



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

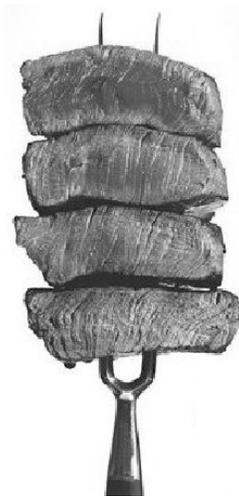
The
Pavement Pounder

Magna - Midvale - Millcreek -Murray - Northwest - Orem - Sandy - South Salt Lake - Sugarhouse - Tooele - West Jordan - West Valley

August - September 2013

2013.4

Branch 111's Annual Steak Fry



Where: Murray Park Pavilion #5

(Enter off of State Street or 5300 South)

When: August 24th, 2013 at 6:00 PM

Cost: \$10.00 Per Person (Limit 2 tickets per member)

Serving: Steak, Corn-on-the-cob, Dutch Oven Potatoes, Salad, Rolls, & Cobbler-Ala-Mode!

Music, Door Prizes, Games....and of course, all the soda you can drink!

See Your Shop Steward For Tickets!

The VP Speaks

Vice President Phil Rodriquez

Just Cause

Throughout our Branch, every year, management takes disciplinary action against their employees; letters of warning, suspensions and removals. When discipline is issued the employee notifies the Union and a grievance is filed. In all cases of discipline Management must follow the “just cause” provisions set forth in our Collective Bargaining Agreement. In our Branch most discipline is reduced or purged based on management’s violation of the rules and regulations outlined in our Collective Bargaining Agreement: wasting time and money. Some Managers issue discipline accordingly but others try to set a “tone” or intimidate employees by the issuance of discipline. In all cases, at every step of the grievance process, the “just cause” principle is applied to all cases when adjudicated.

What is “just cause”? The principle that any discipline must be for “just cause” establishes a standard that must apply to any discipline or discharge of an employee. Simply put, the “just cause” provision requires a fair and provable justification for discipline. In all cases management must be within the guidelines of just cause before they issue discipline to their employees. These criteria are the *basic* considerations that the supervisor must use before initiating disciplinary action.

Is there a rule? If so, was the employee aware of the rule? Was the employee forewarned of the disciplinary consequences for failure to follow the rule? It is not enough to say, “Well, everybody knows that rule,” or, “We posted that rule ten years ago.” You may have to prove that the employee should have known of the rule. Certain standards of conduct are normally expected in the industrial environment and it is assumed by arbitrators that employees should be aware of these standards. For example, an employee charged with intoxication on duty, fighting on duty, pilferage, sabotage, insubordination, etc., may be generally assumed to have understood that these offenses are neither condoned nor acceptable, even though management may not have issued specific regulations to that effect.

Is the rule a reasonable rule? Management must make sure rules are reasonable, based on the overall objective of safe and efficient work performance. Management’s rules should be reasonably related to business efficiency, safe operation of our business, and the performance we might expect of the employee.

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. If employees are consistently allowed to smoke in areas designated as *No Smoking* areas, it is not appropriate suddenly to start disciplining them for this violation. In such cases, management loses its right to discipline for that infraction, in effect, unless it first puts employees (and the unions) on notice of its intent to enforce that regulation again. Singling out employees for discipline is usually improper. If several similarly situated employees commit an offense, it would not be equitable to discipline only one.

• **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* the discipline is initiated.

Was the severity of the discipline reasonably related to the infraction itself and in line with that usually administered, as well as to the seriousness of the employee’s past record? The following is an example of what arbitrators may consider an inequitable discipline: If an installation consistently issues five-day suspensions for a particular offense, it would be extremely difficult to justify why an employee with a past record similar to that of other disciplined employees was issued a thirty-day suspension for the same offense. There is no precise definition of what establishes a good, fair, or bad record. Reasonable judgment must be used. An employee’s record of previous offenses may never be used to establish guilt in a case you presently have under consideration, but it may be used to determine the appropriate disciplinary penalty.

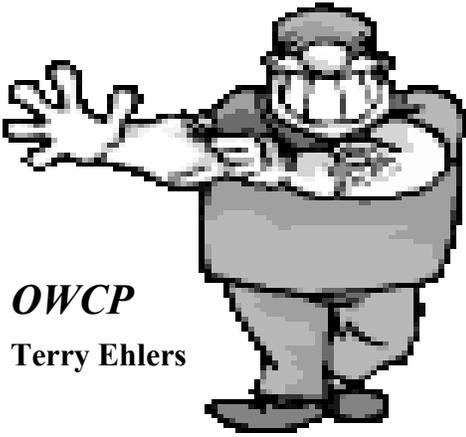
Was the disciplinary action taken in a timely manner?

Disciplinary actions should be taken as promptly as possible after the offense has been committed.

Corrective Rather than Punitive

The requirement that discipline be “corrective” rather than “punitive” is an essential element of the “just cause” principle. In short, it means that for most offenses management must issue discipline in a “progressive” fashion, issuing lesser discipline (e.g., a letter of warning) for a first offense and a pattern of increasingly severe discipline for succeeding offenses (e.g., short suspension, long suspension, discharge). The basis of this principle of “corrective” or “progressive” discipline is that it is issued for the purpose of correcting or improving employee behavior and not as punishment or retribution.

In most companies the employer have complete authority to discipline or remove the employee with little oversight or accountability. Luckily, we have a negotiated Collective Bargaining Agreement that protects the employee from being disciplined or removed arbitrarily. We have all been a victim of a vindictive Supervisor or Station Manager that if they had their way, would fire everyone. I have heard over the years the Union filing grievances protects the lazy or those who don’t want to work. In some cases this might be true, but the protection of this valuable provision protects us all and should be protected at all cost. If you work for the Post Office long enough you will be disciplined and that protection will be a valuable tool against an employer who has proven that they issue discipline arbitrarily and capricious time and time again.



OWCP

Terry Ehlers

Protect Your Eyes: Everyday Steps to Sun Safety

For most of us, the eyes are the most cherished of our senses. Yet we potentially expose them to danger simply by going outside. Over time, the sun's rays can seriously damage the eyes and surrounding skin, sometimes leading to vision loss and conditions from cataracts and macular degeneration to eye and eyelid cancers. However, simple daily protective strategies will help keep our eyes and the sensitive skin around them healthy.

Don't Take the Sun Lightly

Certain types of light from the sun can be dangerous:

Ultraviolet A and Ultraviolet B light: Ultraviolet A (UVA) and ultraviolet B (UVB), powerful, invisible rays with wavelengths shorter than visible light, are the most dangerous parts of sunlight. They can cause cataracts, eyelid cancers and other skin cancers, and are believed to play a part in macular degeneration, a major cause of vision loss for people over age 60. In addition, UV rays can prematurely wrinkle and age the skin around the eyes.

High-Energy Visible Light (HEV light)/Blue Light: HEV light – high-energy visible light in the violet/blue spectrum is a potential contributor to cataracts and other serious eye maladies. Blue light can damage the retina over time, leading to macular degeneration. The retina is the membrane where images are formed and transmitted to the brain. The macula, the region of sharpest vision located near the center of the retina, is the most likely area to be damaged.

Are You at Risk?

The fairer your skin, the greater your age, and the lighter your eyes, the higher your long-term risk, especially if your work or recreation involves prolonged sunlight exposure. Light eyes are at increased risk for skin cancer and certain eye diseases because they contain less of the protective pigment melanin.

How Sunlight Damages the Eyes

Although designed to protect the eye, the eyelid's skin is thin and contains many fragile tissues vulnerable to UV light. Inside the eye, the lens and cornea, both transparent, filter UV rays, but years of UV absorption can damage them. The lens, the eye's focusing mechanism, can turn yellowish and cataractous. The cornea, the area in front at the outer layer of the eye, admits light and images to the retina. UV damage can cause:

Eyelid cancers: Eyelid skin cancers, including basal cell carcinoma (BCC), squamous cell carcinoma (SCC), and melanoma, account for 5 to 10 percent of all skin cancers. Most occur on the lower lid, which receives the most sun exposure.

While BCCs elsewhere on the body rarely spread, eyelid BCCs potentially can spread to the eye itself and surrounding areas. SCCs grow faster and have greater potential to spread.

Both cancers are found mainly in patients with a long history of sun exposure, while melanomas are especially associated with intense, intermittent sun exposure and sunburns.

When diagnosed and treated early, eyelid cancers usually respond well to surgery and follow-up care, with the eye and eyelid largely retaining normal function. But left untreated, they can be dangerous. Watch for these early warning signs:

- a lump or bump that bleeds or does not disappear
- persistent red eye or eyelid inflammation that does not respond to medication
- new flat or elevated pigmented lesions with irregular borders and growth
- unexplained loss of eyelashes

If you have any of these signals, consult a skin cancer specialist or ophthalmologist, even if you feel no discomfort.

The Steak Fry is just around the corner hurry and get your tickets from your Steward or come on down to the Branch 111 Union hall.

If you need assistance or information please call me 801 694 0558

In solidarity Terry C Ehlers



June was a busy month. On the 21st of June, there was the Taylor & Mayne dinner event. I would like to thank Trevor DeReus, Amy Ellis, Joe Zabriskie, Allen Bears, Mike Smith, Mike Simonsen, and Fred Downy for all showing up to help get out the Letter Carrier brand. The NALC were silver sponsors for this event and it was a great way to show the political leaders in the state that Letter Carriers care and show up. The Keynote speaker for the event was Mayor RT Rybak of Minneapolis, MN. He sat at the Letter Carriers table. He gave a great talk about labor and our recent trip to his city for our National convention. Karen Mayne was also at our table and Mayor Rybak asked her how, as a Democrat, she had managed to be elected to office. She said it had been with the help of "these people here", as she pointed to the Letter Carriers.

The Utah State Democratic Convention was on June 22nd in Ogden. I only saw two other Letter Carriers there, Joe Zabriskie and Trevor DeReus. If you want let me know. The hot topic at the convention was if the Democratic Party would do away with the caucus system that is in place now or go to a primary system. The vote was very close, but the caucus system won out. The party will be looking at ways in which to improve upon the caucus system, so if you have ideas or input on how you would like your future political leaders voted in, this is the time to step up and get involved. The party is taking input and looking for people to help with this process.

The Utah AFL-CIO convention was held on June 28th in West Valley. We had a great turnout for this event. I would like to thank all the Letter Carriers that showed up for this event: Amy Gallo, Terry Ehlers, Jeff Nelson, Phil Rodriguez, Kim Mortensen, Mike Simonson, Joe Zabriskie, Lela Gardner, and Shawn Mullins. At the convention, they had a couple of break out classes where they taught us how to talk to our members about current events with our jobs and how to relate and understand the needs of our membership. The Keynote speaker was former Jazz coach Frank Layden. He talked about how important labor has been to the development of our nation and the importance of supporting U.S. companies and U.S. made products. The one thing that stood out to me about his talk was how he was not here to address the convention for us, but he was there for his self. He said that he tries to touch and inspire at least one person every day and by being able to talk in front of such a large group as the AFL-CIO it made his goal a lot easier. I like the idea of trying to inspire one person every day or trying to get one new member or even helping out a current member every day we need to be there for each other in the tough times,

On June 29th we went to the "Utah Unions and You" event held at the labor hall. The NALC manned a booth at this event and I think it turned out really good. I think we were one of the most visited booths. We talked to people about what we do in our daily jobs; how we impact a big range of people and business. We also told people that we are hiring again after not hiring in a long time. It was really interesting to talk to UPS drivers and find out they have the same issues as Letter Carriers and that they were looking to try and get their family members on at the Post Office when they learned we were hiring. Later that night Phil and I helped Karen Mayne with her booth in Taylorsville. We ran into Congressman Jim Matheson there and he saw that we do support people that support us.

Things are only going to be getting busier with the appropriation bill coming due that helps protect six day delivery. Darrel Issa has already started challenging that this wording does not belong in this appropriation bill. Issa has started holding hearings about trying to pass his postal killing bill in Congress. His bill will do away with our collective bargaining rights, cut Saturday delivery and make Saturday a premium deliver, it will force people into retirement, will cut front door and curb side delivery and move them to an CBU system, and it looks to cut the staffing levels of the Postal Service. On a good note Rep. Elijah Cummings (Md.) his ranking member counterpart, had introduced The 2013 Innovate to Deliver Act. It would reduce our pre-funding obligation to be 80% funded by 2053 which would lower our yearly obligation to this fund, It also states all products must meet their own cost. Right now we have 9 different mail streams that do not meet their own costs. This is the financial problem with the Postal Service not Saturday deliver. Cummings proposed to institute a balanced budget requirement at the Postal Service, which would prohibit the agency's Board of Governors from receiving pay for any year in which costs exceed revenues, beginning two years after the bill's enactment. Cummings bill would also limit the pay of the top Post Office executives

If you have not signed up to be an e-activist, you should. It is very easy to do. Go to the NALC.com website and click on the E-Activist link on the right side of the page. It will ask you for your email address and it's that easy. You will receive about one email a month from our national president Fredric Rolando. Why is this important? Because this is the one way our national office can get out the latest information on what is going on up in the capitol, it is a fast way to mobilize our network; to get out and call each Senator and Congressman.

I am still looking for someone to bring me a letter from Congressman Chris Stewart's office which talks about the Post Office. The first person to show me a letter from him will receive a tee shirt. We all need to be writing letters to our Congressman and Senators asking them for support and spelling out why cutting service is the wrong way to go and that other means of cost savings should be addressed before we lose the one strong hold we have in our industry which is universal 6 day service.

Chad Mortensen

Chris Stewart	Jim Matheson	Rob Bishop
323 Cannon house	2211 Rayburn HOB	123 Cannon House
Washington, DC. 20515	Washington, DC. 20515	Washington, DC.
202-225-9730	202-225-3011	202-225-0453

Jason Chaffetz	Elijah Cummings (For Bruce)
2464 Rayburn House	2235 Rayburn House
Washington, DC. 20515	Washington, DC. 20515
202-225-7751	202-225-4741



NALC HEALTH BENEFIT PLAN

Jimmy Kerekes Jr.

Another short article. Congress and the President keep changing some things about the Health Care Law. Some of the mandates will take effect in 2014 and some of them will not. It is also a few months away till we find out what all available health plans will offer for coverage in 2014.

If I am correct, CCA'S appointments were started on April 10, 2013 (90 days after the DAS award dated Jan. 10, 2013). Many CCA'S hired this year won't complete their 360 days and their 5 day break until sometime in 2014. All depends on their date of hire and entry into a pay status.

Therefore, I would urge all who read this to let the CCA'S know that during Open Season, they should get to the Health Fair and gather all the information on health coverage they can. It will help them to be able to make a good choice for their medical needs.

Due to the printing times of our Pavement Pounder, I may not be able to write a lot about the 2014 coverage. When I get the information to write an article for the Pavement Pounder, Open Season is almost over by the time you get it in the mail.

Many things can be found out about Health Coverage on OPM.Gov/ insure.

NALC Branch 111 ANNUAL RETIREE'S DINNER

Thursday, Sept 19th, 2013 4:30 PM

Place: Golden Corral Buffet and Grill
3399 W 3500 So, West Valley City, UT

Cost: Retiree & Spouse (or Guest) - *Free*
(Active Carriers "*must*" pay)

RSVP: Joe Zabriskie by September 12th

801-968-4208 or 801-973-6705

Need a ride? Call Joe by September 6th

Director of Retirees Report

This year marks my 12th year as Director of Retirees for Branch 111 NALC.

My job a Director of Retirees gives me the opportunity to serve the seniors of the branch and their families.

With 50 years of Union membership, a retired member qualifies for a Gold Card which means they no longer have to pay monthly dues. If you think you are eligible, please contact Branch Secretary Kim Mortensen.

The annual Retirees Dinner will be held the 19th of September 2013 at the "Golden Corral" Restaurant in West Valley City. There will be a reminder posted in a later edition of the Pavement Pounder for RSVP.

The Branch has a progressive door prize the night of Union Meeting. Please come out and see if you can win.

If you have not yet signed up for COLCPE, please contact Eric Grotepas on how to do it.

Last but not least, the Branch will be taking nominations for "Retired Carrier of the Year" awards. Any member in good standing, or their families, or active members may nominate someone. Nominations need to be mailed to the Branch no later than August 14th, 2013. Please put "ATTN Retired Carrier of The Year Award Committee" on the outside of the envelope.

The envelope should be addressed to:

ATTN Retired Carrier of the Year Award Committee
BRANCH 111 NALC
2261 So. Redwood Road
SUITE 14
Salt Lake City, UT 84119-1330

Yours Fraternaly,

Joe Zabriskie

Utah State Association of Letter Carriers

presents

TEXAS HOLD 'EM CHILI COOK-OFF



A benefit for

Muscular Dystrophy

Aug 11th

Union Hall at 2261 S. Redwood Rd.

Sponsored by Service Systems Associates

Auxiliary Chili Cook-Off **6-7 pm** Vote for and then eat your favorite chili at a reasonable price

Texas Hold 'Em begins at **7 pm** **\$25** a hand with one time rebuy in option at \$10, \$20, \$25

Prizes for different hands Winner of each table wins a prize

Grand Prize to be announced Special drawing for players who **preregister** by Aug.1st

To preregister, endorse your check to MDA, and send to MDA Fundraiser c/o Julie Todich 197 N 1200 W Vernal, UT 84078 or give to Lela Gardner of Branch 111. Questions? Call Julie at 435-790-5276

Raffle for one night stay at the Zermatt Resort w/\$30 gift card (sold by Lela)

Other prizes to be raffled and/or auctioned include:

2 annual family memberships to Hogle Zoo; 2 annual family memberships to Discovery Museum; dinner at the Bistro restaurant at Hogle Zoo; gift baskets from the zoo and museum, donated by our sponsor.



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