will be here soon and with that comes different focuses from management. We received an early indicator of a probable focus in the form of a Memorandum from the Postmaster City of Pittsburgh. It is dated April 17, 2017 and is also a mandatory stand-up talk, addressing Uniform Compliance. Attached to the talk is applicable ELM (931) language about uniforms. There is also the M-41 Section 112.5 language concerning *neatness and Example*. I shared all that for the obvious reason that; uniforms and appearance will

probably be a hot button topic for the summer season. The Unions position is uniforms should be clean and neat. However, managements' opinions on appearance are subjective. Due to the following; a Carrier uniform can be clean yet have the appearance of being dirty given the active and physical nature of our job. There is also the issue that newer employee's may or may not have been issued clothing allowances or credit cards to obtain uniforms. All employees who are past their probation period, are eligible for a clothing allowance. A CCA will obtain an authorization form from their manager for their allowance, and Full-time employees should have received a credit card with their allowance on it. CCA's are running into the problem that some managers still do not know how to process a uniform allowance. If you are having trouble obtaining your allowance, let your Steward know. With that, being said, the Union will monitor management enforcement of *uniform compliance* and make sure any discipline is grieved and not used to **target carriers**.

Pre-Load Test

The Headquarters Management, Parcel Pre-Load Test that was being conducted in Mt Oliver has been suspended until further notice. There were technical turn by turn issues, lack of space in the two-tons once the pre-loaded shelves were loaded onto them and management and drivers were frustrated

with how long it was taking for the test daily. I will keep you posted on future developments involving this test.

3996 reminder, they are not optional. If you believe you will not make it back in the time **management expects, fill one out!** *Recent Arbitrations have ruled against carriers who were disciplined and did not fill one out!* Do not roll the dice or think he or she doesn't fill one out, why should I? (Because that is an argument and a possible EEO). Not a winnable contention in an arbitration hearing. We always use that argument and it does not work! **The reason is because, submitting a PS Form 3996 is part of a Carriers Reporting requirements. We cannot get past these words in future appeals.**

L/M Meetings

- Canonsburg's meeting was 4/13/17. The minutes will be presented via joint service on a date to be announced.
- City of Pittsburgh's meeting was held 4/12/17. The Agenda, minutes and sign in sheet have all been posted to the Web site.
- McKee's Rocks is scheduled for May 3, 2017.

As always if your Station is having issues contact the Hall. Pat, Randy or myself and we will schedule a L/M Meeting if issues continue to affect your work environment.

The Letter Carriers Annual Food Drive

I would like to extend a special thanks to 'President Emeritus' Mike Plaskon for being a friend, mentor and for volunteering his time to be our Branch Food Drive Coordinator. (May 13, 2017) Again, Mike's efforts last year yielded over 1,000,000 pounds of food collected for Branch 84. This

was the most we ever collected on the one day event.

As in past years the Food Drive will be taking place the second Saturday in May. This year's food drive is going to happen on May 13th and everything is in place. Our Food Drive Coordinator, Mike Plaskon, has gotten all the bags and cards ready to go out to the branch for delivery.

As I told the Shop Stewards to ask for help from our retired members, I'm also making an appeal from this forum. If you are scheduled off that day or are retired, all you need to do is call one of our Shop Stewards and volunteer a few hours of help on the drive. We all will benefit.

By Law Changes

Article VI, Section 9 of the Branch By-laws reads in part:

The Board of Trustees shall examine and report to the branch, the condition of the books of the Treasurer and MBA/NSBA Representative once a year within 75 days after the end of the first six (6) month period...

The By-laws need to be modified to read in part:

The Board of Trustees shall examine and report to the branch, the condition of the books of the Treasurer and MBA/NSBA Representative **at least every six months** within 75 days after the end of the first six (6) month period

This change in the by laws will be voted on at the May 25 2017 meeting.

On a sad note.... Longtime member Ron Blank passed away on April 13th. He was a friend, mentor, and one of the first stewards I ever dealt with. He will be missed and may he rest in peace.

Weingarten Rights: Randy Ball, EVP

Reprinted in part from CCA Resources Guide.

Prior to employees being disciplined by management, generally they will be given a pre-disciplinary interview (PDI) or an investigatory interview (II) by management. If you are given one of these interviews, there is no doubt your supervisor or manager is looking for information to use against you so they can issue you discipline. **All letter carriers, (regardless of how long they have been employed) have Weingarten Rights, which means you have the right to have a union steward present during a meeting in which management asks you questions that could lead to discipline.** Stewards can assist you in any investigation by management and help ensure you get your "day in court." If called to a meeting with management, U.S. postal inspectors, or an Office of Inspector General (OIG) agent, read the following statement to the person you are meeting with before the meeting starts:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Without my Union representation present, I respectfully choose not to answer any questions or participate in this discussion."

U.S. postal inspectors are federal law enforcement officers who carry firearms, make arrests, execute federal search warrants, and serve subpoenas. Inspectors work with the U.S. Attorneys' Office, other law enforcement, and local prosecutors to investigate cases and prepare them for court. Inspectors throughout the country enforce roughly 200 federal laws related to crimes that adversely affect or entail fraudulent use of the U.S. Mail, the postal system, postal employees, and customers.

Office of Inspector General (OIG) agents are utilized by the Postal Service to investigate internal crimes and frauds against the Postal Service. These agents conduct investigations in areas such as: • Contract Fraud • Financial Fraud • Healthcare Fraud • Internal Mail Theft • Official Misconduct • Technical Investigations • Special Inquiries • Whistleblower/Reprisals. OIG agents also investigate bribery, kickbacks, extortion, conflicts of interest, and allegations against Postal Service executives. In addition, the Office of Investigations combats fraud and theft through the Countermeasures Directorate's crime prevention efforts.

Weingarten Rights have been afforded to employees because of federal labor law which was created in the U.S. Supreme Court ruling *NLRB v. Weingarten, INC.*, 420 U.S. 251 (1975). After that ruling from 1975, it created what is known as the Weingarten rule, giving each employee the right to representation during any

investigatory interview which he or she reasonably believes may lead to discipline.

This rule applies during any investigatory interview - whether management is searching for facts and trying to determine the employee's guilt or deciding whether to impose discipline. These questions could be posed during a closed-door meeting, through text messaging, a phone conversation or through an informal conversation at the supervisor's desk. In any situation, if the employee reasonably believes that discipline could result, they have Weingarten representation rights.

Whether an employee's belief is "reasonable" depends on the circumstances of each case. Some cases are obvious, such as when a supervisor asks an employee whether he discarded deliverable mail. Generally, if you are asked a question concerning something you allegedly did wrong, you should reasonably believe that discipline could result and you should request a steward. The steward cannot exercise Weingarten Rights on the employee's behalf. And unlike "Miranda Page 23 Page 8 Rights" which involve criminal investigations, the employer is not required to inform the employee of the Weingarten right to representation. **You must ask for representation yourself. You can ask at any point during an interview, even if you didn't ask for it in the beginning.** *No matter how smart you think you are, no matter how innocent you are, you should never under any circumstances participate in an investigative interview without a steward present.*

Employees also have the right under Weingarten to a pre-interview consultation with a steward or other union representative. Federal courts have extended this right to pre-meeting consultations to cover Inspection Service interrogations as well. No matter who is questioning you, if you believe the questioning could lead to discipline, then you have the right to have union representation present during the line of questioning.

In a Weingarten interview the employee has the right to a steward's assistance, not just a silent presence. The employer would violate an employee's Weingarten Rights if it refused to allow the representative to speak or tried to restrict the steward to the role of a passive observer.

Although postal employees are required to cooperate with postal investigations, the carrier still has the right under Weingarten to have a steward present before answering questions. In the event a steward is not made readily available or if a steward is not present after you have asked for one, you may respond that you will be willing to cooperate in any investigation, but you will only answer questions once a steward is provided.

From the Sidelines

Gary Bluestone, Happily Retired

I don't know how old you have to be or how long you have to be retired to tell stories of "how it used to be" or the "good old days". If I'm overstepping my boundaries, I apologize, but I'm going to go on anyway.

Since I've been retired, and although I don't make a habit of it, seeing some day-time TV is unavoidable. By and large, it's awful. But, I have noticed something that I initially thought was odd. A large percentage of commercials on day-time TV are either for drugs that will cure a condition that you previously didn't even realize was a malady (irritable bowel syndrome, for example); or, the ads are for attorneys who will sue for the side effect those drugs cause.

The drug ads usually spend a couple of seconds describing what they will "cure" and the rest of the commercial listing side effects. I especially like the ones that increase suicidal tendencies. Most of the time it seems that what it will resolve isn't worth what it might cause. Plus, they always say that you shouldn't "drink alcohol in excess" while taking the medication. What's up with that?

The lawyers are the more interesting thing to me. When I was younger (I apologized for this earlier), attorneys didn't advertise, it was considered unprofessional and even tacky. Now they're pitching their "talents" everywhere – TV, radio, print, etc. In addition to taking on the pharmaceuticals industry, they seem very anxious to sue for accidents that you have suffered or for the OWCP case that you are having trouble getting paid for. This is where I start to have my disconnect.

Let me start with the OWCP. If you have an on-the-job injury, don't even think about calling one of these firms. As soon as they find out that you're Federal, more specifically Postal, they won't touch your case. There are several reasons for this, but the primary two are that they can't make enough money on their cut and that Federal agencies, specifically the Postal Service, will fight back. Most employers in the private sector carry Workman's Comp insurance. The Branch is even required to carry it as an employer. Lawyers can (and do) negotiate settlements with insurance companies; it's what they

both do. For the insurers, it's the cost of doing business. For the attorneys, it's a relatively easy pay day. A very small percentage of these cases ever go to a trial.

The USPS on the other hand is self-insured; there is actually a savings if they don't have to pay your claim. Because of that, they will contradict your case, claiming the injury was not job related or that it was due to willful negligence. Fortunately, as Union members, you have the NALC to go to bat for you when your injured on the job. We will help get your claim approved and paid. But again, unlike the private sector, a "win" against the Federal government will get your medical expenses and lost wages paid; but that's it. Even extremely traumatic injuries, like loss of a limb, have scheduled awards that are (in total) all you can get.

As for accidents, the lawyers' commercials make you believe they will sue for anything. One even lists: car accidents, tracker-trailer accidents, fall-down accidents, dog bite accidents, ANY accident! In the litigious world these attorneys have helped to create, nothing is your fault and somebody can always be sued. I'm reminded of the woman who got the \$1,000,000 plus settlement after spilling hot coffee in her lap pulling away from the drive thru. Doesn't this seem like a different world than the letter carrier reality?

How many service talks have I heard stating that "all accidents are preventable?" How many disciplinary actions have I defended for carriers being hurt by their own supposed negligence? How many removals or suspensions have been issued for vehicle accidents? Unlike lawyer-world reality, the Postal Service believes the carriers are responsible for every accident. To be honest, there were cases where the carrier was at fault; and some, unfortunately, lost their job for it. But, I could list many more cases where there wasn't fault or that the punishment was overly excessive.

I guess reality falls somewhere between these two versions. It's nice that the weather has gotten better so I'm not indoors watching the bad TV and weird commercials. I guess I still know how to rant. Be careful out there! If you are unfortunate enough to be in an accident or suffer an on-the-job injury, your union will help you with your OWCP claim or to defend against the Post Office's actions.

From the Health Corner

**Alex Criego, Health Ben. Rep/ MDA
Coordinator.**

Dear Brothers and Sisters,

In the past two months, there have been inquiries about Medicare.

I will attempt to simplify the questions. Please remember if you are not Medicare eligible and you think this does not affect you – please reconsider - you will be 65 years young before you know it. There are basically four parts to Medicare:

Part A:(Hospital Insurance) this is free to mostly everyone

Part B:(Medical Insurance) this is at a price. The cost are approximately around \$130 per month.

Part C:(Medicare Advantage Plans) these plans sell you additional insurance coverages.

Part D:(Medicare prescription drug coverage)

If you DO NOT apply for one or more Parts of Medicare you can still be covered under your FEHB program.

Part A of the Medicare coverage is FREE!
TAKE THIS COVERAGE!

Part C is an Advantage Plan. You see commercials on television about these plans and the additional coverages that they provide. The companies are pro profit businesses. If you have FEHB coverage and Medicare coverage, my strong opinion is you do not need this additional coverage. As always, this is your choice.

Part D is for prescription drugs. If you are enrolled in the NALC FEHB plan you are already in a prescription 'coverage' option. This takes me back to part C of Medicare. This is an additional coverage option that is at cost for you if you opt to take Part C.

Part B is your Medical Insurance coverage. I saved this for last because people do not want to opt into this coverage. The main reason is because approximately \$130 per month will be deducted from your SSA or your pension check. This cost seems to be the determining factor of acquiring this coverage. If you do not opt into this coverage there is an enrollment penalty of 10% increase for every 12 months

you are not enrolled. (this penalty will not effect you if you are currently employed). This coverage is to help pay for premiums, co-payments etc..

In your later years of life or in your current years you may become ill - this coverage helps pay for additional costs. I cannot tell you to opt into the Medicare program the choice is an individual decision.

Please weigh all your options and make the appropriate decisions.

Retired Letter Carrier Association

The regular quarterly meeting of the Branch 84 Retired Letter Carriers Association will be held just prior to the Branch monthly meeting on June 22nd. All retirees are welcome and encouraged to attend.

Retired Brothers and Sisters,

An organization, Pittsburgh OASIS Tutor Program is seeking people willing to tutor and mentor children in reading and language skills. This program is designed for children in kindergarten through fourth grade.

Tutoring will be held in the Pittsburgh Public Schools or the Woodland Hills Schools Districts. Training will be provided.

If interested in changing the life of a child you can contact John D. Spehar, Pittsburgh OASIS Tutor Program Director at (412) 393-7648 or e-mail jdspehar@oasisnet.org.

OSIS is an affiliate of Greater Pittsburgh Literacy Council

Correction to the last newsletter EVP article.

A good soul informed me that I forgot to include Self plus one as a qualifying option. The article should have read as follows with the correction bolded.

If you want your surviving family members to continue your health benefits enrollment after your death, you must be enrolled for Self and **Family/Self plus One** at the time of your death, and at least one family member must be entitled to an annuity as your survivor.

Membership Report

The Branch welcomes the following new members:

Alexander III, Lawrence, Pa Station
Antonelli, Stephen, Pleasant Hills
Anzur, Eric, Aliquippa
Bianchi, Michael, Cedarhurst
Bruni, Sonninop, Upper St Clair
Byers, Robert, Homestead
Canty, Chardae, Pa Station
Carter, Marlon, Ambridge
Delehanty, Edmund, Swissvale
DeLuca, Andrew, Blawnox
Ehrlichman, Rachel, Homestead
Firanski, Amber, Coraopolis
Grim, John, Monroeville
Hawkins, Jeremy, East Liberty
Hempfling, Evan, Coraopolis
Johnson, Robert, Sharpsburg
Karfelt, Richard, East Liberty
Kenney, Anthony, Aliquippa
Loose, Nichole, McKnight
Lyons, Kraig, Mt oliver
Maglin, Gary, Pleasant Hills
Natter, Michael, Mt Oliver
O'Shea, William, Greentree
Owczarzak, Mark, Ambridge
Saunders, Tymon, Greentree
Skeffery, Frenchie, Swissvale
Sloan-Malloy, Jonathon, McKnight
Snedeker, Beth, Ambridge
Sudie, Benjamin, Monroeville
Vavra, Jason, East Liberty

We congratulate the following members on their recent retirements:

Berestecky, Eugene, Bridgeville, 28 years
Calderone, Sam, Millvale, 26 years
Depasquale, Kerry, Baden, 29years
Feltenberg, David, Ambridge, 36 years
Goode, Mary Ann, Plum, 32 years
Hardy, John, Aliquippa, 35 years
Koshar, Edward, Greensburg, 18 years
Leyland, Randall, Penn Hills, 34 years
McCusky, Patrick, Observatory, 33 years
Woods, Joe, Uptown, 32 years

Last newsletter we inadvertently listed Ken Trader as 20 years and it should have been 30 years

Congratulations the following members on their conversion from CCA to Full-time:

Bailey James – Penn Hills
Bottinelli Ryan – South Hills
Degennaro Brandon – East Liberty
Dusch Regis – McKnight
Feliciano Jr. Edwin – PA Station
Fletcher Marlon – Mt. Oliver
Gittens Cyril – Mt. Oliver
Jones Philip – Ellwood City
Kagels Kelly – Greentree
Kennedy-Wilkes Shantell – Mt. Oliver
Krieger Jr. Steven – Monroeville
Lane I Donte – PA Station
Lowen Maria – Greentree
Newell Alexander – East Liberty
Sawchak Daniel – Monroeville
Slahtovsky Sethe – McKnight
Smith Jr. Gerald – Penn Hills
Stevens Angela – Pleasant Hills
Terry Alexander – PA Station
Wiggers Ray – Ambridge
Zukiewicz Jeffrey – Greentree

Financial Report

The Branch had the following bank balances as of March 31, 2017:

Associate Fund	\$ 60,058.23
Convention Fund	26,718.56
Officers Fringe Benefit Acct.	21,865.84
Building/Scholarship Fund	<u>39,123.31</u>
Total All Funds	\$ 147,765.94

BAND MEMBERS WANTED:

Branch 84 has sponsored a marching/concert/convention band since the mid-1920s, but over the years, the band, under various directors, had reorganized. The present Branch 84 band (also called the Clyde Kelly Band) was reorganized in 1961, and it continues to represent the Branch in local parades and concerts ... five or six performances each year between Memorial Day and Halloween. Because of aging and lost members, the band, to maintain its vitality, is soliciting for new members in the brass, woodwind, and percussion (no strings) sections. It welcomes letter carrier musicians to join the band, subject to an easy audition. If interested, please contact Mike Schuler (412-862-9300) or Sam Manganello, interim band manager (412-824-2526).



Branch 84 Family Picnic

Sunday, Aug 13th
Riverplex at SandCastle
West Homestead next to the Waterfront

Noon until 6 pm

Food, Soft Drinks & Beer
Spin and Sand Art

Trackless Train
Door Prizes

Inflatables for the kids
Bingo

Bring the family! Come on out and have a good time!
Pre-registration required

Discounted SandCastle tickets are available, but are not included with the picnic. Check the box on the response form if you want information for the waterpark.

**** **** **** Picnic Registration Form **** **** ****

Member & Family:

Guests:

Member: _____

Spouse: _____

Dependent Children over 3 yrs old:

Cost per Guest is \$15

Make check payable & mail to:

Total Cost per Family is \$5.00

**Branch 84 Picnic
841 California Avenue
Pittsburgh, PA 15212**

Deadline to Register: Mon. July 31th!

____ **Please send me information on SandCastle tickets**

National Assoc. Of Letter Carriers
Clyde Kelly Branch 84
841 California Avenue
Pittsburgh, PA 15212

Non-Profit Org.
U. S. Postage Paid
Pittsburgh, PA
Permit No. 3141

Return Service Requested

Spring Cleaning Time? Clothing Donations:

Are you retired, getting ready to retire, or have you outgrown your uniforms? Please donate your old, clean uniforms to the Branch. Your donations help the new CCA's that don't get their clothing allowance until they are out of their probation. You can drop off any still wearable uniform items at the branch office during regular business hours or on any meeting night. If getting to the Branch is not convenient, then get in touch with the steward of your closest Post Office and ask them to either drop your donation off at the meeting or get in touch with the Hall for an officer to pick it up at the their station.

Calendar

May 22	Steward Training @ 7:00
May 25	Branch Meeting @ 7:30
May 29	Memorial Day Holiday
June 5-6	Congressional Breakfast
June 22	Branch Meeting@7:30
July 4	Independence Day Holiday
July 11	Retirees Picnic @North Park
July 27	Branch Meeting@7:30
Aug 13	Picnic at Sandcastle
Aug 24	Branch Meeting @ 7:30
Sept 4	Labor Day Holiday
Sept 25	Steward Training @ 7:00
Sept 28	Branch Meeting @ 7:30
Oct 23	Steward Training @ 7:00
Oct 26	Retirees Luncheon @ 11:45
Oct 26	Branch Meeting @ 7:30