



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

The  
**Pavement Pounder**

June-July 2012

2012.3

**What can and does the union blue do for  
you?**



**Curious? Look inside for answers.**

# The Nelson News

Jeff Nelson, President.

Hello again, my brothers & sisters of Branch 111! There are a few topics I'd like to address in this issue, and the first is the change in the weather. The weather is beginning to warm up out there, and with the change in the weather, be aware of the typical hazards that the season of summer brings. With school being out, children will be out and about more, and often times they are drawn to the mailman, so be alert. Also, it is even more important to keep yourself hydrated with the hot weather. Make sure your office is having their weekly safety stand-ups to notify the newer carriers of the additional hazards that will be out there.

Another hazard that is rearing its ugly head is the fact that in many offices, management is getting the idea that they can deny medical appointments that carriers make. If this happens to you, let your steward (or another union official) know of this immediately so appropriate action can be taken. The bottom line is this: we should try to make medical appointments on our non-scheduled day if possible, but if it's necessary to make it on a day other than your non-scheduled day, make the appointment and notify your supervisor as early as possible so they can make a plan on covering it. You do not have to explain why it wasn't possible to make the appointment on your non-scheduled day. Just let them know that you tried, but it didn't work out. Do not allow your supervisor to intimidate or cajole you into cancelling your appointment or pushing it back. The health and safety of you and your family should be of the highest priority. Take care of yourself now, not when it's convenient to your supervisor and their "operations".

Being a simple man, I enjoy the lessons taught by fables. One of the fables credited to Aesop is titled, "The Wolf and the Lamb". In this particular fable, a young lamb has left the safety of its fold. A wolf finds him and determines not to attack him before he finds some reason to justify eating him. First, the wolf claims that the lamb "grossly insulted" him last year. The young lamb points out that he was not yet born at that time. Next, the wolf claims that the lamb has been eating out of his pasture. The lamb denies that allegation, stating that he has not yet tasted grass. The wolf then accuses the

lamb of drinking out of his personal well. The lamb tells the wolf no, that his mother's milk is the only thing that he has had to sustain him for both food & drink. At this point, the wolf, exasperated from attempting to bring false charges against the lamb, seizes the lamb and devours him, saying, "Well! I won't remain supperless, even though you refute every one of my imputations." With this, the fable concludes that, "The tyrant will always find a pretext for his tyranny."

With this fable, there are a couple of points I'd like to make. First of all, I've sat in on more than a couple investigative interviews (I.I.) which reminded me of the accusations of the wolf to the lamb. In most all cases, management has already made the determination if they are going to issue discipline for an alleged action before the I.I. even takes place. In too many cases, the I.I. is only being used for the same purpose the wolf made accusations; to attempt to justify management's position for discipline. And in too many cases, the line of questioning is such to attempt to trap the accused with leading questions. If management begins to question you on something that sounds even a little bit accusatory, ask if this is something that could lead to discipline. If your supervisor says, "Not at this time", or "I don't think so", **that does not mean no**. It could very well lead to discipline. **Invoke your Weingarten rights immediately** and let them know you will gladly answer their questions, but you will do so with a steward present. Otherwise, you choose not to answer any more questions. If they will not respect your invocation of your rights, call your steward or call me immediately.

The other point I'd like to make is what led to the heinous attack on the lamb; he was away from the fold. Had he been with the fold, it's very likely that his day would have turned out much better than it did by being alone. There is strength in numbers, and by all of us joining together, our voice will be heard more clearly wherever it might need to be raised against those who would bring us down. Whether it's before Congress, in negotiations for a new collective bargaining agreement, or just on the workroom floor, the more of us that are united in our purposes to maintain the benefits we

have, the more successful we will be. There are many tyrants out there that would do whatever they can to rip our benefits away from us. We owe it to ourselves and to the inspiring carriers that have gone before us to stand up for the rights that have been fought for.

The fact that our voices united are stronger than when they are separate is only part of the reason it is important to become an active union member. Anyone who does a study into the history of the letter carrier and his/her struggle to obtain decent wages & living conditions will quickly understand what a vital part the NALC has played in that fight. From obtaining a livable wage, to sick leave benefits, to compensation for disability and retirement benefits, the job as a letter carrier would be much different now had letter carriers not banded together beginning in 1889 to seek a decent living and justice on the job.

One thing I hate is when I hear a song that I dislike and it sticks in my head. Years ago, my kids would watch a certain movie over and over again. Some movie about some kids going to high school, singing and being musical all the time. Anyways, one of the songs that stuck in my head had a line which told about how they were "all in this together" and the importance of sticking together to get to the end of their high school experience. While this was one of those songs that I disliked, the message it told of applies to us as carriers: we are all in this together. Members, non-members, & retirees, the changes that will be made in Congress will affect us all in one way or another, for better or for worse. We will have a greater chance to make it a more desirable change if we are united. This is the time to unite. We cannot wait upon possible mercies of those that have immoral agendas.

At this time, I call on all you letter carriers that are not currently members of the union to join with us in brotherhood and unity. I understand that in the past, there may have been those that have treated you poorly and have called you out in ways which may have offended you. While I cannot change the past, I will do what I can to see that this is not done again. If I happen to visit your office, please make a point to come and talk to me and share with me your concerns or troubles. In return, I ask that you sincerely consider joining the union, or in some cases, rejoining the union. I invite you to visit the following website to read more about why this is important:

Talk to a steward, a union official, or call me directly, and we will be glad to do what we can to help out any letter carrier that may feel that they have been wronged. Come and be a part of the change that will take place, and have your voice be heard.

In solidarity,

Jeff Nelson  
President, Branch 111  
801 973-6705  
branch111slc@gmail.com

## The VP Speaks

### Vice President Phil Rodriguez

#### Vice Presidents Report

In this edition of our Pavement Pounder, our Executive Board requested we devote our articles to individuals who choose not to join our Union. In the past, wrong or right, we have published articles condemning, name calling and outing those Letter Carriers, for whatever reason, are not members of the National Association of Letter Carriers. I don't know if outing or calling names is wrong or right?? That is not the question, but rather why, after all that is given in wages and benefits through negotiation by the NALC with the USPS, would anyone not recognize this and join our Union?

Why someone would not join is beyond my comprehension but I have heard over the years many excuses. And, however often I remind them of the high wages and benefits of our Collective Bargaining Agreement, those individuals still choose not to join. Again I don't understand? Is it a money thing?

Our Union is the best thing going in a changing labor force that gives workers less pay and protections and that has changed for the protection of the Corporation, rather than the worker. When most companies have downsized or transferred the high paying jobs overseas, we, the NALC, have negotiated and maintained our high wages, sustained our healthcare plan(s) and provided a substantial retirement package to our workers. The NALC has negotiated workplace safety rules and regulations that protect employees in OWCP rights and workplace injuries. The NALC has continually negotiated annual leave and sick leave, bereavement leave, dependent care leave and other benefits at a time when few companies offer these perks to their employees. The NALC have successfully sustained and maintained increased wages and benefits throughout most of our careers as Letter Carriers by ratifying agreements with excellent benefits. We have a no-lay off clause at a time when most companies would be quick to pull the trigger; given the dismal financial status of our company. The Union has a right to file a grievance, protecting the Collective Bargaining Agreement and the employees who fall under our Agreement. Just imagine if we didn't have this option when our Supervisors violate your

rights??? What if management went unchecked??

Over the past five years the NALC has spent millions of dollars and Letter Carriers throughout the Country have donated thousands of hours lobbying Congress in our quest to save our jobs. Our members have given millions to the MDA and other charities by donating their time and money to such worthy causes. We have provided millions of pounds of food to organizations that feed the hungry. The bottom line is our officers and dedicated members work countless of hours in the hope that all of us, member and non member, sustain a job that allows us to feed our families and ultimately retire after a long career.

I realize our Union is not perfect, especially in the eyes of non members'. However, what in life is perfect? What institution is perfect? Is it realistic to expect perfection before joining our Union? Our Union is run by Letter Carriers who carry mail then take the responsibility of protecting our contract. If you have a problem with our Union make a call. Come to our meetings and participate in the operations of our Union. Our future remains uncertain and we have many things that we might lose in next few years so I am asking you to join the fight. I believe strength is in numbers and at this point, we need your help in this long continued fight to save our jobs. If you have a question, concern or comment, please call or email. Finally, I am asking you to join our Union by filling out an 1187 and submitting it to your steward.

Phillip Rodriguez  
prodriq@msn.com

#### New FMLA processing contact info ....

**HRSSC—FMLA Western  
Human Resources Shared Service  
Center**

**P.O. Box 970910  
Greensboro, NC  
27497-0910**

**Phone: 877-477-3273  
Select option 5,  
then option 6.**

**Fax: 651-456-6071**

**You will need your E.I.N.  
(employee identification number)**

**And your pending or  
Approved FMLA case  
number when calling  
HRSSC**





## Legislative Report

S. 1789 made it out of the Senate. It wasn't the version we were hoping for, but it is not as bad as the original draft. Let me try to sum up what happened with all the amendments that were added to this bill.

- Allows USPS to recoup more than \$11 billion that it had overpaid into one of its pension funds
- Provides early retirement incentives for nearly 100,000 USPS workers (Postmasters and mail handlers)
- Restructures payments to health benefits fund for future retirees (decreases the amount paid into each year and gives access to money already in the fund)
- Frees up USPS to offer a broader range of services like delivering beer and wine for retailers
- Creates a USPS chief innovation officer (How much is this position paying?)
- Halts the immediate closing of up to 252 mail-processing centers and 3,700 post offices
- Forces USPS to preserve overnight delivery of mail sent to nearby communities
- Forbids USPS from closing a rural post office unless the next-nearest location is no more than 10 miles away
- Places a one-year moratorium on closing rural post offices and then requires the mail agency to take rural issues into special consideration
- Prevents USPS from cutting Saturday delivery for two years, until the agency can prove such a cut is needed as a "LAST Resort"
- Transitions from door-to-door delivery to curbside delivery in some areas, such as suburban neighborhoods
- Strengthens the appeals process for customers opposed to closing a Post Office
- Forces USPS to wait until after Election Day to close Postal facilities in states that permit voting by mail
- Permits USPS to co-locate post offices in

government-owned buildings  
And the best one - Caps bonuses and pay for USPS executives

Senator Rand Paul submitted an amendment prohibiting and voiding our Collective Bargaining Agreement. Thankfully this amendment did not pass. Guess how our Senators voted on this amendment. They both voted to pass it.

This bill will now go to the House of Representatives. In Congress Darrell Issa is going to try and push through his bill, HR. 2309. This is a bad bill, it will cut a day of service, create two new commissions that will cost the Postal Service about 32 million dollars a year to run, eliminate our collective bargaining agreement and it will give the commission the power to start contracting out our jobs. It does not address the root cause, the prefunding obligation. This bill does not fix the Postal Service it just forces it to shrink and downsize. Now, we need everyone to start calling your Congressman and ask them to support the Postal Service

On May 10<sup>th</sup> the House of Representatives voted and approved the Sequester Replacement Reconciliation Act. It will phase-in a five percent contribution increase. The bill requires FERS employees to contribute 5.8 percent of each pay check toward the FERS basic annuity portion and requires CSRS employees to contribute 12 percent, yet it does not increase employee's annuities or provide any additional benefits upon retirement. This bill will now be considered by the U.S. Senate. I urge everyone to call your senators and ask them to oppose this bill.

We have a tough battle here in Utah, it is very hard to try to convince and change someone's mind. Rather than have to do this every time we have a bill come up for vote wouldn't it be better if we had someone holding down these elected positions that understood our issues and was labor friendly? Right now is a prime time in Utah to elect candidates into office that are labor friendly. We all need to get involved with this election cycle. Find out who is running for office in your district and ask them where they stand on labor issues, where they stand with the Postal Service and your job.

I would like to thank everyone that came out for our rally on April 12. It was a great turn out considering how hard it was raining. We were still able to get our message out. We had three news crews and one newspaper reporter come out and do interviews.

The Utah State Association was able to send 10 carriers to the Taylor and Mayne Dinner. We were the only Gold Sponsors. It was a great opportunity for the NALC, we had Congressmen, Mayors, and other candidates running for office come to our table to talk with us.

We need to stay united and stay organized, in doing so we will have a stronger voice in the future of our jobs. We as union members need to stand up together and make our voices heard. We need to educate and recruit new members, inform the public of the true facts about the Postal Service, and do our part by contributing to COL-CPE. When we give to COLCPE, it gives us the ability to gain access to the people that are voting on the bills that hold our future.

Chad Mortensen

[Mrmorty@aol.com](mailto:Mrmorty@aol.com)

### Contact Info for Congressmen

#### **Rob Bishop**

1017 Federal Building  
324 25<sup>th</sup> St.  
Ogden, UT 84401  
(801)625-0107

#### **Orrin Hatch**

Federal Building  
125 south State Street  
Salt Lake City UT 84138  
(801) 524-4380

#### **Mike Lee**

8402 Federal Building  
125 South State, Suite 4225  
Salt Lake City, UT 84138  
801-524-5933

#### **Jim Matheson**

240 east Morris Avenue #235  
South Salt Lake, UT 84115  
(801)486-1236

#### **Jason Chaffetz**

51 s. University Ave #318  
Provo, UT. 84601  
(801)851-2500

## Official Notice

**Branch 111 N.A.L.C.**

# **Union Meetings**

**All meetings held at:**

**2261 S Redwood Road  
Salt Lake City, Ut. 84119**

**Next union meeting**

**June 14, 6:30 p.m.**



**OWCP**

**Terry Ehlers**

### Second Opinion Examination

Any injured worker, who has been on OWCP for any length of time, will sooner or later be sent to an OWCP scheduled examination. You must attend any examination OWCP schedules or your benefits will be suspended until you do.

On the day you receive the notice of the scheduled exam, you should write your Claims Examiner (CE) at OWCP and request the following items:

1. Your **Statement of Accepted Facts**, (SOAF);
2. The list of questions the Claims Examiner is sending to the physician; and
3. The physician's Curriculum Vitae (Physician's Resume)
4. You should also include a paragraph requesting a copy of the Second Opinion

Physician's report once it is received by OWCP.

Why are these things important?

Your SOAF is just that, a statement of the facts OWCP has accepted in your case. Whenever OWCP sends you to an exam or sends your file to the District Medical Advisor, (DMA) your CE must complete an SOAF for the doctor. The doctor in turn must rely on the information contained in your SOAF. If your SOAF is inaccurate or incomplete, you have the basis of an appeal, should it come to that. See the FECA Manual part 2 at 2-0809 for information regarding SOAF's and their requirements.

The list of questions to the physician is to answer certain questions OWCP has in your case. However, the questions to the physician cannot be leading questions. In other words, the questions can't be phrased in such a way as to lead the physician to the answer.

The next thing you should do when you receive your scheduled exam notice is to research the physician you're being sent to see. Often OWCP uses the same physician's over and over again. The physician's are paid better by OWCP than through the private sector and many physician's take advantage of this, especially older physician's. Also, a lot of OWCP's physicians also work as State work comp and Social Security examiners as well.

OWCP cannot send you to a physician who has the appearance of bias toward claimants. Do a basic Google search on the physician, what comes up? Does the physician have a current license for your State? Now let's say that you do find skeletons in the physician's closet, what should you do? The first question you have to ask yourself is what did you find? If you found that the physician OWCP selected for you is regularly involved in law suits, Social Security claims or State work comp claims, you must find information that pertains to OWCP as well. Although the OWCP and/or the ECAB have to consider outside information, they do not have to agree with it. The ECAB decision web site is the best place to tie the physician to OWCP.

OWCP also cannot send you to the same doctor or a doctor you've already seen for your injuries.

I highly recommend every claimant take a tape recorder to any OWCP scheduled event (except on Federal property). The physician may protest, but stand your ground. Then you have a recording of exactly what was said during your appointment and if the facts come out different later, you have proof. Another choice would be to have your significant other go with you and take notes, but again the recording would be much better.

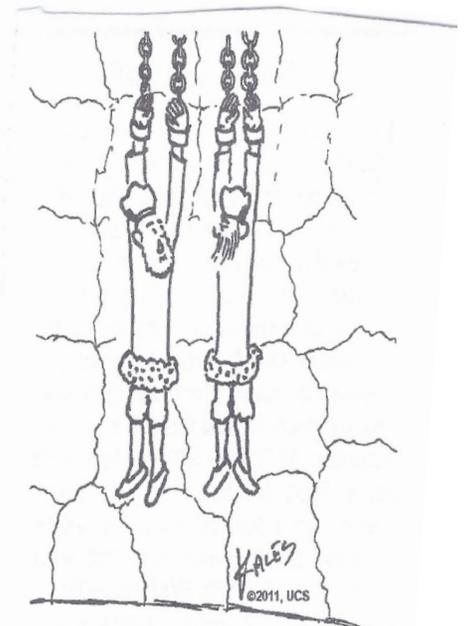
One last thing about OWCP scheduled medical exams. You are allowed to file a complaint of your own with OWCP and you can also file a complaint with your State's medical board if need be. The information you find during your research, how you're treated by the physician and your report would determine your decision on whether or not to file complaints.

If I can be of assistance please contact me,

Terry C Ehlers

**NALC Branch #111**  
**2261 S Redwood Rd #14**  
**Salt Lake City UT 84119**  
**Business Hours:**  
**Mon, Wed, Friday**  
**7:30 AM – 6:00 PM**  
**Tues, Thursday**  
**9:00 AM – 6:00 PM**

**Please call before visiting the Branch office to insure someone is there.**



"This wouldn't have happened if we had unionized."

**Pavement Pounder Staff**  
**Editor - Monte Jones**  
**jones255@comcast.net**

	Have something to say or want to make others aware.....?	
	Send in your ideas or articles to	
	Jones255@xmission.net	



HEALTH BENEFITS

If any of you with the NALC Health Benefit Plan have lost your doctor due to the new CIGNA OAP Network, call me. I need to turn those doctors' names and addresses into the Health Plan headquarters. They are going to check with CIGNA to find out when those doctors' contracts began with CIGNA and what discount network they are in. The PPO or the OAP.

If the Health Plan finds out your doctor is not on CIGNAS OAP, then the Health Plan will try and get a process started to sign them up or we will have to use the nomination form and send it to the Health Plan. I have some of those forms.

They are currently checking on the 8 hospitals we lost. They are going to talk about health coverage at the National Convention in July. Maybe some information on the next year's coverage for 2013. Call me at 801-557-6033 to give me those doctors' names and addresses.

Those of you, who came to the Retirement Class, Thank You. Many of you may have wanted to ask questions after the class. We were running late that night. Therefore, if any of want to do a question and answer class please call the number above. We can set up another date and time. I can also meet with you individually at yours and mines convenience.



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Hello my name is Ethel Taylor- I am the widow of George S. Taylor

He was a carrier for 30 years in the branch 111 downtown post office he then retired and sold Brookfield uniforms for 30 years.

I have now picked up where my husband left off and will continue to do my best to supply you with the BEST quality uniforms that I can and to answer all of your questions to the best of my knowledge. Thank you for your friendship and business.

-Ethel Taylor  
801-355-0182

*Support the auxiliary since they support us. The auxiliary is in dire need of members. Bring your spouse, enjoy the company, sign up for fun and enjoyment.*

*Remember as well to bring a little extra cash to the union meetings to get some great grub.*

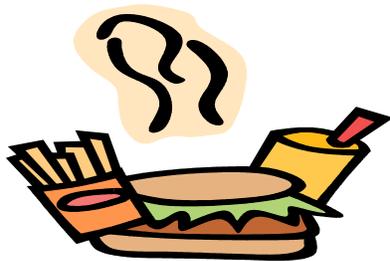
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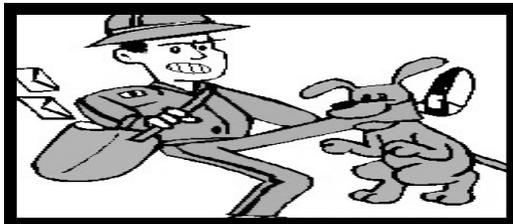
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- 5430 S. 900 E. Murray
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Must present coupon at time of order.



Visit the Branch 111 Website  
<http://branch111.com/index.htm>



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