



BRANCH 111 N.A.L.C.
"THE WASATCH BRANCH"

The
Pavement Pounder

March 2009

Volume 9 Issue 2

Cottonwood

Downtown

Foothill

Heber

Holladay

Kearns

Lehi

Magna

Millcreek

Midvale

Murray

Sandy

South Salt Lake

Sugarhouse

Tooele

West Jordan

West Valley

Dugway

The Wahlquist Report

Are We A Business or A Ser- vice?

One of the main difficulties with the Post Office is deciding whether we are a business or a service. In the past, at various times, we have been considered both. When the economy was good, and the Postal Service was doing well, we were prohibited from making a profit by law. Most companies, in good times, grow and stockpile funds against the uncertain future. However, during those good times congress always considers us a "service" to the population of America, and we were treated as a service, just getting or keeping enough

funds to continue to deliver mail to every household in the nation on a daily basis.

However, when times have been tough, like in the great depression, or the recession during the eighties, or during the current economic crisis, congress wants to treat us as a business. Once again, we are now asked how profitable we are. This is a ridiculous question, since we could not make a profit even if we wanted to. But during tough economic times (coincidentally the only times that we are not self-sufficient), the government is never prepared to treat us like the service that we are.

At the national levels, both the NALC and the USPS are working to weather this economic downturn. We have just completed the Alternative Route Count and Inspection process that was agreed upon by both par-



Mike Wahlquist
Branch 111 President

ties. This allowed the Postal Service to readjust routes quickly and capture some of the time lost by declining mail volumes. During the last few years, Carriers and the Service have united with the Customer Connect effort to procure and, at times, reestablish our parcel post delivery. In my opinion, this is one of the most crucial elements of our future business model. Bills may be slowly replaced by (continued on page 2)

Are We A Business or A Service?

(continued from page 1)
online payments. Advertising may be slowly replaced

The Winners Box

**Union Meeting
Drawings
January 8, 2009**

**2 Door prizes
\$25.00 Each**

Adam Willden
Charla Groves

**Progressive Retirees
\$50.00**

Gilbert Kocher
(not present)

**Next month
\$75.00**

**Progressive Union B
\$175.00**

Kim Newman
(not present)

Next month \$200.00

**Progressive Union A
\$625.00**

Tom BurrIDGE
(not present)

**Next month
\$650.00**

**The next drawings will
be at the March 12, 2009**

Union Meeting

**You Must be
present to**

WIN!!!

by online pop-ups, but until they develop teleportation, we will always have parcel delivery. It's just too bad that congress ever allowed other companies to compete with us, especially since we were never allowed to change our rates or change our style to compete with them (Somewhat of an unfair advantage to the companies I would say). Hopefully, that will change in the future.

As for 6-day delivery, the NALC and many in congress are fighting hard to keep it. President Young, in his message to Letter Carriers, stated, "While Potter asked Congress for the flexibility to temporarily and selectively reduce the frequency of delivery if conditions worsen, he made it clear it was the last thing he wants to do." The NALC will vigilantly fight to keep 6-day delivery, universal service, and everything else necessary to keep the Postal Service viable, and keep Letter Carrier jobs.

What the Service really needs to do is change the way we have been mandated to pre-fund future retirees' health benefit premiums, because right now we are paying from \$5.4 billion to \$5.8 billion per year into this fund, and no other

company could possibly be asked to do this (yet again, another way that the Postal Service has been treated like a service at times, and not as a business). This change can only be accomplished if congress passes House Resolution bill 22 (H.R. 22). The National Union and many other legislative representatives are working very hard to get this bill passed.

Of course, there is always the \$800,000.00 that Postmaster Potter paid himself in compensation last year, a year in which the Postal Service lost money. Pay for performance? He is asking us to do more with less, but apparently the same philosophy does not apply to the compensation that he pays himself.

I can report that the Postal Service still has no plans to hire any more employees, due to a combination of declining mail volumes and their own unique style of business management. The Union will continue to hold management accountable to abide by all of the language of article 8 (the article that covers overtime, mandating, and the maximum hours an employee may work), and we will file any and all grievances necessary to ensure

this compliance.

Michael J. Wahlquist -
President, NALC Branch
111



The Veep Speaks

Vice President Phil Rodriguez

As I write this, (February 20), our Branch has issued 141 grievance numbers to Stewards throughout our Branch. As we said this time last year, we are on a record pace for the number of grievances in 2009. Most are Contractual, (overtime violations), but we still have a fair share of disciplinary actions.

When a Supervisor issues an employee discipline the thought, I assume, is to correct an action or behavior that violated a postal rule. The behavior has become so severe the only means to correct the employee's "defective" work methods is to issue a Letter of Warning or Suspension. The Supervisor has exhausted every means to correct the behavior that he or she finally has to resort to discipline. Discipline was the last resort after the Supervisor has exhausted all corrective means other than issuance of discipline.

Luckily we have rules and regulations regarding how and when a Supervisor should issue discipline. As employees we have rights called "Just Cause". These rights are

guaranteed in our Collective Bargaining Agreement and Supervisors are mandated to follow these "Just Cause" provisions before discipline is issued. What are these "Just Cause" rights?

1. **Is there a rule?** If so, was the employee aware of the rule? Was the employee forewarned of the rule? It is not enough to say, "Well, everybody knows that rule."
2. **Is the rule a reasonable rule?** Management must make sure rules are reasonable, based on the overall objective of safe and efficient work performance.
3. **Is the rule consistently and equitably enforced?** A rule must be applied fairly and without discrimination. Consistent and equitable enforcement is a critical factor. Consistently overlooking employee infractions and then disciplining without warning is improper.
4. **Was a thorough investigation completed?** Before administering the discipline, management must make an investigation to determine whether the employee committed the offense. Management must ensure that its investigation is thorough and

objective. This is the employee's day in court privilege. Employees have the right to know with reasonable detail what the charges are and to be given a reasonable opportunity to defend themselves *before* discipline is initiated.

5. **Was the severity of the discipline reasonably related to the infraction itself and in line with usually administered, as well as to the seriousness of the employee's past record?**

Was the disciplinary action taken in a timely manner? Disciplinary actions should be taken as promptly as possible after the offense has been committed.

And most importantly, discipline should be CORRECTIVE RATHER than PUNITIVE!

These rules are in our JCAM Article 17 of the National Agreement. Management must follow all these provisions before issuing discipline. If one or all are violated then the "Just Cause" provisions were violated and the discipline can be void. All of us know that Management rarely follow these rules and when they don't, we, the Union, file grievances to force Management to comply. In a perfect world Management should never use discipline as a

tool or as a means of intimidation. Discipline should be used only as a last resort but we all know that when you're taken into the office for an investigation Management has already made their mind up to discipline. I have never understood the rationale that discipline is a cure all for employees who commit minor offenses. If you have worked thirty years for the Postal Service and one time in your thirty years you failed to scan an Express, should you be disciplined? If the Supervisor went to the employee and said "hey, you missed this", would that employee miss another? I say he or she wouldn't. When Management so quickly turns to discipline it creates animosity and anger as well as "union time" to grieve and adjudicate.

Gone are the days that we go to work and leave our job behind until the next day. Management has become forceful and at times volatile in the way they manage. It will continue to get worst as the financial crisis of the Postal Service continues. It's not enough just to pay Union dues and rely on our Stewards to correct the woes of the Service. Our Stewards are working non stop putting long hours into the

The VEEP Speaks

(from page 3)

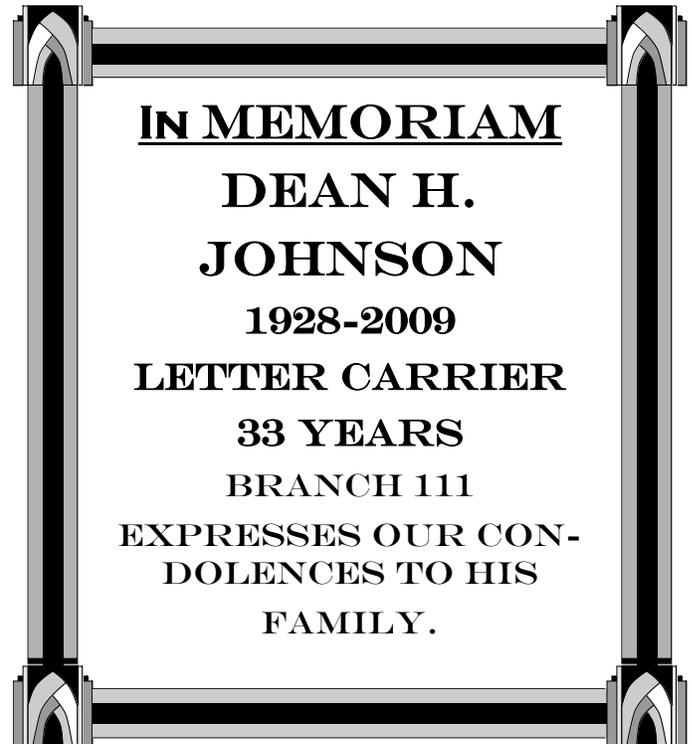
to grieve and adjudicate.

Gone are the day's that we go to work and leave our job behind until the next day. Management has become forceful and at times volatile in the way they manage. It will continue to get worst as the financial crisis of the Postal Service continues. It's not enough just to pay Union dues and rely on our Stewards to correct the woes of the Service. Our Stewards are working non stop putting long hours into the protection of our Contract. All of us need to become more educated with our rights as employees by becoming familiar with our Collective Bargaining Agreement. We need to get involved by giving to COLCPE and signing our E-Activist Network. We have monthly Union meetings that provide valuable information. We have monthly Steward training (everyone is invited) covering topics from attendance to OWCP and everything in between. I urge you to become more involved because when you know your rights, then it gives you a peace of mind that whatever your Supervisor say's, you can correct them by the knowledge of our Collective Bargaining Agreement. **GIVE TO COLCPE!!!**

of our Collective Bargaining Agreement.

GIVE TO COLCPE!!!

Phillip Rodriquez
prodriq@msn.com



HEALTH BENEFITS BRANCH 111

JIM KEREKES

Even though open season is over, the January enrollment extension for sign-ups seemed difficult for any who might have attempted . I hope it doesn't happen the next open season.

Those who did change plans have the following ways to prove your health coverage to your health care provider.

They are:

1. ID Card
 2. Form SF-2809
 3. Electronic Enrollment system confirmation
- Lastly you can have your care provider (Doctor, etc.) call your Plan to verify enrollment.

If you need to reach me you

can call:

Home #- 801-254-2860
Cell #- 801-557-6033
E-Mail - jmlkerekas@q.com
Work #- 801-955-8584 West Valley Office to set appointments.



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.

The Concerted Action Corner

Jeff Asay, Editor.

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That's right, 30. This is how many positions that management in Salt Lake say we are currently overstaffed. Does your office seem overstaffed? Supervisors are being required to pivot out, to paraphrase "2 routes minimum in the smaller zones and 3 in the larger zones on Saturdays". I'm sure this applies to every day with possibly the exception of Mondays.

Supervisors and Station Managers have also been instructed that they may not call in a 12 hour ODL carrier on his / her day off. The only time that a supervisor may use a 12 hour ODL on their day off is to "get authorization" at least a day prior. Even in the event of several unscheduled absences, the supervisor cannot call someone in.

This of course is leading to numerous violations of Article 8. Every Letter Carrier should know their rights under Article 8. All too often violations occur that are not grieved because the 8 hour carrier or work assignment carrier who was improperly mandat-

ed doesn't report the violation to their steward. If you are an 8 hour carrier and you are forced to work more than 8 hours, more than likely there is a violation. 8 hour and work assignment who are forced to carry of a route other than their own that results in overtime need to report this A.S.A.P. to their steward, so that the steward may investigate and grieve any and all violations.

When we all police the way management administers Article 8, we protect our fellow carriers. 12 hour ODL carriers get the overtime and earn the paycheck. 8 hour carriers have the time off that they place a premium on. Work assignments are only required to work their bid assignments. Everyone gets to work according to their priorities, whether it be time, money, or a little of both.

One of the most important things you can do is to fill out a 3996 each and every time that you estimate that your workload for the day will be more than 8 hours. If you are carrying from another route there should be a

3996 with the time. Please fill out the portion of the form that records your travel to the route, the delivery time, and the travel from the route. This protects you. It also makes for fine grievance documentation, which is one of the reasons management is often reluctant to provide you with the 3996. If you have a problem getting a 3996,

report this to your steward, so that this may be grieved. Let's make sure that we protect ourselves, each other and all of our rights under the National Agreement.



OWCP—Terry Ehlers

I would like to thank all of the Letter Carriers here in Branch 111 who have taken the initiative to give good advice to fellow carriers that have recently been injured. Please remember that if you are injured at work, immediately inform your steward, call the Branch 111 office or me.

One item I need to make all carriers aware of is that I do get a large number of calls. If you need assistance or information and I do not answer my phone, please leave a message. I will get back to you as soon as I can. Don't hesitate to call again if you think that the message was not received or if you are unsure if I have forgotten you. I will not be in the least annoyed if you call as often as you might need help. My position as the OWCP representative is to assist the members to the best of my ability, and I am committed to doing so.

I also am asking for some assistance from the membership. Please read and complete the survey below if you have previously been injured and return your response to the Branch 111 office in person, by mail, or your steward. Terry's phone number 801-694-0558

**Mail Responses to: National Association of Letter Carriers
2261 South Redwood Road, Suite 14
Salt Lake City, Utah 84119**

(Tear off Below)

Did you have an on the job injury (OWCP approved claim)? Did the treating physician handle your case exceptionally well? I am looking for individuals that would recommend their treating physician to other injured Letter Carriers. It would be deeply appreciated.

Type or nature of injury?

Physician's Name?

Physicians address?

Physicians Phone Number?

Physicians Specialty?

Did the physician complete an "Impairment Rating" for you?

Did you receive a scheduled award for your impairment as a result of your injury?

March 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 Pay Day	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 . Pay Day	21
22	23	24	25	26 Labor / Management Meeting	27	28
29	30	31	http://branch111.com/index.htm			

THE PAVEMENT POUNDER POLICY AND NOTICES

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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