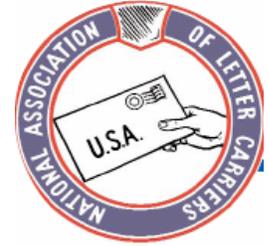


Official Publication
Of Branch III
Home of the
"Wasatch Branch"
Branch III
Chartered
January 24, 2003

The Pavement Pounder



Bountiful

Lehi - Magna

Midvale

Murray

Salt Lake

Sandy

Taylorsville

Tooele

West Jordan

West Valley

MAY 2006

Drawings from the April 2006 Branch Meeting

Branch Progressive drawing -A	\$825.00
Name Drawn (<u>Warren Ashby</u>)	Not Present
Branch Progressive drawing -B	\$100.00
Name Drawn (<u>Rachel Burton</u>)	Not Present
Retirees Progressive drawing	\$175.00
Name Drawn (<u>Richard Syversen</u>)	Not Present
Brookfield Progressive drawing	\$75.00
Name Drawn (<u>Timothy VanZeben</u>)	Not Present
\$50.00 Skaggs gift cert.	
Winners - (No Drawing)	
2 Door prizes	\$25.00
Winners - (<u>Kael Lopez and Jeff Nelson</u>)	

Drawings for the May 11th Branch Meeting

Branch Progressive drawing -A	\$850.00
Branch Progressive drawing -B	\$125.00
Retirees Progressive drawing	\$200.00
Brookfield Progressive drawing	\$90.00
Skaggs gift cert.	\$50.00
2 Door prizes	\$25.00

YOU MUST BE PRESENT TO WIN

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The President's Corner



Mike Miller

I assume everyone has received a copy of a letter from Ken McArthur concerning "Standards of Conduct." The part we disagree with is listed under "Absence Without Permission," and management cites the ELM 665.42 and there is no such ELM cite in version 17.5 of the ELM, which is the version they have to use. In fact none of the ELM cites used in this letter are in version 17.5. Today we will be meeting for Labor Management and asking them to rescind the letter and reissue an appropriate letter using valid ELM cites.

We still have problems with carrier going to the Postal Service contract physicians when they are injured on the job. I cannot emphasize enough, **DO NOT** go their contract physicians. We get the impression over and over again that they do not have real doctors at these clinics. We have had ethics and integrity problems with those who have treated carriers in the past. One thing you need to understand is that

these people are employees of the Postal Service, they take their orders from the Injury Comp office, and I guarantee you that they do not have your best interest at heart, all they want is to get you back to work so that the Post Office doesn't have a "Lost Work Day." They're not interested in your health and welfare, only their bottom line, their schedule, etc. Do yourself and your family and go to your own physician, if you can. But if you can't get in to see your choice of physician immediately, then immediately go to the nearest hospital emergency ward and get treatment from a real doctor, and then if you need further treatment have that doctor refer you to a specialist who cares.

Management is hiring Casuals within the Salt Lake Installation, more than likely because Area won't let them hire PTF's. And they are shipping the Casuals all over the Installation, and unfortunately they have the right to do just that. But since they have the right to ship the Casuals all over the Installation, and PTF's can also be shipped all over the Installation, I need to know whenever a PTF does not get their 40 hours within a week. I need to know if a PTF is left at home with no work and on the same day a Casual is worked in lieu of that PTF. I need PTF's to call me here at the Branch Office or call Arlynn Venema at the Murray Station at the end of every week and let us know if you had less than 40 hours of work that week. And if our investigation shows that a Casual was worked on any given day when a PTF is left at home, a grievance will be filed and the PTF will be compensated for those hours not worked. This is going to require a concerted effort from everyone in the Salt Lake Installation. If you know the PTF in your office, inform them of this article and encourage them to call and let us know if they are not getting their hours. If you are the Steward, keep track of your PTF's hours and contact us every time one does not get their hours so we can file the grievances needed to correct the problem. Management cannot hire or work Casuals in Lieu of Career Employees.

We still have carriers being disciplined heavily for safety infractions, it seems to be about 75% of the total discipline issued. Safety is extremely important, especially in our line of work. We drive for a living and we have an obligation to drive professionally, and

our jobs count on it. Those serious infractions such as no seat belt, door open and driving through an intersection are infractions that cannot be ignored and must be corrected. Driving like that could not only jeopardize the carrier's life but also the lives of those around him or her. We **must** do everything we can to make safety a habit. The biggest excuse given for not following safety rules and regs is that the carrier was trying to make 5 O'clock or that DOIS said I should be back by a certain time. A carrier should never be in such a hurry delivering the mail that they cannot be safe in all respects. We get paid by the hour ladies and gentlemen, and if it takes 10 hours to get the job done safely then take the 10 hours, if you need assistance ask for assistance but do not be unsafe and run your route just to meet DOIS or the 5 O'clock window. Not only is DOIS inaccurate (and we believe for the purpose of intimidating the carrier to push themselves to go faster) but also the 5 O'clock window is a management tool and not one that we have to abide by if your workload does not permit it. If your supervisor gives you an order to make 5 O'clock and deliver all the mail and they're not going to give you any assistance, we call that an impossible order, simply ignore it and call in.

As long as you keep the supervisor informed of your estimate for the day, "and you can update that estimate several time during the day," you have nothing to worry about. Communicate with your supervisor several times in the morning to update your estimate and call from the street by the required time if you're not going to make 5 O'clock so as to give the supervisor an opportunity to give you assistance and manage their zone. But remember you can be disciplined for not calling and keeping the supervisor informed that your estimate has changed.

The bottom line is be safe out there, don't take any chances, and don't put yourself in a position to get disciplined. Supervisors are being told that if they don't find something wrong when they are observing a carrier on the street then they are not doing their jobs. Take all of the time it takes to be safe and professional on the street and in the office, be a professional.



The Vice President's Report



Recently, carriers in various parts of Salt Lake City have been disciplined for leaving their vehicle door unlocked. The carriers that I am referring to had parked inside the official fenced-off postal

parking lot. They had not left mail inside their vehicles. They had simply failed to secure at least one of their vehicle doors. One of the unlocked vehicles was a mere 20 feet from the location where DPS is placed every morning, unwatched and unguarded for at least several hours. (For those who have never seen this, in some offices the DPS is staged outside under the covered parking, and is left there all morning since postal parking lots are considered "secure"). All of the discipline that I am referring to has been thrown out at the lowest level of the Dispute Resolution Process; however, it shows that management is once again taking things a bit too far.

In dealing with several of these disciplinary actions, I had the opportunity to question management regarding the logic of disciplining a carrier for failing to lock a vehicle door, when the vehicle itself is inside a "secure" parking area, and there is no mail left inside the vehicle. (Remember, in some offices the DPS mail is left right next to the vehicles unwatched and unsupervised). Some of the responses I received were: Someone could steal the vehicle if a door is left open. Someone could put an explosive device inside the vehicle. Someone could steal the vehicle and then use the vehicle to gain access to some other secure location.

I have a little trouble understanding the logic behind these assertions. How can a locked door stand in the way of a postal-vehicle thief who would have no trouble bypassing the ignition lock? Are we to believe that there are a bunch of semi-competent postal vehicle thieves hiding in the bushes, just waiting for an unlocked vehicle door so they can get in and pick the ignition lock? Not to mention the fact that before they could steal that FFV, LLV or van, they would have to

illegally trespass upon postal property (the signs are always posted), and if they do so after hours, they will be doing some fence climbing. And how would they get the thing out of the parking lot after hours? I guess gate-padlocks would also be no problem, just vehicle door-locks. OK, so it is hard for me to imagine car thieves who can bypass ignition locks and padlocks but who can't get past a locked vehicle door, or who couldn't simply break a window. Maybe there are a few out there. However, I have never heard of a postal-vehicle theft that occurred simply because a vehicle door was left unlocked while the vehicle was inside the post office parking lot.

As to an explosive device being placed in a postal vehicle, I find that a bit improbable as well. The insides of postal vehicles are pretty wide open, since we need as much space as possible. The device would be easy to spot unless it was very small, and if it were very small, wouldn't it just be easier to place it underneath the vehicle? And exactly how many explosive devices have been placed inside postal vehicles on postal property anyway? (I mean other than the ones we delivered from Ted Kaczynski, of course)

Finally, as to using a postal vehicle to gain access to some otherwise inaccessible location, it seems to me that management has been watching one too many James Bond films. Yes, it is possible. But again, I haven't heard of it happening, and it seems like there would be easier ways to get into any area that we can access simply by virtue of driving a postal vehicle. I mean, you could also use a telephone repair van, or a UPS truck, or a police cruiser. A postal vehicle might get you past the parking lot attendant at the Expo-Mart (saving you the price of parking there), but I don't see postal vehicles as tickets to top-secret terrorist work.

Really, if management is that concerned about security, then why are the gasoline pumps left unlocked and unsupervised every day, at stations where they have gasoline pumps? It seems to me that all that fuel could be pretty dangerous if it fell into the wrong hands. And why is the DPS mail left out-

side in so many stations if the parking lot is not secure? Or if the parking lot is secure, why are we being disciplined for leaving a vehicle door unlocked there? Up until a month ago, at my station, we left our vehicles open on "vehicle wash day", so that the washers could clean the insides of our vehicles. Now, I've been told that we are not to do this anymore, and that the vehicle washers will no longer be cleaning the insides of our vehicles. I guess some of us will be driving some pretty stinky vehicles pretty soon.

It's not that I don't want the post office to have high security. I take my shoes and belt off at the airport just like everyone else. I wear my badge and challenge known managers for theirs. I just want discipline and policy to make sense. I guess what I am saying is that the Union has been very successful in defending carriers who have been disciplined for failing to lock their doors in the "secure" parking lot (as long as no mail has been inside the vehicle). However, should you not want to be disciplined at all, you may wish to make sure that your vehicle doors are always locked. Management didn't mention this, but the following could happen: Because you didn't lock your vehicle, you find it full of sleeping homeless people. And since management may no longer be permitting interior vehicle washing, it never smells the same again.

By Michael J. Wahlquist -Vice President, NALC Branch 111

The Concerted Action Corner

What do Social Security, Medicare, Medicaid, minimum wage, an 8 hour workday, a 40 hour work week, child labor laws, vacations, sick leave, FMLA, workman's compensation, occupational safety and health statutes, pensions, and health insurance have in common? Unionism of course. The unions in this country fought for every single one of these items. The union movement is nexus of most of the social welfare benefits the citizens of the United States enjoy. Why does membership in labor unions continue to decline? It seems that most of our fellow citizens, our neighbors, friends and relatives have never been educated, have forgotten, or chosen to ignore the proud history and the contributions that unions and union members have made.

The modern labor movement first arose in the middle of the 19th century. Our beloved N.A.L.C. was born in 1889. The condition of the working person was deplorable.

Employers dictated the hours of work, 12, 14, 16, and 18 hours a day being common, even for children. The day off

was Sunday, but even that was withheld in some industries. Vacations or sick leave, non-existent. Employers decide the pay, and was at liberty to reduce that pay at will. An employee who complained was simply fired, and often blackballed from getting another job.

It took nearly one hundred years of constant struggle, toil, poverty, and misery and in some cases death for unions and their ideas to begin to be generally accepted. It was during the 1930's that the Depression caused a re-ordering of the American economy and real progress was made and most of the reforms enacted.

The American people now take these programs for granted. They fail to understand the high price paid by their predecessors. Union membership declines as a result of their ignorance, and sometime this year union membership in the public sector (that's us) will surpass that in the private sector. The consequences of declining membership can be seen on TV and read in the newspapers daily. Pension plans gone, wage and benefit cuts, and employers like Wal-mart, Delta Airlines and many other who ignore or undermine the law and seek action in the courts to void contracts are the result.

As active union members we must carry the message, be missionaries if you will, of unionism. It is our responsibility to educate those around us. We owe it to those who fought the battle before us, and more importantly as a legacy we leave to those who follow, our children and grandchildren.

Jeffrey Asay

**National Association of Letter Carriers AFL-CIO
2006 Food Drive**



Saturday May 13th
Help needy families in our communities.
To volunteer to help contact your food drive coordinator.

WEINGARTEN RIGHTS

Weingarten rights guarantee an employee the right to Union representation during an investigatory interview. These rights, established by the Supreme Court, in 1975 in the case of ([NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689](#)),, must be claimed by the employee. The supervisor has no obligation to inform an employee that s/he is entitled to Union representation.

What is an Investigatory Interview?

An investigatory interview is one in which a Supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his/her conduct. If an employee has a [reasonable belief](#) that discipline or discharge may result from what s/he says, the employee has the right to request Union representation.

It is an obligation of the Union to educate bargaining unit employees about their Weingarten rights before an occasion to use them arises. [An employee must state to the employer that he/she wants a Union representative present; the employer has no obligation to ask: the employee if she/he wants a representative.](#)

Weingarten Rules

When an investigatory interview occurs, the following rules apply:

Rule 1 - The employee must make a clear request for Union representation before or during the interview. The employee can't be punished for making this request. |

Rule 2 - After the employee makes the request, the supervisor has 3 options. S/he must either:

1. Grant the request and delay the interview until the Union representative arrives and **has a chance to consult privately with the employee**: or
2. Deny the request and end the interview immediately; or

Give the employee a Choice of: **1)** having the interview without representation or **2)** ending the interview

Rule 3 - If the supervisor denies the request and continues to ask questions, this is an **unfair labor practice** and the **employee has a right to refuse to answer**. The employee cannot be disciplined for such refusal but is required to sit there until the supervisor terminates the interview. Leaving before this happens may constitute punishable insubordination.

Union Representative's Rights Under Weingarten

You are not required to merely be 'silent witness'. You have the right to:

- Be informed by the supervisor of the subject matter of the interview prior to the interview.
- Take the employee aside for a private conference before questioning begins.
- Speak during the interview.
- Request that the supervisor clarify a question so that what is being asked is understood.
- Give employee advice on how to answer a question.
- Provide additional information to the supervisor at the end of the questioning.

You do not have the right to tell the employee not to answer nor, obviously, to give false answers. An employee can be disciplined for refusing to answer questions.

A standard statement for members to use is:

"If this discussion could in any way lead to my being disciplined or discharged, I request that my Union representative be present at the meeting. Without representation, I choose not to answer any questions."

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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.

THE PAVEMENT POUNDER

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LEGISLATIVE

Phillip Rodriguez

HEALTH BENEFITS

Brigham Young (969-9343)

DIRECTOR OF RETIREES

Joe Zabriskie (801) 968-4208)

Branch Office (801) 973-6705

Fax (801) 973-6723

PAVEMENT POUNDER EDITOR

Gean Ryans (801) 541-2716

thepavementpounder@comcast.net

Branch 111 Website

Branch111.com

MAY

2006

CALENDAR

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5 CINCO DE MAYO Pay Day - 9	6
7	8	9	10	11 Union Meeting 6:00 PM	12	13 NALC FOOD DRIVE
14 MOTHER'S DAY	15	16	17 Steward Meeting 6:00 PM	18	19 Pay Day - 10	20 Armed Forces Day
21	22	23	24	25	26	27
28	29 MEMORIAL DAY HOLIDAY	30	31			