

Official Publication
Of Branch 111
Home of the
"Wasatch Branch"
Branch 111
Chartered
January 24, 2003

The Pavement Pounder



DECEMBER 2005

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

The President's Corner

First of all I would like to wish all of you a great Thanksgiving and a Very Merry Christmas. This has been a great year for all of us as a Branch, and we intend for 2006 to be as productive and as positive as 2005 has been. Once again I would like to thank all of the Officers of Branch 111 from the Stewards to those on the Executive Board for all their hard work, it has been a pleasure working with such a dedicated and professional team as you have all been. The officers of this branch have worked hard to ensure that the integrity of our contract and the rights and benefits of our members have been protected. I encourage all of you to go up to them and shake their hand and say thank you for all of the long hours they have put in for the member of this branch, Stewards and Formal A's especially since they are in the line of fire in your defense each and every day.

Now on not such a good note, I would like to respond to a letter I received from a scab in the Kearns Station last month. In this letter he criticizes an officer of our branch for saying that he would not have lunch with a scab, and I agree with this officer, I wouldn't have lunch with a scab either. Why would I want to have lunch with someone who refuses to pay their way, a free rider, someone who accepts all of the hard fought rights and benefits, espe-

cially the pay raises, that the union has fought for, negotiated and won for letter carriers.

This is kind of like a relative who comes to stay with you, and yet contributes nothing for their room and board, and makes you foot the whole tab. And while they are in your home they disrespect you and your family by being so arrogant as to give the impression that you owe it to them. I call these people Leaches, Parasites, a form of under life that sucks on the energy of hard working people and yet contributes nothing in return. And then when the life of the one they are sucking the life out of goes away they turn into maggots in order to finish the job and devour what is left, still without having contributed anything and yet expecting everything. In my opinion a scab is the lowest form of life there is, not even the devil wants anything to do with a scab. Scabs are not a form of life considered protected by our statement of policy.



Mike Miller

This Kearns scab states that because of our last pavement pounder he would never join the union, well I got news for him, we know full well that this parasite would never have joined even if we had not printed those articles last month. And why, because he is cheap, cheap, cheap!!! This scab hasn't the character to be a

union member and pay his fair share for all of the rights and benefits he receives each and every day. This scab believes in taking from others and refuses to pay his way. This scab believes everyone owes him and he owes nothing, a parasite. He is probably the carrier that eats the donuts in the morning, but never contributes to buy them.

This scab wants to know why we don't try and talk to them and get their point of view, well we have, many times. And what it all boils down to is that scabs are **too cheap** to pay their fair share, they want a free ride on the shoulder of good union members. Even though we have pointed out many times that each of their raises have been more than their union dues would be,

the scab is still too damn cheap to part with what it cost to secure those raises and benefits and to keep them.

I only hope that Postal Reform eliminates scabs from receiving any of our hard fought union rights and benefits. Let scabs be that second tier of labor managements so dearly wants with lesser pay and no benefits. I hope Postal Reform gives the union the right to refuse to represent scabs. It has been attributed to Jack London a profound statement entitled "The Scab", which says it all in a nutshell. If scabs had any character at all they would join the union, and if there was something about the union they didn't like they would get involved and try to change things and make it better. **That is what unionism is all about!!!**

Vice President Article



Kirk McLaughlin

Management has reared up and is trying to come down on the carriers that don't meet their estimate that is given to the supervisor when they come around in the morning. Remember it is just an estimate. It is in your best interest to start filling out the 3996 (aux. help sheet) each day, its gives you a documented record if management tries to deny what you estimated. Always ask for a copy for your records. Remember if it's policy in your office to call in if you're not going to make the time you estimated, call in from a pay phone and ask that your money for the call be reimbursed. Here is a list of reasons you can put on the 3996 as to what could put you in an overtime situation, there are probably more so if you know of some let me know so that I can update my list. The bottom line is that if you feel it is going to put you into an overtime situation then list it on the

3996, which is your right.

3996, which is your right.

List of reasons for a 3996

- Severe weather
- Feeling ill
- Under medication
- Traffic construction/ delays
- Unfamiliar and or new on route
- Medical restrictions
- Thin mail
- Utility bills
- Samples
- Late leaving
- Full coverage
- Doctor appointment
- New case labels
- Excessive parcels
- Excessive carriers markup
- Accountable mail excessive
- Review CFS
- New deliveries

- Check form 3982's (pink or green cards)
- Sloppy mail (ADVO Inserts, ect.)
- Customer phone call.
- P.M. clean up
- Stand-up
- Safety Talk
- DPS mail problems
- Work on case labels
- Power outages, fire drills ect.
- Redbook (Edit Book) update
- Change of Address Cards
- Deviation for Express Mail

Demand a copy of your 3996, it will help in future grievances when it comes to overtime and also it will show how far management's number are off. If management fails to give you a copy, talk to your shop steward and ask for a grievance to be filed. With everyone's help we can protect one another from the onslaught that management throws our way. It is a whole lot easier winning overtime grievances when we have the 3996 showing what was asked for and whether it was approved or not. So let's use the tools the contract gives us to cover us in case we have a problem.

I read an article in the November Postal Record that on page 31 about the ELM 865 medical inquiries limited by the Rehabilitation Act. And I ask that all of you take the time to read this article.

865 Return to Duty After Absence for Medical Reasons

865.1 Certification Required: All Bargaining Unit Employees and Those Non-bargaining Unit Employees Returning From Non-FMLA Absences

Return-to-work clearance may be required for absences due to an illness, injury, outpatient medical procedure (surgical), or hospitalization when management has a reasonable belief, based upon reliable and objective information, that

- a. The employee may not be able to perform the essential functions of his/her position, or
- b. The employee may pose a direct threat to the health or safety of him/herself or others due to that medical condition.

In making this determination, management must consider the essential functions of the employee's job, the nature of the medical condition or procedure involved, guidance from the occupational health nurse administrator, occupational health nurse, and/or the Postal Service's physician regarding the condition or procedure involved, and any other reliable and objective information to make an individualized assessment whether there is a reason to require the return-to-work documentation.

Solidarity Always
Kirk McLaughlin

PS

No penalty overtime paid From December 03, to December 30

PAVEMENT POUNDER ARTICLES

Any Branch 111 member may submit articles to the Pavement Pounder for publication. All articles submitted must comply with the Pavement Pounder "statement of Policy". No articles attacking or criticizing another member of the branch will be printed in the Pavement Pounder. Articles rejected by the Editor may be taken to the Executive Board.

Drawings for November Branch Meeting

Branch Progressive drawing	\$725.00
Retirees Progressive drawing	\$75.00
Brookfield Progressive drawing	\$15.00
Skaggs gift cert.	\$50.00
Door prizes (3)	\$25.00

You must be present to win

The Concerted Action Corner

Wow! There was a huge response to the article I wrote in the October issue of the Pounder (When You Go To Lunch With A Scab, Who Pays?). Some people said it was the greatest article they ever read. Others found it offensive. I even received a letter from a scab lambasting me for having the nerve to write the article. I did not intend to offend anybody. Nothing good ever comes from offending people. But I did want people to read some hard truths, and I did want people to think.

Let me start by saying that at the time I wrote the article I was angry. The Union had just procured a COLA (Cost Of Living Adjustment) that was far more than the yearly cost of Union dues. I had hoped that most of the non-union workers would finally see that the Union was continually working for their betterment and benefit. And since they would be getting a raise far greater than the cost of Union dues, they would also realize that they could effectually join this fraternal organization (that fights for every raise and benefit) for free and still get a raise. I was disappointed to learn that even though every non-member received this raise, none opted to join with their Union brothers and sisters to fight to keep it.

Every Letter Carrier originally sought this job because it pays well and offers great benefits. This only reason for this is because the USPS has a Union. Prior to the Postal Reorganization Act of 1970, this job paid very little and the benefits were terrible. Please do the research on the Internet if you don't believe me. Anyway, all letter carriers continue to work here solely because of the excellent wages and benefits, which are safeguarded and increased by that same Union. If anyone disputes these facts, they have only to look at companies that do not have Unions (I.E. Wal-Mart).



Michael Wahlquist

It took an act of congress to authorize Letter Carriers to form a Union. Letter Carriers finally had what they had suffered and worked for...the right to collectively bargain for their pay and benefits. And here we sit, 35 years later; on the verge of giving it all back. Our membership has declined over the last 35 years, and Unions in general are losing members. We have not done our homework. We have forgotten the struggles of our fathers. We no longer remember the terrible working conditions

that were prevalent prior to Unions. We have forgotten that people were martyred while protesting inhumane working conditions and unlivable wages. We hear horror stories about Wal-Mart employees who wet their pants because they are not allowed breaks (It's actually true! Please see the report of Representative George Miller dated Feb. 16, 2004), or about Wal-Mart employees who fall on the mercy of the state because they cannot afford health benefits, and yet we shop at Wal-Mart, happy that we saved fifteen cents on toilette-paper.

Every contract, the Postal Service cries poverty, and tries to lower our wages and benefits. In fact, the Postal Service spends many millions of dollars doing research and putting together their arguments. The Union also spends a great deal of money preparing for and performing collective bargaining. That some of my fellow carriers would refuse to help finance this bargaining breaks my heart. I believe that is it unfair that some of us must pay for the defense of all of us. That is why I become a little emotional about the subject.

Now, I would like to write a little about the letter I received from the scab. In the letter, he accused me of calling him names. I reread my

article, and the only “name” I called him was not even a name, but was in fact the term “scab”. Now, according to Webster’s Dictionary, a scab is: “One who refuses to join a union.” I have done some research, and this is the only word in the English language that is defined in this way. I absolutely refuse to apologize for using the English language correctly. If someone is offended when they are called a “scab”, then it sounds to me like it is personal issue, and they may wish to rethink their choice to refrain from Union membership while accepting every raise and benefit.

However, I do make my share of mistakes, and I am often wrong. And I will continue to be wrong from time to time. In fact, after careful consideration I realize that I was wrong to advise people to not go to lunch with “scabs”. As long as Union members are honest with the scabs, and let them know from time to time how their lack of membership is hurting themselves and each one of us, I believe that going to lunch with them can be a positive thing. It allows us the opportunity to inform them of all the great things that the Union does for them. A Union member could mention an upcoming COLA or negotiated pay increase. Or, one could talk about how the Union has fought to keep our health benefits and retirement benefits affordable and generous, so much so that the position of Letter Carrier continues to be a great career. One could mention the terrible working conditions at a Non-Union shop, such as Wal-Mart.

I would like to close with the following thought. Each of us, Union members and scabs alike, is actively choosing the future we wish to enjoy. Union members stand shoulder to shoulder in favor of a future with livable wages, livable retirements, affordable health care, decent working conditions, and other benefits. Scabs, by withholding their membership, actively support the future of Wal-Mart wages, Wal-Mart benefits (or lack thereof), and Wal-Mart working conditions (remember the employees that wet themselves because they can’t take a break?). It is not that they are simply refusing to help us fight for the future, but by choosing the Wal-Mart future, they are actually fighting

against us, and (this part really scares me), should enough Letter Carriers become scabs, or should enough scabs be drawn to the Postal Service by our Union wages and benefits, a Wal-Mart future is what we have to look forward to. The main difference between Union members and scabs is the respective futures we are working towards. **Talk about that at lunch.**

By: **Michael Wahlquist** --- Sergeant at Arms

THE SCAB

After God had finished the rattlesnake, the toad, and the vampire, he had some awful substance left with which he made a “scab.”

A “scab” is a two-legged animal with a corkscrew soul, a water brain, a combination backbone of jelly and glue. Where others have hearts, he carries a tumor of rotten principles.

When a “scab” comes down the street, men turn their backs and Angels weep in Heaven, and the Devil shuts the gates of hell to keep him out. No man (or woman) has a right to “scab” so long as there is a pool of water to drown his carcass in, or a rope long enough to hang his body with. Judas was a gentleman compared with a “scab”. For betraying his Master, he had character enough to hang himself. A “scab” has not.

Esau sold his birthright for a mess of pottage. Judas sold his Savior for thirty pieces of silver. Benedict Arnold sold his country for a promise of a commission in the British Army. *The “scab” sells his birthright, country, his wife, his children and his fellowmen for an unfulfilled promise from his employer.*

“Esau was a traitor to himself, Judas was a traitor to his God, Benedict Arnold was a traitor to his country; A “SCAB” is a traitor to his God, his country, his family and his class.”

“Attributed to Jack London”

MBA/ COMPENSATION BY: Jim Kerekes

Many injured employees need limited duty. I thought I would try and make a condensed report on our National Compensation Representative Ron Watson. It's an article he wrote in the June 2005 Postal Record about Limited Duty. If I seem to not make sense in part of my report, read his report in the Postal Record page 39.

Any employee injured on the job that have work restrictions but can do some limited duty work are required to seek after and accept work that is suitable with the medical restrictions. The employer is required to make every effort to provide limited duty.

OWCP can enforce on an injured worker permanent sanctions if you refuse to seek and accept suitable work in accordance with your restrictions for limited duty. The following are things that an employee can do so procedures go correctly.

The CA-17 form is the Duty Status Report (a green form). Management fills out the left side and the Attending Physician fills out the right side. The left side is what you usually do everyday as an uninjured employee. The doctor evaluates your medical condition and on the right puts down what you can do physically. When Management gets the form back, they can tell what the medical restrictions the doctor has placed on you. Then Management can offer you suitable limited duty work. The injured employee with the help of a shop steward and myself should make sure the left side of the form CA-17 is filled out properly. Also that Management provide the form to you in advance of medical appointments. Also, you, the injured employee should notify your supervisor well in advance of when your next medical appointment is scheduled. You should always take a CA-17 with you to the doctor.

If Management tells you limited duty maybe available, OWCP requires that the employee to tell the physician. Management may only by a special form letter, send one to the employee and the physician that limited duty is available. The employee then takes the description and requirements of the limited duty to the doctor who then determines whether he or she will be able to do the limited duty and when.

An injured employee should get management to provide limited duty work. This includes maybe less than 8 hours of work. Less than 8

hours of work occurs sometimes because of the doctors' medical restrictions or sometimes it's because of the work availability.

Once you have a limited duty position-monitoring it by you is important. Don't allow any workday situation to arise when you may be asked to do more than your medical restrictions.

OWCP regulations allow employers to contact your physician but only by letter. A copy must be sent to the employee and to OWCP.

Therefore it's up to the injured employee with our help to get things done and processed properly.

P.S. Remember that Management doesn't have anything to do until you report that accident. So be prompt in reporting accidents.

“The Free Riders Creed”

- The dues paying member is my shepherd; I shall not want.
- He provideth me with paid holidays and vacation.
- That I may always lie down; idle, in green pastures beside him.
- Pretending there are still waters.
- He restored my buying power, with COLA increases.
- He guideth my welfare without strife to me.
- Yea, though I alibi and pay no dues from year to year.
- I fear no evil, for he pays my way and protecteth me.
- The working conditions he provideth, they comfort me.
- He anointeth my head with the oil of seniority.
- He fighteth my battle for pay raises.
- Yea, my cup runneth over with his benefits.
- Surely, his goodness and union spirit will follow me all the days of my life, free from cost.
- And I shall swell in the Union house that he hath built “FOREVER.”
- While I’st allow them to pay my bill!!

(Author Unknown)

From: **Jeff Asay** To: Roger Peck

Non - member

Sir,

I am writing you this letter in defense of my N.A.L.C. union brothers Mike Wahlquist and Tom Giron. First I have a question to address to you. If you are opposed to the union and its aims, why, may I ask, are you reading the branch newsletter the "Pavement Pounder"?

This publication and the articles it contains are for the promotion of Branch 111 and the National Association of Letter Carriers. Of course the bias of this publication is that of the union and its membership. In your letter, which was posted in the Murray Branch, you speak of freedom and rights. The members of the union also enjoy those same rights which you so zealously claim for yourself and other non - members. Mr. Wahlquist and Mr. Giron were exercising their constitutional right of freedom of speech. These gentlemen, Mr.'s Wahlquist and Giron, were expressing their opinion, as Branch 111 officers. I believe that their intent was to provoke thoughtfulness and discussion among the branch membership.

I also would beg your indulgence to the following. Every cent that you receive in remuneration on pay day for your service as a letter carrier for the U.S.P.S. was negotiated by the N.A.L.C. Every benefit you receive, health insurance, retirement, vacation, and even the length of your lunch and breaks, comes only thru the hard work, sacrifice, and constant vigilance of the union and its members. The N.A.L.C also represents you should you find yourself in the unfortunate position of being subjected to disciplinary action by the postal service. The union has the obligation to protect every carrier and insure that the individual is not deprived of his / her rights. The union member pays for these protections. The non - member does not. The union may not charge the non - member for actions taken on their behalf. Does this sound fair to you, sir? As President Abraham Lincoln put it, the non - member lives by the same philosophy as that of the slave holder,

"You make the bread and I'll eat it". In other words you enjoy the benefit of the labor of others, and refuse to pay them for their work.

In your letter you also speak of freedom of association and whom you chose to call your friends. Mr. Wahlquist was reminding the membership of who their friends are, and giving them pause to consider why some carriers have chosen not to join an organization which promotes the welfare of all letter carriers. Is someone who will not join me in the common defense, my friend? Again the non - member is rendered safe at the expense of others. Should the union leave the non - member at the mercy of the wolf (management)? Do you really believe that you could negotiate a fair contract for you and you alone? Do you believe that the power of one (you) is greater than that of the hundreds of thousands of letter carriers acting thru the union, collectively bargaining? The answer you must realize is emphatically "NO".

I implore you sir, and all other non - members who may read this, to reconsider your position with regards to union membership. You may be concerned about the cost. I would remind you that the most recent cost of living adjustment, negotiated into the contract by the union, is more than enough to offset the deduction for union dues. A union member enjoys the benefits of voting for union officers, becoming a candidate for union office if he / she so desires, attending, at their discretion, union branch meetings and expressing their desires, concerns and opinions to local leadership. The member also has the satisfaction of knowing that he /she is standing shoulder to shoulder with his /her fellow letter carriers, with the betterment of all as the common goal. As an individual who spent many years as a 'SCAB' that satisfaction is, as they say, "priceless".

Thank you for your kind attention. **Sincerely,**

Jeffrey Dee Asay

Letter Carrier

N.A.L.C. Formal A Steward

Murray, Utah, 84123



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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

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.

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 based on appropriateness. Articles attacking or criticizing others will not be published. The Pavement Pounder will not be allowed to be used as a weapon against anyone or group of people. The Pavement Pounder is to be used to educate and edify the membership of the branch. 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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DECEMBER

2005

CALENDAR

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 Pay Day - 24	3
4	5	6 Close of Election Balloting	7 Pearl Harbor Day	8 Union Meeting 6:00 PM (Election Results)	9	10
11	12	13	14	15	16 Pay Day - 25	17
18	19	20	21 Steward Meeting 6:00 PM	22	23	24 Christmas Eve
25 Christmas Day	26 Christmas Day Holiday	27	28	29	30 Pay Day - 26	31 New Years Eve