



## Branch 111 “The Wasatch Branch”

# Pavement Pounder

## The Wahlquist Report

### Staffing, or Lack Thereof

It has now been 20 days since I have officially taken office, and I can tell you that they have been eventful days. As a Branch, we have now filed nearly 60 grievances for the year, which is an enormous amount. Were we to keep this pace, we would have well over 1,000 grievances by year’s end. Sadly, this very well may take place.

What is the cause of all of this grievance activity?

The answer is that management is violating the contract more frequently, and in my opinion, more severely. Why is this happening? Most of the additional violations are occurring because management is refusing to hire additional employees.

Management has informed us that we fall into the withholding radius of the FSS (Flat Sequencing System) Plant implementation in Loveland, Colorado, and Phoenix, Arizona. In a nutshell this means that management has decided to withhold Letter Carrier positions in the unlikely event that a



**Mike Wahlquist**  
Branch 111 President

displaced Clerk, Mail Handler, or Letter Carrier from one of the two previously-mentioned cities needs to relocate here to get a job. Why the Postal Service is implementing (continued on page 8) **are complaining about dropping mail volume is beyond my comprehension, I’m just reporting the facts. The Union is**

what we say, even if we do need an hour of overtime, our Supervisor will challenge us and at times “disavow” our estimate. Luckily we have rules regarding our work load estimate in our Collective Bargaining Agree-

- Bountiful**
- Cottonwood**
- Downtown**
- Foothill**
- Heber**
- Holladay**
- Kearns**
- Lehi**
- Magna**
- Millcreek**
- Midvale**
- Murray**
- Sandy**

### South Salt Lake

- Sugarhouse**
- Tooele**
- West Jordan**
- West Valley**
- Dugway**

## The VEEP Speaks

Estimating your daily workload is the most stressful part of the Carrier’s day. I have been there and so has every Letter Carrier. Trying to determine how much time we need less than 20

minutes into our shift while at the same time fending off a Supervisor that is determined to tell you that you’re under by an hour is tiresome and discouraging. Sometimes it seems that no matter

## The VEEP Speaks (from page 1)

our work load estimate in our Collective Bargaining Agreement. The National Parties, (USPS and NALC), agree that DOIS is a tool and does not set a Letter Carrier's daily work load. DOIS does not replace the Letter Carrier's estimate of the daily work load nor is it a basis for discipline.

All Letter Carrier's should be using form 3996, *Carrier-Auxiliary Control*, if overtime or auxiliary assistance is needed. The forms should be at your Supervisor's desk and used consistently if overtime is needed. Management has many options when you fill out this form but one option is not to disapprove your request without an explanation of how the employee should deal with any additional work beyond the 8-hour day.

Management has many options when responding to a 3996:

1. Approve the full amount of overtime or auxiliary assistance requested.
2. Disapprove the full amount of overtime or auxiliary assistance and instruct the employee to curtail an equivalent amount of work.
3. Approve the amount of time requested, and give the employee part auxiliary assistance and part overtime.
4. Approve the overtime and go on the street with the employee.
5. Disapprove the overtime and go on the street with the employee.
6. Approve the amount of time they believe is warranted, disapprove the remainder, and go on the street with the employee.
7. Approve the amount of time they believe is warranted, disapprove the remainder, and instruct the carrier to call the office later in the day for further instructions, if the amount of time approved is not sufficient to complete the route in eight hours.

If you need overtime make sure you make a good faith basis for the time you need. Make sure you fill out a 3996 and carry your route efficiently and adhere to all all safety rules and regulations. Also, you can always amend or update a 3996 before you leave the street or when you return from your route.

We Letter Carriers face a tough and challenging year in 2009. The economic outlook for the USPS is bleak with little financial hope on the horizon. The economic condition and financial stability will challenge every employee of the Postal Service, craft and management. How we survive will depend on everyone within the service making the correct choices that will guarantee every employee the wages and benefits that we rely on to feed our families and sustain a livable lifestyle.

Phillip Rodriquez  
prodriq@msn.com

## The Winners Box

### Union Meeting Drawings

January 8, 2009

### 2 Door prizes

\$25.00 EA

Dave Minix

Kim Mortensen

### Progressive Retirees

\$25.00

Doug Harding

(not present)

Next month

\$50.00

### Progressive Union B

\$150.00

Rick Taylor

(not present)

Next month 175.00

### Progressive Union A

\$600.00

Kevin Burbage

(not present)

Next month

\$625.00

The next drawings will be at the February 12, 2009 Union Meeting

**You Must be present to WIN!!!**

## The Concerted Action Corner

### Time to Act.

The new President and the new congress have begun their work, or rather our work, the peoples work. They have much to do. There can be no question that our country faces some serious problems. The economic meltdown, reform of the nation's health care system, the continued occupation of Iraq, the war in Afganistan, the Gaza crisis, all these problems and more confront our national leaders.

To quote the North Carolina state motto "Esse Quam Videri" - to be rather than to seem. Now is the time for all of us as citizens and union members to dedicate ourselves once again to our nation, to say once again "*ask not what your country can do for you, but what you can do for your*

*country*".

We respect and admire those of the "greatest generation" that weathered the depression and triumphed over the enemies of freedom. Now is the time for this generation to show our character. Now is the time to be rather than to seem.

I have a great deal of faith in the American people, we have the habit of leadership. Our actions in this last election, whether you agree with President Obama's positions or not, show the willingness of average Americans to try a different course, overcome their prejudices and make a change. The path to return our country to peace

But let us have no allu-



Jeff Asay - Editor

peace and prosperity will be arduous. We as union members must play a critical role. We must be willing to contribute our time and effort to insure that more of our fellow citizens can participate in the American dream. Union membership is the road to prosperity. We must lobby congress for passage of the Employee Free Choice act, which President Obama has pledged to sign, making it easier for working people to form and join unions. This is a small step forward for our country, giving the benefits of union membership and protection to many of our fellow citizens that we enjoy as NALC members. We must be willing to pay the price and make the sacrifices needed. A good first step would be a call, a letter, or an e-mail asking your congressman to support the Employee Free Choice Act.

**Esse Quam Videri**  
(to be rather than to seem)  
North Carolina State Motto

**US Department of Labor “Final Rule” on Family and Medical Leave**  
Providing Military Family Leave and Updates to the Regulations

The Family Medical Leave Act (FMLA) was amended by the United States Department of Labor (DOL) in November 2008. The Final Rule was signed into law by President Bush and will go into effect January 16, 2009.

**Military Family Leave: Section 585(a) of National Defense Authorization Act amended the FMLA to provide two new leave entitlements.**

New Military caregiver Leave (also known as Covered Service member Leave).

Eligible employees who are family members of covered service members will be able to take up to 26 workweeks of leave in a single 12-month period to care for family members who suffered a serious injury or illness while on active military duty.

New qualifying Exigency Leave for families of National Guard and Reserve members.

Helps families of National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency (emergency) operation.

The FMLA leave of the employee (a spouse, son, daughter, or parent of the military member) must be related to certain qualifying conditions related to military service.

Short-notice deployment

Military events and related activities

Child care and school activities

Financial and legal arrangements

Counseling

Rest and recuperation

Post-deployment activities

Additional activities in which the employer and employee agree to the leave

**Important changes in the New Regulations**

Revised definition of a Serious Health Condition

The Final Rule retains the six individual definitions of serious health condition while adding guidance on three regulatory matters. One of the definitions of serious health condition involves more than three consecutive, full calendar days of incapacity plus “two visits to a health care provider.” *Under the Final Rule, the two visits must occur within 30 days of the beginning of the period of incapacity and first visit to the health care provider must take place within seven days of the first day of incapacity.*

A second way to satisfy the definition of serious health condition under the current regulations involves more than three consecutive, full calendar days of incapacity plus regimen of continuing treatment. *Under the Final Rule it is clarified that the first visit to the health care provider must take place within seven days of the first day of incapacity.*

“Periodic visits” defined by the *Final Rule as chronic serious health conditions of at least two visits to a health care provider per year.*

Medical Certification Process direct contact with Doctor

The Final Rule recognizes the advent of the Health Insurance Portability and Accountability Act (HIPPA) and the applicability of the privacy rule to communicate between employers and employees health care providers.

*The Final Rule requirement specifies that the employer's representative contacting the health care provider must be a health care provider, human resource professional, a leave administrator, or a management official, but in no case may it be the employees direct supervisor. Further, employers may not ask health care providers for additional information beyond what is required by the certification form. In addition, the Final Rule specifies that if an employer deems a medical certification to be incomplete or insufficient, the employer must specify in writing what information is lacking, and give the employee seven calendar days to cure the deficiency.*

The Final Rule also improves the exchange of medical information by updating the optional form WH-380 to create separate forms for the employee and covered family members and by allowing, *but not requiring*, health care providers to provide a diagnosis of the patient's health condition as part of the certification.

This is just a quick synopsis of the changes and a more detailed report can be found at the US Department of Labor website ([www.dol.gov](http://www.dol.gov)).

For further questions please contact your local steward or branch officers.

Terry C Ehlers  
MBA & OWCP

# ***Attention!!!***

## **Notice Of Nominations**

**In compliance with Branch 111 Bylaws notice is hereby given that Nomination of Delegates to the Utah State AFL-CIO Convention will take place on**

**April 9, 2009—6:00 PM**

**At the scheduled branch general meeting**

**2261 South Redwood Road**

**Please consult Branch 111 Bylaws for further details of nominating procedures and eligibility requirements for delegates.**

# February 2009

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 Natl. Assoc. Of Parliamentarians (NAP) 6:30 PM	5 E-Board 6:00 PM	6 <b>Pay Day</b>	7
8	9	10	11	12 Branch Meeting 6:00 PM	13	14
15	16 President's Day	17	18 Steward Training 6:00 PM	19	20 Articles for PP due. Alternate Rte. Adj. Dead- line. <b>Pay Day</b>	21
22	23	24	25	26 Labor / Management Meeting	27	28
March 1	2	3	4 Natl. Assoc. Of Parliamentarians (NAP) 6:30 PM	5 E-Board 6:00 PM	6 <b>Pay Day</b>	7

## HEALTH BENEFITS BRANCH 111 ---- JIM KEREKES

Thanks to all of you for electing you're Branch Officers. May we give the service that you would expect from us.

I'll try to respond to all questions and problems that you may have even if you need me to come to you to see your paper work from medical facilities or an explanation paper from the NALC Health Plan.

### RESOURCE INFORMATION:

\*You should keep in a folder the following, where you can find it:

The Official NALC Health Benefit book for 2009 (RI 71-009). You would have received from the Health Plan.

The Nov. 2008 NALC Union Postal Record magazine ---- the insert that has a highlight of the 2009 coverage.

Your 2009 Medicare Book.

Any Medicare Part D (Prescription Program) Booklet.

If you need to reach me you can call:

Home #- 801-254-2860

Cell #- 801-557-6033

E-Mail - [jrnkerekas@q.com](mailto:jrnkerekas@q.com)

Work #- 801-955-8584 West Valley Office to set appointments.

Again, hope everyone had a Merry Christmas and Happy New Year to all !!

## THE PAVEMENT POUNDER POLICY AND NOTICES

### Statement of Policy

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.

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

<http://branch111.com/index.htm>

# The Wahlquist Report (continued)

FSS machines while they are complaining about dropping mail volume is beyond my comprehension, I'm just reporting the facts. The Union is grieving the withholding nationally and locally, but grievances of this nature will probably go to the national level, and thus it could be a long time before we have a resolution, so we can expect this insane withholding to continue for quite a while.

This decision to "not hire" was not made locally, but locally is where we are suffering, and where we will continue to suffer as long as this policy continues. Management has not hired any career Letter Carriers in over a year, and they have informed the Union that they have no intention of hiring any more in the foreseeable future. What does this mean to us? Well, as we have already found out, we are experiencing more contractual violations than ever. We are now seeing the following violations with increasing frequency: improper mandating, improper scheduling, improper distribution of overtime, management crossing crafts, management carrying routes (hard to believe, but that is what we are investigating!), improper instructions, safety violations, and the list goes on and on. But all of these issues could be resolved if management would just hire enough bodies to accomplish the delivery of mail. Instead, we will continue to lose carriers through attrition (retirements, etc...), and at the end of February, eight Letter Carriers have decided to take the "early out" offered by management in the Salt Lake City Installation alone, and still there are no plans to hire.

And this is just the beginning. When stations become understaffed, people get burned out from carrying mail. Tired and overworked people have more injuries; hence there is more discipline for injuries. Because of additional injuries and susceptibility to illness from being overworked, there are more sick calls; hence there is more discipline for attendance. Since more people become injured or sick, the problem of understaffing is com-

of additional injuries and susceptibility to illness from being overworked, there are more sick calls; hence there is more discipline for attendance. Since more people become injured or sick, the problem of understaffing is compounded, and the Post Office becomes even more understaffed. Eventually, those Carriers that can endure it end up working up to 12 hours a day, up to 60 hours a week (the maximum hours permitted by the contract). Unfortunately, these maximums would have to be violated with regularity before the Union would be able to file an understaffing grievance. The simple (or not so simple) reason for this is that Article 3 gives management the right to determine the complement, Article 5 binds management to the contract, and Article 8 allows management to direct the use of overtime, via voluntary or non-voluntary means, up to 12 hours per day (per carrier), up to 60 hours per week. While this is an oversimplification to be sure, the fact is that the Union has to wait until the 12-hour and 60-hour limits are violated with regularity before we can legally force management to hire additional employees. Sad, isn't it? If management had any heart at all, they would do the right thing and hire additional help now, before this dismal scenario reaches its tragic climax.

We are also seeing later start times (which we are grieving), allegedly due to the Plant not being able to get the mail to us, which is ironic considering the recent article in the Western Area Update which lauded Salt Lake City for its efficiency and punctuality. Could later start times have anything to do with understaffing? I began working for the Post Office 22 years ago, and they could get the mail to us hours earlier, with fewer mistakes, with tons less automation than they have now. I believe that the understaffing in all crafts is at least partially responsible for the fact that management now finds it impossible to get us the mail in a timely manner. Once again, it is the classic case of somebody's poor planning creating an emergency for everyone else. We might as well change our mascot from the eagle to the night owl, since we can look forward to delivering mail by moonlight.

On the positive side, President Obama is being sworn in as I write this article. After surviving 8 grueling years under President Bush, we can now look forward to making a fresh start

On the positive side, President Obama is being sworn in as I write this article. After surviving 8 grueling years under President Bush, we can now look forward to making a fresh start with our new President, and hoping that he will live up to every promise that he has made. Another plus will be that our paychecks will soon be so big from all of the overtime during this next year, that hefting our wallets could be a violation of our lifting restrictions or possibly incur some injury. (This last quip courtesy of Terry Ehlers, our OWCP expert). But seriously, be safe and be well.

Mike Wahlquist  
Branch President

## Legislative Denton Taylor

**“Today I say to you that the challenges we face are real. They are serious and they are many. They will not be met easily or in a short span of time. But know this, America - they will be met. On this day, we gather because we have chosen hope over fear, unity of purpose over conflict and discord.” Barack Obama, Inaugural Speech**

The USPS is facing challenges unlike any other time in our history. We have weathered depressions and recessions. We have fought wars and survived fuel shortages and rising prices. We delivered through inflation, deflation and stagflation. Natural disasters have slowed but never stopped us. The mail has always gone through. We, the Letter Carriers of a great nation, have never failed in our service.

The impact of the national economic crisis on our business is severe. Advertisers are cutting back. We are seeing fewer and smaller flats. Online billing and e-pay continues to replace first class mail. Failing banks don't send

out credit card offers. Declining volume is real, not just a management justification. And is not just the mail that is declining. Between the hiring freezes, early-outs and attrition, there are thousands fewer of us than last year. But the nation continues to grow with a million new deliveries each year.

Our jobs have changed dramatically in the past decade and the coming years are going to bring change and more change. We are going to need to do more with less. And as the final link in the mail chain, the burden is going to fall on our shoulders. We need to be ready to react and to lead the way into the future.

The new Congress is going to be asked to shape the future of the Postal Service. The Postal Regulatory Commission released a 250 page study which included ending Universal Service, Six Day Delivery and the Mailbox Monopoly. Conservatives are still calling for privatization even in the face of the collapse of DHL. The Postmaster General and Board of Governors are holdovers from previous administrations. When legislation is proposed and passed, we need to be at the table deflecting attacks and guiding changes.

Our successful efforts in passing Postal Reform and avoiding outsourcing routes helped lay the groundwork for our next legislative efforts. COLCPE and Carrier Corps help to elect a President and Congress that will listen to the concerns of working families. E-Activist has given us a voice in the halls of government. The framework is there and we are ready.

The election was not the end of our efforts, but only the beginning. Our increased involvement will ensure that the coming changes will strengthen our jobs and the USPS. The challenges are real, they are serious and they are many, but the NALC will meet them with hope and unity.

Denton Taylor, Legislative Liaison

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## Latest News from NALC Headquarters:

- ◆ Extension for finalizing adjustment packages: The NALC and USPS have agreed to extend to February 20 the deadline for finalizing adjustment packages pursuant to the Interim Route Adjustment Process. The Memorandum of Understanding, Re: Interim Alternate Route Adjustment Process ([M-1695](#)) originally stated that all adjustment packages had to be finalized by January 16. This extension lets Joint Route Adjustment teams at the district and local levels continue working beyond the earlier, aggressive time limits.

## Quick facts about the NALC

- ◆ **MEMBERSHIP** — There are 300,058 active and retired members of the NALC, of which about 214,084 are active city delivery letter carriers employed by the U.S. Postal Service.
- ◆ **BRANCHES** — 2,500 local branches represent letter carriers in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands and Guam.
- ◆ **OFFICERS** — Ten Resident [National officers](#), three [National Trustees](#) and 15 [National Business Agents](#) are elected for four-year terms. Current terms expire in 2010.
- ◆ **HISTORY** — The NALC was founded on August 30, 1889 in Milwaukee, Wisconsin. It is the union of city delivery letter carriers employed by the United States Postal Service.
- ◆ **COLLECTIVE BARGAINING** — The [2006-2011 National Agreement](#) with the U.S. Postal Service was ratified in September 2007 by a vote of 104,346 to 11,895—a 9-to-1 margin—and was signed October 9 by NALC President William H. Young and USPS Postmaster General John E. Potter.
- ◆ **Affiliations** - The NALC is affiliated with the [American Federation of Labor and Congress of Industrial Organizations \(AFL-CIO\)](#) and the [Union Network International](#).
- ◆ **OPERATIONS** — The NALC operates from its national headquarters in Washington, DC, with state associations and branches throughout the nation, along with a regional network of [National Business Agents](#).
- ◆ **CONVENTIONS** — [NALC conventions](#) are held every two years. The 66th Biennial Convention will be held July 21-25, 2008 in Boston, Massachusetts. The 67th Biennial Convention will be held in Anaheim, California in 2010.

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Salt Lake City, Utah 84119

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