

Official Publication  
Of Branch 111  
Home of the  
“Wasatch Branch”

Branch 111  
Chartered  
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# The Pavement Pounder



SEPTEMBER 2003

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

## The President's Corner

By Mike Miller

Well another Union Meeting has come and gone, and there were many of you who did not show up in order to become informed on the issues facing letter carriers now at this time. I know that there are times when things come up that make it impossible for us to attend meetings, but we need to attend as often as possible in order to stay informed of those issues that need our attention and support.

We are doing something new at the meetings to reward those who attend and that is that we have door drawings for door prizes at the end of the meeting. Last month the executive board decided to make one of those \$25 door prizes a progressive door prize. What I mean by that is that for one of the \$25 door prizes we draw a name from all of the names of those in the branch and if that member is not at the meeting then that \$25 goes into a pot to be added to next months \$25 and on and on until some lucky person happens to be present when the drawing takes place. We have over a 1,000 members in branch 111 and the average meeting attendance is between 75 to 100, so that pot could get really big before someone is lucky enough to get their name drawn.

Now at the August 14<sup>th</sup> meeting, Merrill Barnes' name from the Murray Station was drawn, and he wasn't at the meeting to win \$25. So next month at the September 11<sup>th</sup>

meeting the progressive drawing will be for \$50. Now \$50 is nothing to sneeze at brothers and sisters, so if I were you I'd make plans to be at the September 11<sup>th</sup> union meeting.

I was recently sent a letter from the Business Agents office congratulating the membership of Branch 111 for having increased our percentage of membership over the past 6 months. We have gone from 83.4% last quarter to 84.7% for this quarter, which is a 1.3% increase in membership for the branch in just one quarter, **that's incredible**. My goal for the branch by the end of this term in office is to break 90% in membership for the branch as a whole. And I have no doubt that we can do it with what everyone has demonstrated over the past 6 months.

I was going through the 1187 records for the branch, and discovered that we have had a total of 24 sign-ups since the first of the year, of those carriers who have never been members (Holdouts) or who were members at one time and dropped out. To me this is incredible. And that doesn't count all the new hires signed up by our organizer Tom Giron over the past 6 months. The total signed up since the 1<sup>st</sup> of January 2003 is 60 new members. This means that our organizer signed up a total of 36 new hires during orientation. From my recollection I believe there has only been one new hire that did not sign up at orientation and he didn't

make it through his 90 days, serves him right. Congratulations Tom, my hat is off to you for a job well done for Branch 111.

In Paul Price's letter he states that in just the last quarter we decreased our nonmembers by 10 carriers, and increased our membership by 16 carriers, which in my opinion is an incredible accomplishment for a 3 month period of time. And since we received that letter we have sent in an addition 4 new signups. And I would like to say thank you to all of the membership as a whole for your hard work and willingness to encourage nonmembers to join our union and be a part of the team. Especially at a time when we need their support the most, and now when it means the most. And most of all I would like to thank all of our Stewards and Formal A reps who have really made a diligent effort to get out and organize those who were holdouts and previous members for so many years. I could not ask for a better and more dedicated team to work with then the one we have right now. And I encourage them all to keep up the good work. My article this month is to encourage everyone to bring a nonmember into the union. You as

their friend and college have the best chance of convincing a nonmember to join the union. Ask them why they are not a member and work from there, call me at the office and we can talk about how to deal with their concerns. I've heard nonmembers say, when approached by someone to join, that the reason they had never joined was because no one ever asked them. Lets not let that be the case with any of the nonmembers in our Branch. Lets all make every effort to approach every nonmember in our work area, and encourage them to join. You get \$25.00 for signing up a nonmember brothers and sisters, and what you do with that \$25 is up to you, take the new member out for lunch and welcome them into the union and let them know how much we appreciate having them on the team.

Before I close I would like to challenge each of you to work on bringing in one nonmember this next quarter, better yet get together as a group and work on bringing in a nonmember. Good luck and we'll see you at the September meeting.

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## Vice President Article

By: Kirk McLaughlin

As I was reading the NBA's NEWSLETTER (National Business Agent) I came across some information that I would like to pass on to everyone.

One-fifth of the United States workers lost their jobs between 2000 and 2003. One-fourth of those workers earning less than \$40,000 lost their jobs during the same period, according to a recent study by Rutgers University and the University of Connecticut.

Under current conditions, workers confidence in the US economy and political leaders has tumbled to the lowest level since the work trend series began, according to the study. Fifty-four percent of the workers were laid-off had less than two weeks notice, and Thirty-four percent received no advance warning.

Now you are probably wondering why I bring this up, has everyone heard of **COLCPE**, it is the money that letter carriers donate so that our National Officers can use it to donate for political campaigns to those running for office that have the best interest of letter carriers in mind and for lobbying Congress and the Senate on issues that effect letter carriers. It's the **NALC's** goal to have every letter carrier contribute a mere \$1.00 per week in the automatic payroll deductions soon to be implemented by the USPS. When this happens the **NALC** will have the political clout to go toe to toe with our rivals. Our rivals have spent since the 1992 election cycle, FedEx has donated a total of \$11.17 million, UPS has donated a total of \$17.74 million, the Teamsters (who represent the UPS drivers) have donated \$77.57 million. This totals \$106.49 million of

political contributions in the past six election cycles. We, the NALC have donated \$10.97 million in that same time frame. Our “competition” contributes \$10 to every \$1 that the NALC Contributes.

Hopeful you are asking yourself how can I sign up? When our National Officers send you the COLCPE information mailing, **please** make the call, it’s very painless. It has taken the NALC a long time to get automatic payroll deduction for **COLCPE**. Here is how it works. First get a copy of the NALC’s *Postal Record*. There is a 7-digit personal identification number on the address label, and this is what you will need to sign up for a COLCPE payroll deduction. Then call the phone number (1-877-477-3273), select

PostalEASE (not thrift savings) and enter your Social Security number, then your USPS pin number (If you don’t have one you need to set one up with personnel). Then follow the automated voice prompts to complete the transactions.

After all, we all have homeowner’s insurance, car insurance, health insurance - isn’t it time that you had some job insurance? They are asking just for a \$1 per week that’s pretty reasonable and cheap, but if you can give more everyone will better off. Don’t think that your co-worker will give so you don’t need to give, that’s wrong; we all need solidarity to pull together for the sake of our jobs and our future.

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## **Jim Kerekes – MBA/OWCP**

OWCP considers five basic issues in determining the eligibility of an injured employee for disability benefits. They are titled:

- 1. Time**
- 2. Civil Employee:** an employee within the meaning of the FECA (Federal Employees Compensation Act).
- 3. Fact of injury**
- 4. Performance of duty.**
- 5. Causal Relationship** ( the medical condition found resulted from the event (s) leading to the claim).

### **1. Time:**

An employee has the following time limits. If the employee fails to meet the time limits, even if it is otherwise a valid claim, the claim will be denied. A notice must be filed within 3 years of the date of injury. If a claim is not filed in 3 years, compensation may still be paid if written, or verbal record was made within 30 days or the employer had actual knowledge of the injury within 30 days after it occurred. Also, if an employee’s medical record has any information it can also satisfy the compensation requirement. CA-1, CA-2, and CA-7 are provided to give written notice of injury and to claim compensation. Traumatic injury situations, time begins at date of injury. Occupational Diseases - time begins when the employee becomes aware or reasonably should have been aware of the medical condition and the employment.

### **2. Civil Employee:**

Simply, all civilian employees of the United States are covered.

### **3. Fact of Injury:**

Two Factors are involved that must show that the employee actually sustained an injury or illness.

A. Factual evidence: statements from the employee, the supervisor, and any witnesses are needed to determine an incident occurred at the time and place and in the manner claimed.

B. Is a medical condition present which maybe related to the incident? This is determined on the basis of the attending physicians statement.

#### **4. Performance of Duty:**

In this part of the examiners work, he must determine whether the employee was in the performance of their duty. There are three areas to look at:

**A. On agency premises:** For us Postal workers this means the building in which we work, also the steps, sidewalks and managed or maintained parking facilities. If an employee visits the premises on an off day (their own time) they are not covered. Coverage is usually begun 30 minutes before and 30 minutes after working hours. If an employee is an NALC union person soliciting new members or collecting dues, they are not covered.

**B. Off agency premises:** Carriers are not covered from home to work or work to home, but during the work day if you are instructed to use your personal vehicle, then you are covered. We, as letter carriers are usually covered for lunches. We are still in a travel status out on our routes. But sometimes an identifiable unauthorized deviation of sometimes less than 3/10 of a mile will deny a claim.

**C. Other Factors:** Some things happen that are not directly straight forward in relation to the premises rules. There is recreation, Horseplay, assault, harassment or teasing of employees by coworkers, Emergencies, Union Representation, also Emotional Reactions. Many of these are a case by case determination. There is much detail to all of these categories, therefore , I will not elaborate on them. If you would like to know about them call me.

#### **5. Causal Relationship:**

Lastly, it needs to be determined that there is a causal relationship between the condition being claimed and the injury or disease, sustained. In causal relationship, the establishment of the connection between injury and the condition usually rests on medical evidence provided by a physician who is examining and treating the injured. An injury or disease may be related to employment Factors in any one of four ways.

**1. Direct Causation:** a fall resulting in a break of a body part is a direct result of the fall. Sustained exposure overtime to your ears or breathing is directly employment related.

**2. Aggravation:** Something aggravates a pre-existing condition. Compensation would be payable for the duration of the aggravation as medical evidence would have to be provided to support it. Aggravation can be of a temporary or permanent affect. A temporary Aggravation can be a symptom or a short term worsening of the condition. For example a symptom may aggravate an existing condition, and the symptom maybe treated and compensated for the underlying condition would not include treatment or disability. Therefore the symptom is limited in its period of work relationship. A Permanent Aggravation happens when a condition continues indefinitely due to the on the job injury and is made worse by something in the work place that aggravates it so it won't ever return to a pre-injury state.

**3. Acceleration:** An underlying condition may be hastened by another work-related injury. This occurs when the ordinary course of the condition does not account for the speed with which this condition develops. An example is diabetes. Many conditions, such as scheduling changes can effect ones body sugar levels. An accepted claim for acceleration is about the same as an accepted claim for direct causation. That is, meaning no limitation on the duration or severity of the condition.

**4. Precipitation:** A person may have a latent condition. Something that isn't noticed until something triggers it to become evident. Some kind of work related incident or constant exposure over time may cause a latent situation to be activated. Then a claim would be accepted for Precipitation. Once the person's condition is corrected then OWCP's responsibility would cease. Then, if it happens again in the future, medical evidence would be needed to support the continued relationship. In this way acceptance for precipitation and acceptance for temporary aggravation have a resemblance.

Knowing the laws and these 5 requirements needed to file claims, it will help us to know when to file for compensation and when not to. Keep this information in a file.

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**Phyllis Polster**

How many past Branch 111 presidents do you know? Do you have pictures of them? Do you know their families or a contact name that could help us? Mike would like to honor all past Branch 111 presidents by creating a collage of their pictures to be hung in the office. This is a great idea but a huge undertaking as we so far only have pictures of Mike, Tom, Joe. Please call or e-mail Phyllis Polster if you can help out--484-8001 [ppolster@netzero.net](mailto:ppolster@netzero.net).

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## Legislative Report-Phillip Rodriguez

I have received numerous calls from our members concerning the Postal Commissions Report that was released on July 31. At the August union meeting I presented the recommendations in detail however, if you were not able to attend, I will list a summary of the most critical recommendations that concern our wages and benefits. Before the report was released we were lobbying for three key factors to be included in the report. 1-Universal Service at universal price. 2-Price flexibility. 3-Keep our collective bargaining rights. Did we get what we wanted? Yes and no. The Commission did recommend keeping our universal service mandate and allowing some sort of price flexibility. They also recommended keeping our collective bargaining rights, however if you read the fine print, they basically recommended keeping those rights but gutting them in the process. I feel, like others, that if these recommendations are enacted they will reduce our wages and cut our benefits. I have listed a summary of chapter six of the report because this chapter deals with our benefits and wages.

### Chapter 6 Recommendations\*

**W-1. Developing an Appropriately-Sized Workforce.** *As the Postal Service works to meet the challenges of the 21<sup>st</sup> 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 Postal Service is urged 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.*

**W-2. Collective Bargaining: Process Improvements.** *The collective bargaining process should be retained. However, the collective bargaining process should 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 collective bargaining process should be as follows:*

- **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 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.

**W-3. Collective Bargaining: New Subjects.** The Postal Service's pension and postretirement 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, because of concern about the uncertain impact such a change would have on the Federal system as a whole and on other Federal employees in particular, the Postal Service should 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 Postal Service should be authorized to negotiate Federal Employee Retirement System eligibility requirements and employee contributions;
- The Postal Service should be authorized to negotiate the eligibility and retiree contribution requirements for the post-retirement health care component of the Federal Employee Health Benefit Program, 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]” should be repealed.

**W-4. Pay Comparability.** The 1970 Act should be amended to clarify the meaning of the term comparability, and the new Postal Regulatory Board should be authorized to determine comparable total compensation for all Postal Service employees. In determining comparable total compensation, the Postal Regulatory Board should

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, it should 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.

**W-5. Pay-for-Performance.** 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 Postal Service should undertake a careful study of performance-based compensation programs for both management and represented employees, and it should 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.

**W-6. Grievances.** 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 Postal Service should 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.

**W-7. Workers' Compensation Claims.** The Postal Service should be provided relief from the requirements of the Federal Employees' Compensation Act as follows:

- 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.

**W-8. Executive Compensation.** The current statutory salary cap should be repealed. Further,

*the Postal Service should be authorized to establish rates of pay for officers and employees at levels competitive with the private sector. Performance should be considered as a key component of senior executive pay.*

**W-9. Management Structure.** *The Postal Service should restructure its management to eliminate redundant positions and geographical divisions and to standardize and clarify job functions. The Postal Service should conduct a review of the entire management structure, size, and cost to determine whether each component is necessary and consistent with the best practices of the private sector, and it should require managers to justify their functions and the size of their staffs.*

**W-10. Accounting for Retiree Health Care Obligations.** *The Postal Service should review its current policy relating to the accounting treatment of retiree health care benefits, and work with its 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 Postal Service should consider funding a reserve account for unfunded retiree health care obligations to the extent that the its financial condition allows.*

**W-11. Funding Military Service.** *Responsibility for funding Civil Service Retirement System pension benefits relating to the military service of Postal Service retirees should be returned to the*

*Department of the Treasury. Our local legislative network is up and running with over two hundred and fifty volunteers in Branch 111. Some speculate that when Congress convenes in September, these recommendations will be presented with little or no debate. When these specific bills are presented I will activate the network. The shop stewards will be the "point of contacts." Mike Miller or I will call the stewards with the specific bill (HRBill or SR Bill). The stewards will pass the information to the designated activist's for them to call the Congressman or Senator's office. The activist's will tell their legislators what their position is on the specific bill. It is important for the activist's to write down whom they talked to, and most importantly ask what the Senator or Congressman's position. They will then relay the information to myself. If you have any questions call me at 633-4222 or e-mail at [prodriq@hotmail.com](mailto:prodriq@hotmail.com).*

I would also like to thank Tom Giron, Dennis Despain, TJ Larsen, Joe Zabriskie and Brent Boswell. They agreed to accompany me to visit Senator Bennett and Congressman Matheson. The meeting went better than I anticipated due to their presence.

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**TRY IT!!!!**

**From where you are sitting or standing right now... With your right foot, raise it up just off the floor and start making a clockwise circle with it.**

**While making a clockwise circle with your foot take your right hand and draw a number six in the air.....**

**At this point your foot will automatically change direction to go counter clockwise.....**

**Very strange.....**



## 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.

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### 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.

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### Calendar of Events

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

OCTOBER 2003		
2 <sup>nd</sup>	Exec. Board meeting	6:00 pm
9 <sup>th</sup>	Branch meeting	6:00 pm
15 <sup>th</sup>	Stewards meeting	6:00 pm

### OFFICERS BRANCH 111

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

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[Branch111.com](http://Branch111.com)

National Association  
Of  
Letter Carriers  
Branch 111

**Branch 111 Vision Statement**  
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.