

The Pavement Pounder



AUGUST 2003

Bountiful * Lehi * Magna * Midvale * Murray * Salt Lake * Sandy * Taylorsville * Tooele * West Jordan * West Valley

The President's Corner

By Mike Miller

[Correction on ACO Article in the July pavement pounder](#)

The issue I want to discuss with everyone has to do with the ACO, and their insistence on asking for “The nature of your illness when you call in sick.” I also want to talk about the ACO operator asking those who call in for their symptoms or for you to diagnose yourself. As I have told the Steward’s at training, I want a grievance filed on each incidence. I don’t want you to make a digital or tape recording of the conversation, but I do want each of you to write out a statement as to everything that the ACO operator asks you or says to you. And then call your Steward and inform him or her of the conversation so they can take the appropriate action.

The ACO is not entitled to know the nature of the illness, the only information they have a right to, is that information which is required on the Form 3971. If the information is not required on the 3971 then the ACO operator should not be asking for it. I have had several people call and inform me that the ACO is asking them to diagnose themselves, we are no more a doctor then the ACO operator is and can no more diagnose ourselves then they can. Your answer in each of these cases should be to inform the ACO that you are not a doctor and all you can tell them is that you are ill and incapacitated and cannot perform your duties for the day.

The ACO is not entitled to sensitive medical information, nor are you required to provide it. In many cases the FMLA coordinator will demand medical information over the phone to establish eligibility for FMLA leave. The FMLA coordinator is not allowed to ask for that information over the telephone, even though he may think he is.

According to our Business Agents office, the FMLA coordinator is allow to store FMLA forms that have sensitive medical information on them, as long as they are kept in a locked and secure location. But they cannot keep and store medical documents attached to the FMLA form, and when the ACO receives these attached documents they must forward them to the medical unit to be stored in your medical file. We were instructed to inform everyone that if you do not want the ACO to see and have sensitive medical information then it is your responsibility to make sure your doctor does not put anything on the form of that nature. There is a way to word your condition and not have it be sensitive in nature and qualify for FLMA, but it is your responsibility to ensure it is worded correctly. And if you send medical documents as an attachment, send them to the medical unit and not the ACO.

Under Postal Regulation and the Privacy Act, the ACO is required, when they receive sensitive medical documentation as an attachment, to forward it to the Medical Unit so that it can be filed. But lets go one step further, if you are required by the FMLA coordinator to

provide medical documents for an FMLA absence, please do not give it to your supervisor or the ACO, fax it directly to the Medical Unit %Nurse Joyce Halterman, who will in turn call the ACO and let them know whether or not you qualify for FMLA leave. The nurse will then file those medical documents in your medical file.

You're not required to give the ACO any sensitive medical information over the phone concerning an FMLA qualified illness or injury. All you are required to inform the ACO of whether or not the illness or injury qualifies for FMLA, and then the determination as to whether or not it actually does qualify will be determined when you turn in your paperwork to the Medical Unit. You're not a doctor and neither are they, and therefore neither of you is qualified to make that determination, only your doctor is.

And if the ACO demands that you provide medical information over the telephone or threatens to require you to obtain certification for your absence if you will not diagnose yourself or give him your symptoms, then follow the order and go to doctor and obtain the certification and we will file a grievance for the cost of the certification and grieve the improper conduct of the FMLA coordinator. When this happens I need you to write a statement of the telephone conversation as to exactly what was said by the ACO operator and send a copy to myself and give one to your steward for the grievance. We can't stop this from happening if you don't give us the ammunition to stop it with.

One more thing, your supervisor has the authority to determine whether or not you have to provide medical certification, not the ACO. The ACO can instruct you to provide certification upon your return to work, but if you disagree with the ACO's instructions, and you know you have never abused your sick leave and don't feel you should be required to provide certification, you have the right to call your supervisor and ask your supervisor if you have to provide certification upon returning to work. And if your supervisor disagrees with

the ACO, then they have the authority to override the ACO and not require medical certification. Your supervisor is the one with the authority, not the ACO operator. The ACO operator is not your supervisor and has no authority over you, they are simply an operator who answers the telephone when you call in sick.

I'm sick and tired of hearing people tell me how they were treated by the ACO operator, and made to feel like they had to provide sensitive medical information or else they would be ran AWOL for the absence, and this needs to stop now. But the only way we can stop it is to take notes of the telephone conversation and who you talked to, and inform your steward so that they can file the appropriate grievance. Maybe when managers start to feel the pinch of all the grievance hours they have to eat because of the ACO's arrogance, they will start making the ACO take ownership for their mistakes and start making the ACO eat those grievance hours.

So until next time, take care and don't let the ACO stress you out. Know your rights, and make management aware that you know your rights.

National will be sending out a video concerning the Postal Service as it reaches a critical cross roads, to every letter carrier whether they are a member or not. President Young will be encouraging everyone to get involved legislatively, stating that the "NALC needs as many well-informed activist as we can recruit." I encourage all of you to play the video with your families and listen to the message that our National President has for all of us. And I encourage every one of you and your families to take President Young's challenge and get involved legislatively with Postal Reform. Brothers and sisters we need all of the help we can get, anyone who doesn't think there jobs are in real danger is sadly mistaken. One vote by the House and the Senate can take everything away from you. One vote can undo everything the NALC has worked so hard for its members over the years.

We need all the volunteers who are willing to spend the time and energy it will take to convince our political representatives to do the right thing.

Our National Office will also be sending out sign-up forms soon, to enlist a highly motivated legion of legislative activists. And our branch legislative representative, Phil Rodriguez, will be spearheading the project for Branch 111, and he and your steward will need all of the help and support you can give them. Whether it is to write a letter, make a phone call, or stuff envelopes, whatever it is that he needs help with I encourage you to sign up as a legislative activist and support him and the NALC as a whole. I also read in the Postal Record that there is going to be a sign-up system on the NALC website for legislative activists to sign up on, details will be announced when the system is ready.

National has also finished getting implementation of automatic pay-roll deductions for COLCPE. I have talked about this at the last two union meetings, and now later this month it will finally be ready for everyone to designate how much they want to donate to COLCPE by simply using the PostalEASE system. This is something we have been waiting for, for a long time, and something we really need in order to increase our political clout in Washington DC.

If I remember correctly, UPS spent somewhere in the neighborhood of \$27 million dollars last year on legislative issues that were directly related to USPS and letter carrier issues. And I guarantee you they weren't lobbying in favor of a healthy Postal Service, or a more secure job for letter carriers. If anything they were lobbying against anything that would help make the Postal Service more solvent and financial stable, in order to secure their position in the private sector. They, along with Fed Express and others would like nothing better than to see us fail at our attempts to become more competitive with those in the private sector.

We need to take advantage of the automatic parole deduction for COLCPE. We need to sign up with the PostalEASE system and contribute as much as we can afford, or until it feels good. President Young stated in his article that if every letter carrier contributed one dollar a week we would have \$11 million to contribute to those political leaders who support letter carrier issues. I personally intend on contributing \$5 per pay period to COLCPE, and I encourage every one of you to contribute until it feels good. The more money we have in the legislative fund the more clout we have in DC. It's going to take a lot of money to be able to secure a more stable Postal Service and our Jobs, and it's going to take a lot more than \$11 million to compete with those fighting against us.

[Vice President Article By Kirk McLaughlin](#)

It getting to the time of year where management is starting to do route inspections, now what makes it easier for the union to verify your times is to use 3996's and to designate to the route you are assisting that day on the transactor. The 3996, also known as the "Carrier-Auxiliary Control Form" is what all carriers should be filling out every time they are going over 8 hours. Management is then required to approve or disapprove the time asked for, by filling out the 3996 when management starts the morning go around to find out how you're going to be for

the day. Using the 3996 should eliminate some of the confrontation over their DOIS numbers. You also should be aware that you have the right to change your estimate at any time you become aware of something that will change your estimate, such as becoming aware there are more parcels than normal, or that you have a full coverage in your DPS. At that point you should go back in and change your estimate and let management know that you have revised your estimate.

Here is a list of reasons that can be put on the 3996's as reasons for your estimated time, but the most important thing to remember is that you have a right to list anything on the 3996 that you feel is going to put you into an overtime situation.

- **Deviation for Express Mail**
Review CFS
- **Severe weather**
Sloppy mail (ADVO inserts, ect.)
- **Feeling ill**
Customer phone call
- **Under medication**
P.M. clean up
- **Traffic construction/ delays**
Stand-up
- **Unfamiliar and or new on route**
Safety Talk
- **Medical restrictions**
DPS mail problems
- **Thin mail**
Work on case labels
- **Utility bills**
Excessive Change of address cards
- **Samples**
Power outages, fire drills, ect...
- **Late leaving**
Garbage day
- **Full coverage**
Union time
- **Doctor appointment**
Double casing
- **New case labels**
Split route

- **Excessive parcels**
Excessive mail volume
- **Excessive carriers mark-ups**
Accountable more than normal
- **New deliveries**
Check form 3982's (pink or green cards)
- **Talking to supervisor**
Excessive hot case mail

Be sure to ask for a copy back of the 3996's. There could be more reasons; these are just a few of those we came up with at stewards meeting.

Now lets talk about the CARE survey that is going on out there. We as a union voted not to participate in the local CARE survey because management did not follow through as they had promised the union they would. Now the national survey is one that we are encouraging everyone to fill out and to give honest answers to. "NO to CARE, YES to the NATIONAL SURVEY"

Also "PTF Survival Training" is on Thursday August 6th at the union hall down stairs, and I encourage all of the newer PTF'S to come and get training on how to make their 90 days and survive, and ask any questions you would like about carrying mail and how to handle the daily problems and issues as they arise.

"Report of the "Workforce Subcommittee" **Final Recommendations to the Commission**

The Workforce Subcommittee submits the following recommendations to the Commission:

1. Developing an Appropriately-Sized Workforce. As the Postal Service works to meet the challenges of the 21st century, it must develop a world-class workforce appropriate to fulfilling its universal service obligation. Fortunately, the Postal Service will soon be presented with a unique attrition opportunity with some 47% of current career employees eligible for retirement by 2010. The Subcommittee urges the Postal Service to take full advantage of this attrition opportunity and to exercise maximum discipline in its hiring practices in order to right-size and realign its workforce with minimal displacement.

2. Collective Bargaining: Process Improvements. The Subcommittee affirms the collective bargaining process and recommends that it be retained. However, the Subcommittee believes that the collective bargaining process can be improved to create additional incentives for the

parties to reach negotiated settlements, and, when the parties fail to reach a negotiated settlement, to ensure that arbitration awards are made within a reasonable period of time. In particular, the Subcommittee recommends the following:

- **Basic process.** A negotiation process, beginning 90 days prior to the expiration of an existing agreement, followed by a 30-day mandatory mediation process and, if mediation fails, an immediate 60-day interest arbitration process.

- **Mandatory mediation and “Med-Arb.”** The 30-day mandatory mediation process would be conducted by a mediator who would become a member of the arbitration panel should mediation fail. The purpose of the mediation process would be to either reach a negotiated settlement or to narrow the range of issues to be submitted to interest arbitration.

- **Interest arbitration.** The 60-day interest arbitration process would be conducted by a three person arbitration panel comprised of three neutral arbitrators, one having served as the mediator. The interest arbitration process would incorporate the Last Best Final Offer (“LBFO”) mechanism, and a 10-day period during which the parties would have a final opportunity to reach a negotiated settlement prior to the arbitration panel’s final award.

3. Collective Bargaining: New Subjects. The Subcommittee believes that the Postal Service’s pension and post-retirement health care plans should be subject to collective bargaining – meaning that the Postal Service and its unions should have the flexibility to develop new plans that are separate and apart from existing Federal pension and retiree health care plans. However, the Subcommittee is also concerned about the uncertain impact such a change would have on the Federal system as a whole and on other Federal employees in particular. As a consequence, the Subcommittee recommends that the Postal Service work with the Department of the Treasury, the Office of Personnel Management, and any other persons or entities deemed necessary to determine the impact separate Postal Service pension and retiree health care programs would have on the existing Federal systems. As a first step, the Subcommittee recommends that:

- The Postal Service be authorized to negotiate Federal Employee Retirement System (“FERS”) eligibility requirements and employee contributions;

- The Postal Service be authorized to negotiate the eligibility and retiree contribution requirements for the post-retirement health care component of the Federal Employee Health Benefit Program (“FEHBP”), specifically for future Postal Service retirees; and

- The current statutory requirement that “no variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on [July 1, 1971]” be repealed.

4. Pay Comparability. The Subcommittee recommends that the 1970 Act be amended to clarify the meaning of the term comparability, and that the new Postal Regulatory Board be authorized to determine comparable total compensation for all Postal Service employees. In determining comparable total compensation, the Subcommittee recommends that the Postal Regulatory Board be authorized to determine the appropriate sector(s) of the private sector workforce to be used as the basis of comparison. The comparability determination of the Postal Regulatory Board should be enforced as a cap on the total compensation of new employees. In addition, if the Postal Regulatory Board determines that a total compensation premium exists for current employees, the Subcommittee recommends that it be authorized to determine the appropriate period of time during which the premium must be eliminated, and to review periodically its initial determination and the Postal Service’s progress in eliminating the premium.

5. Pay-for-Performance. *The Subcommittee believes strongly that performance-based compensation programs are effective tools that, when designed correctly, can be used to align the goals of*

management and labor and result in improved efficiency and service quality. The Subcommittee, therefore, recommends that the Postal Service undertake a careful study of performance-based compensation programs for both management and represented employees, and that it work with the unions and management associations to design and implement a performance-based compensation program that is meaningful to Postal Service employees and assists the Postal Service in meeting its productivity and service quality goals.

6. Grievances. The Subcommittee believes that the current dispute resolution process must be revised if the Postal Service is to operate in accordance with the best practices of private sector companies with highly unionized workforces. As a first step, the Subcommittee recommends that the Postal Service work diligently with its unions to implement best practice grievance procedures, including those recently implemented by the Postal Service and the National Association of Letter Carriers.

7. Workers' Compensation Claims. The Subcommittee recommends that the Postal Service be provided relief from certain requirements of the Federal Employees' Compensation Act (FECA). Specifically, the Subcommittee recommends the following:

- The Postal Service should not be required to pay benefits until after the expiration of a three day waiting period;
- The Postal Service should be allowed to limit benefits to 2/3 of the maximum weekly rate; and
- The Postal Service should be allowed to transition individuals receiving workers' compensation to the Postal Service's retirement plan at such time as the employee would have become eligible for retirement notwithstanding the injury giving rise to the workers compensation benefits.

8. Executive Compensation. The Subcommittee recommends that the current statutory salary cap be repealed. The Subcommittee further recommends that the Board of Directors be authorized to establish rates of pay for officers and employees at levels competitive with the private sector, and that performance be considered by the new Board of Directors as a key component of the pay for senior executives.

9. Management Structure. The Subcommittee recommends that the Postal Service restructure its management to eliminate redundant positions and geographical divisions and standardize and clarify job functions. The Subcommittee also recommends that the new Board of Directors conduct a review of the entire management structure, size and cost to determine whether they are necessary and consistent with the best practices of the private sector and to require managers to justify their functions and the size of their staffs.

10. Accounting for Retiree Health Care Obligations. The Subcommittee recommends that the new Board of Directors review the current Postal Service policy relating to the accounting treatment of retiree health care benefits, and work with the Postal Service's independent auditor to determine the most appropriate treatment of such costs in accordance with applicable accounting standards and in consideration of the Postal Service's need for complete transparency in the reporting of future liabilities. The Subcommittee also recommends that the Postal Service Board of Directors consider funding a reserve account for unfunded retiree health care obligations to the extent that the Postal Service's financial condition allows.

11. Funding Military Service. The Subcommittee recommends that responsibility for funding CSRS pension benefits relating to the military service of Postal Service retirees be returned to the Department of the Treasury.

NALC
BRANCH 111
STEAK FRY
AUGUST 23, 2003
TRIPLE `D' RANCH
7070 W. 13090 S.
HERRIMAN, UTAH

FOOD, HAY RIDES, DANCING, HORSE SHOES,
VOLLEY BALL ,DOOR PRIZES

\$5.00 PER PERSON

SEE SHOP STEWARD FOR TICKETS

RETIREES CALL JOE ZABRISKIE (968-4208)

We would like to encourage all NALC members to come to the steak fry and bring their spouse or a friend. The steaks are great and only \$5.00 per person. So please make plans to be there for good food and a great time. All new carriers that sign up will receive to free tickets to the steak fry. Car pooling with friends will lower the number of vehicles there and a great way to have a designated driver for those who want to drink. **COME ON OUT AND HAVE SOME FUN**

NALC LOGO T-SHIRTS FOR SALE

We have branch T-shirts for sale. The T-shirts are \$6.00 each. Sizes XXXL are \$8.00 and the colors are white, blue, light blue, and other colors may be available. All T-shirts are union made ,good quality and 100% preshrunk. All shirts have our NALC logo on the back and a small logo on the front left shoulder. To purchase these shirts contact Tom Giron at the union office. (973-6705)

National Association of Letter Branch



ANNUAL RETIREES

DINNER

Thursday, Sept 18th, 2003
5:00 PM

Place: Home Town Buffet

5682 S. Redwood Rd

Cost: **Retiree & Spouse (or Guest) - *Free***

Active Carriers *must* pay

RSVP: Joe Zabriskie by September 8th

968-4208 or 973-6705

Need a ride? Call Joe by September 10th.

THE PAVEMENT POUNDER POLICY AND NOTICES

Union meetings are held at the Union Labor Center on the second Thursday of each month.

NALC Branch 111 Office:
2261 S Redwood Rd #14
Salt Lake City UT 84119-1330

Business Hours:
Mon, Wed, Fri 7:30 AM – 6:00 PM
Tues, Thursday 9:00 AM – 6:00 PM

Please call before visiting the Branch office to ensure someone is there.

Change of address: Please send your new address to the branch office if you have moved recently or are planning to move in the near future.

BrookField
Uniforms

Serving the Postal

Industry

For Over 40 Years

Statement of Policy

The Pavement Pounder newsletter is published twelve times a year. The Pavement Pounder is a publication of Branch 111. The articles printed in the newsletter are submitted by the senior union officers, members and Auxiliary of the branch to inform the members of events, news, educational matters and other material deemed for the good of the association. The appropriateness of articles published is determined by the editor. The Editor reserves the right to edit or reject articles submitted. The opinions expressed in the newsletter are not necessarily the opinions of the NALC or of Branch 111 or of its officers or editor.

LETTER CARRIER
UNIFORMS * UNION MADE

WORLD CLASS SERVICE

THE ULTIMATE
UNIFORM DELIVERY SYSTEM

Brookfield Uniforms
UNION MADE

George & Ethel Taylor
Retired Member – Branch 111
Featuring Weinbranner Shoes

187 North 1300 West Phone:(801) 355-0182
SALT LAKE CITY UT 84116 1-800 303-0182

National Association of Letter Carriers
2261 South Redwood Road, Suite 14
Salt Lake City, Utah 84119

Non-Profit
U.S. Postage Paid
Permit No. 1981
Salt Lake City, Utah

Calendar of Events

AUGUST 2003		
7 th	Exec. Board meeting	6:00 pm
14 th	Branch meeting	6:00 pm
20 th	Stewards meeting	6:00 pm

SEPTEMBER 2003		
4 th	Exec. Board meeting	6:00 pm
11 th	Branch meeting	6:00 pm
17 th	Stewards meeting	6:00 pm

OFFICERS BRANCH 111

PRESIDENT Mike Miller
VICE-PRESIDENT Kirk McLaughlin
TREASURER Mike Madsen
SECRETARY Sharla Groves
SGT-AT-ARMS Michael Wahlquist
MBA & COMPENSATION Jimmy Kerekes (254-2860)
TRUSTEES Barrie Frankland Joan Larsen John Groves
SAFETY & HEALTH Arlynn Venema
LEGISLATIVE Phillip Rodriguez
HEALTH BENEFITS Brigham Young (969-9343)
DIRECTOR OF RETIREES Joe Zabriskie 973-6705 or 968-4208)

PAVEMENT POUNDER EDITOR
Gean Ryans (801) 541-2716
pavementpounder@earthlink.net

Branch 111 Website Branch111.com

**National Association
Of
Letter Carriers
Branch 111**

<u>Branch 111 Vision Statement</u> Branch 111 will achieve solidarity through strength. Our strength will be the result of empowering our leaders and members through education, training, and involvement. We recognize our obligations as we embrace the principles of integrity, open communication, and unity.
--