

THE MAIL CALL



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PRESIDENT'S REPORT

By Roger Askew

NATIONAL NEGOTIATIONS

As of this writing, other than some preliminary discussions about what areas of the contract both parties would seek to change, there is no news coming from Washington, D.C. in regard to the progress of the negotiations. I can report that subcommittees have been formed by each side and they are continuing to hold meetings. National headquarters has created a hot line number which is 1-877-235-NALC (6252). When I called this number earlier, President Sombrotto noted that 3 specific subcommittees have been created to look into the possible changes of Articles 15 and 16 which deals with the grievance procedure and the issuing of discipline. The second committee is reviewing Article 8 and the application of overtime as it applies to letter carriers. He further reports that a wage package is being discussed under Article 9 of our agreement. As additional information becomes available I will let you know. You can also review the bi-weekly bulletins that are sent out from headquarters.

RETIREE'S NIGHT

We are ten days away from the annual retirees dinner. This year we will have the privilege of presenting three awards during the event. The first award will go to two long time members of our branch. Article 2, Section 5 (a) of the national constitution states in part, "Upon 50 years of membership in the National Association of Letter Carriers, a member shall be given a Life Membership Card (Gold Card) which shall entitle him/her to all privileges of membership in the National Association of Letter Carriers without payment of dues, per capita tax, or special assessments". Bernard Siegel and Frank Brash will be given this special award on this evening.

The third award to be presented is the annual Ray Kreyer award. Our branch has a tradition of presenting this special award to a member who has served the membership above and beyond any elected position he/she might hold. This year the award goes to Jim Tukesbrey. Jim was elected president of the branch in 1967 and then again in 1968. He has held numerous positions in the branch from treasurer to trustee over the years and he presently holds the position of Health Benefits Representative. Jim has been our health benefits representative since 1985. His countless knowledge of the history of the branch and his dedication to our membership makes this a well deserved award. Congratulations to Jim Tukesbrey on winning the 1998 Ray Kreyer Award.

(Continued on Page 2)

SPECIAL NOTICE

**The Regular Branch Meeting will
be held on**

**WEDNESDAY !!!!
NOVEMBER 4TH**

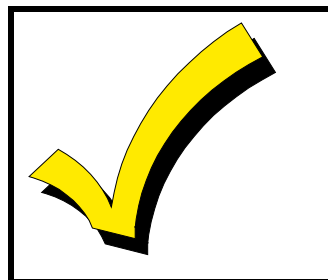
1998

AT

6:00 P.M.

**THE CHANGE IS DUE TO THE
ELECTION ON TUESDAY
PLEASE MAKE A NOTE OF THIS
CHANGE ON YOUR CALENDARS. WE
HOPE TO SEE YOU AT THE MEETING**

!!!



"The MailCall" is published monthly by "Heart of the Valley Branch 2462, NALC, 6910 Hayvenhurst Ave., Suite 101, Van Nuys, CA 91406 in the interest of and for the Letter Carriers of the Van Nuys Post Office and its Stations. ARTICLES FOR PUBLICATION MUST BE IN THE HANDS OF THE EDITOR ON THE 21ST DAY BEFORE THE REGULAR BRANCH MEETING. ALL ARTICLES MUST BE TYPED OR ON COMPUTER DISK WITH SINGLE LINE SPACING. The Editor reserves the right to delete any article he deems necessary, improper, or unfit. All opinions expressed are those of the writer and are not necessarily those of the Editor or Branch 2462, NALC. The views expressed in this document are those of the author and do not necessarily represent the official views of the U.S. Postal Service. In the hopes that any material contained herein may be of benefit to your Branch and the goals of the NALC, permission is granted to copy and/or use any material in this publication with our best wishes.

ATTENDANCE CHART BRANCH MEETINGS

MONTH	J	F	M	A	M	J	J	A	S	O	N
MAIN OFFICE	5	2	6	7	6	6	6	6	8	7	
ENCINO	8	8	6	6	7	8	9	7	6	7	
CIVIC CENTER	1	1	1	1	1	1	1	2	2	1	
PANORAMA CITY	2	2	1	2	2	0	2	3	2	1	
SHERMAN OAKS	9	4	7	11	5	5	5	7	6	6	
SUN VALLEY	0	1	1	0	1	1	2	2	1	1	
TARZANA	1	1	1	2	1	1	1	0	1	1	
RETIREE'S	7	4	4	7	6	7	6	8	8	6	
TOTAL	33	23	27	36	29	29	32	35	32	30	

**MEETING PLACE OF BRANCH 2462, NALC
6910 HAYVENHURST AVE., SUITE 101
VAN NUYS, CALIFORNIA**

**NEXT MEETING
6:00 PM**

**November 4th
1998**

**DEADLINE DATE FOR THE NEXT
ISSUE OF "THE MAIL CALL" IS**

November 10th

**BRANCH OFFICE.....818-786-8505
SICK CALL
FRANK RIMKUS..... 818-892-7118**

"RETIREE CORNER"

Our monthly third (3rd) Saturday Breakfast Meeting will be held at **Coco's Restaurant (15701 Roscoe Blvd. just west of the 405 across from Anheuser-Busch)** at 09:00 am in Panorama City. The date will be **November 21, 1998**. Please mark your calendar and we hope to see you there.
Thanks
Frank Rimkus

THE PRESIDENTS REPORT

(Continued from Page 1)

In last months issue of the Mail-Call, a Shop Steward from the Main Office facility submitted an article that had some incorrect information in it. For the record, I mentioned at last months meeting that Terry Hall had filed grievances that recovered over \$ 10,000 for carriers in that facility and not the \$ 7500 he reported in his article. For the record, both myself and Step 2 designee Calvin Brookins settled 92 grievances that were received by this shop steward. Now, unless my calculator has failed that totals an amount of \$ 108.00 per grievance settlement and not the amount of \$ 1.33 that was mentioned in his article. It should also be noted that in each of the 92 grievances that were resolved the average settlement for violations that were sighted was between \$ 30 - \$ 35 dollars. Now, of the 92 grievances that were resolved at \$ 30.00 per grievances that comes to a total of \$ 2760, and yet Calvin and myself were able to agree to over \$ 10,000 with local management. You might ask HOW??? During our discussions with local management be both agreed that we would like to clear up the back log time that has been requested by the shop steward. Instead of paying the shop steward the 450 hours that he had requested, we both agreed that an additional amount of \$ 5000 would be added to the agreed amount. This amount would then be divided up equally among those carriers on the overtime desired list who qualified and those T-6's who had been improperly moved from their assignments. It was my decision that we had waited long enough for those carriers in Main Office to receive justification for management violating the contract. The shop steward by his own words states that he has been waiting to file grievances since November of last year. It is my opinion, that 11 months is too long to wait and that the settlement with management is a good one. In addition, I also discussed the matter with Vice-President Brookins and both of us are in agreement that it was a good decision and we should resolve these matters.

Mr. Hall goes on further to state that he was not able to speak to the membership at the last branch meeting. This is not true. Article 10, section 2 of the National Constitution clearly states that " The charged party is entitled to defend himself/herself before the branch immediately before the vote is taken". Since the issue was resolved by the fact Mr. Hall signed a written apology to Sister McClinton and no vote of the membership was necessary, the issue was mute. It should be noted that Mr. Hall did speak to the membership under Old Business and expressed his views on the matter, so for him to say he did not speak to the membership at the meeting is not a fact.

Enough for now.. Have a great month of November and enjoy the two holidays.

**DON'T FORGET TO
VOTE
ON TUESDAY
NOVEMBER 3, 1998**

VICE PRESIDENT'S REPORT

by
CALVIN BROOKINS

What is the family and medical leave act of 1993.

It is a federal law that has been included in the Postal Regulation. In general the Act entitles eligible employees to be absent for up to 12 weeks per year to care for specified family members or you in certain medical situations. Family members that are considered under the FMLA would be your spouse, your children, your parent, or yourself.

To qualify for FMLA you have to have been employed by the Postal Service in any capacity for an accumulated total of 12 months. You also have to have worked at least 1,250 hours during the year preceding your FMLA request. The 1,250 hours have to be actual hours worked including overtime hours. Paid leave and OWCP hours do count as part of the 1,250 hours worked.

As far as the accumulated total of 12 months of Postal employment, OWCP and continuation of pay count, military or court leave also count for the 12 months requirement of postal employment.

There are other requirements to qualify for FMLA leave, there has to be serious health condition involving an FMLA family member. You can also qualify with the birth or adoption of a child, this entitlement expires one year after the birth/adoption.

A serious health condition is:

- a. Any period of incapacity or treatment related to hospitalization.
- b. Incapacity to perform regular daily activities for more than three days while under treatment of a health care provider.
- c. Continuing treatment for a chronic health condition that would result in incapacity if not treated.
- d. Pre-natal care.

Once you submit a form 3971 for the possible FMLA leave, management is required to determine if the leave requested is covered by FMLA.

Management is required to inform you of your FMLA rights, currently the postal service does this by giving you a copy of Publication 71, which explains your rights.

The type leave that you use depends on the specifics of your situation, if you are requesting the leave because of your own serious health condition you could use sick leave or annual leave. LWOP could also be used instead of sick or annual leave provided management approves the LWOP. If you have no other accrued leave then management must grant LWOP for the FMLA condition.

You cannot be disciplined for covered FMLA leave. If management attempts to do so, it would be a violation of federal law and postal regulation.

Contract Talk Work assignment overtime:

- Q: Can management ever give overtime to a carrier on the regular overtime desired list rather than to a carrier on the work assignment list?
- A: YES, the work assignment agreement states that management can schedule an employee from the

regular overtime list to avoid paying penalty overtime to the carrier on his/her own work assignment. This exception does not apply during the December exclusion period when penalty overtime is not paid.

- Q: Is a T-6 letter carrier on the work assignment list considered available only on his/her regularly scheduled route ?

- A: NO, The work assignment agreement provides that T-6 carriers on the work assignment list are considered available for overtime on any of the routes in their string. It is the NALC's position that, subject to the penalty overtime exceptions discussed above, this provision should be applied as follows.

1. A T-6 carrier who has signed for work assignment overtime has both a right and an obligation to work any overtime that occurs on any of the five component routes on a regularly scheduled day.
2. When overtime is required on the regularly scheduled day of the route of a carrier who is on the OTDL and whose T-6 is on the work assignment list, the T-6 is entitled to work the overtime.
3. When overtime is required on the regularly scheduled day of the route of a carrier who is on the work assignment list and whose T-6 carrier is also on the work assignment list, the regular carrier on the route is entitled to work the overtime.

- Q: What are the obligation of carriers on the work assignment list on their non scheduled days ?

- A: On their non scheduled days, carriers on the work assignment list are treated the same as full time regular carriers not on any overtime list. Before management requires or allows a work assignment list carrier to come in and work on their non scheduled day, the auxiliary assistance which consists of PTF's, Transitional Employees, Casuals, and the maximum Overtime Desired List, must be maximized to twelve hours. (Ref. C-06297, National Level Decision, Arbitrator Mitenthaul.)

In Unionism

BRANCH MEETING MINUTES

(Continued from Page 6)

KEITH MOWER spoke concerning the importance of voting for Candidates who support the Causes of Labor.

COLCPE DRAWING
\$ 3 GLORIA HENRY--SHERMAN OAKS
\$ 3 TERRY HALL--MAIN OFFICE
\$ 3 ART BOCEK--ENCINO
\$ 3 STEVE SEYFRIED--SHERMAN OAKS
MEMBERSHIP DRAWING
\$ 25 TEENAMARIE GALLEGOS--MAIN OFFICE

Meeting adjourned 7:50 P.M.

RANTS
by
JASON D. COLELLO

Everyday we come across many situations that peeve us to no end, whether they be work related or not, and we cannot help but comment about these situations in some form of dialogue with others. Expressing ones views and opinions about any form of issue in open forum helps us to not only vent, but also to gain valuable feedback and a much-needed second opinion. Everyone has an opinion about something; no one is immune. Some may keep their opinions to themselves, but everyone has an opinion.

Through the simple process of breathing, I have recently encountered issues (some postal, some not) that have prompted me to express myself in written word: these are my "rants".

In a non-postal issue regarding work visas for foreign labor, the House of Representatives approved a measure that could bring over 140,000 additional skilled foreign workers to the U.S. over the next three years, reported LA Times staff reporter Jube Shiver Jr. on September 25, 1998.

This article states that the supporters of this measure see it a crucial step in reinforcing the high-tech industry that has been the backbone of our country's recent economic recovery. Furthermore, high-tech executives say this will help their industry, do to the lack of qualified labor. Opponents of the measure argue that this is a big business attempt to secure cheap foreign labor.

To gain popularity, this measure would require companies to pay foreign workers current U.S. pay and benefits.

My question is this: why hire foreign labor to perform U.S. work? The only answer I can come up with is that big business only wants temporary employment. It's the labor-costs-cutting-into-investors-profit-thing.

Why go about all this raising-the-visa-cap nonsense, when a business could easily have one of their current employees trained in the skills that are needed? Perhaps because the newly trained employee would most likely require an increase in wages and benefits due to the employees expanded knowledge, and the cost of the training itself would necessitate an investment of some of that profit-money.

This is like a mutated version of the NAFTA agreement: where instead of losing American jobs to other countries, foreign labor is coming to America to take away American jobs. This is not to dissimilar to postal casuals taking positions away from career employees, and we all know how "professional" this casual workforce is.

The September issue of *Pacific Area Update* included a deceptive article entitled, "Top 10 ways to improve our image". The focus of this article is to "give the customers what they want". However, you and I know that what Postal management says the customers want and what Postal management actually provides are two, succinctly different things.

The article seems to focus on the management precept that a customer is an individual or business whom purchase physical-products from a window clerk. Always seemingly ignoring that 88-year old grandmother waiting for her social security check that comes too late in the day to deposit; or

perhaps never arriving due to a managerial blunder, or worse a DPS related mishap.

Management could care less about all of the grandmothers across the U.S., unless, of course, the grandmother has a multi-billion dollar catalog business and is waiting in line to purchase physical products. Even then, Postal management does the least amount possible to get those customers serviced by always maintaining a skeleton crew of window clerks.

Giving the customer what they "truly" want would entail both adequate window clerk staffing and earlier, not later, starting times for letter carriers. Customers do not care about Every Piece Every Day; they want consistent delivery times. Of course, waiting in line and delivery times are the "customers" biggest complaints. How does management respond: Global Priority and Dinero Seguro!

Well, deliveries may have to make due with a large "delivery window". Grandma may not be a management "customer", but even if she were, grandma would have to wait in a long line. This is acceptable management behavior, because someone has to make a bonus.

"And on the subject of management bonuses" So the ranting continues.

YOUR RIGHTS UNDER OWCP
by
ART BOCEK

Claim Factors of Acceleration and Precipitation.

Similar to the principles of aggravation, the Office of Workers' Compensation Programs (OWCP) considers the concepts of both acceleration and precipitation determining whether or not a specific medical diagnosis is casually related to an employment injury or to the conditions of employment.

1. **Acceleration:** as defined by OWCP is an employment-related injury or the conditions of employment may hasten the development of an underlying medical condition of an employee when the ordinary medical condition does not account for the speed with which the condition develops. For example, an employee's diabetes may be accelerated by a work schedule which is so erratic that it prohibits the regular intake of food required by an employee with this medical condition.

2. **Precipitation:** as defined by OWCP is a latent medical condition which would not have manifested itself but for the employment is said to have been precipitated by the employment. For example, multiple sclerosis may be latent for many years, but then manifest itself due to increase employment-related stress. In this scenario, the employee's claim is based on the concept that the latent condition has been "brought forth from a dormant state by the employment conditions."

(Continued on Page 5)

YOUR RIGHTS UNDER OWCP

(Continued from Page 4)

The employee bears the burden of providing medical evidence in claims of acceleration or precipitation. The successful adjudication of a claim based on acceleration or precipitation will not be easy and can only be accomplished by probative, rationalized medical evidence.

Such OWCP's forms such as Form CA-20 will not be adequate for claims of acceleration or precipitation. The medical evidence must be in the form of a narrative medical report, dated and signed on the physician's stationery (and including dates of examination and treatment, descriptions of test done, and results of x-rays etc.) as follows:

1. A written statement by the physician reflecting knowledge of the employee's injury or conditions of employment believed to be the cause of the claimed medical condition and resulting disability. The physician should ideally include or attach a copy of a written statement prepared by the employee describing the injury or conditions of employment; and should reference the employee's statement with remarks such as:

"I have read the statement dated _____, prepared by _____, regarding the sustained on _____ and / or the conditions of employment at _____ during the period from _____ to _____."

2. Definitive (i.e., conclusive) diagnosis (**no impressions**).

3. Opinion in definitive (i.e., conclusive) terms (no speculation): Was diagnosis caused, permanently or temporarily aggravated, accelerated (hastened), or precipitated by the injury and/or the conditions of employment described by the employee? If only a temporary aggravation, acceleration or precipitation-then the opinion must specify the length of time involved.

4. Medical reasons for opinion (i.e., how did the physician, from a medical point of view, arrive at the opinion?). This is very important and should include a discussion of the pathological or other medical relationship between the diagnosis and the injury or conditions of employment and the explanation of how any test results formed a basis for the opinion.

5. Period (s) of disability and the extent of disability during the period (s). This should specify whether the disability is total or partial, and if partial (as opposed to total disability for work as a letter carrier), the work limitations involved in working while partially disabled.

Your claim for benefits will be denied until your physician's medical report contains all of the above cited items - the first one necessary in order to prove to OWCP that the physician has been provided with an accurate "frame of reference" for his or her opinion. The second and third items from above must be provided in positive terms-a **speculative diagnosis** is worthless, and medical opinions containing words such as "might be related" or "could possibly be related" are speculative and **of no value**.

Excepting in claims where the "causal relationship is obvious, unless the fourth item (medical rationale) is provided by the physician, the claim for benefits will generally be denied by OWCP.

MARQUEZ-WOODING
ENCINO CARRIER DISPLAYS HER GRAND PRIZE
\$ 375 GIFT CERTIFICATE TO CIRCUIT CITY
WON AT THIS YEARS PICNIC

PRESIDENT ROGER ASKEW
THANKS EVERYONE FOR COMING OUT AND
MAKING THIS YEARS PICNIC AT
MAGIC MOUNTAIN A HUGE SUCCESS

"THE MAIL CALL" BRANCH 2462, NALC

Steve Seyfried, Editor
6910 Hayvenhurst Ave., # 101
Van Nuys, CA 91406

Address Correction Requested

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PRESIDENT ASKEW

RAY KREYER AWARD

Branch Meeting Minutes

October 6, 1998

By

Steve Seyfried, Secretary

The Meeting was held at the Branch 2462 Union Hall 6910 Hayvenhurst Ave, Van Nuys California. It was called to order by PRESIDENT ROGER ASKEW at 6:10 p.m. The Pledge of Allegiance was led by SGT. AT ARMS TEENAMARIE GALLEGOS. The invocation was led by ROGER ASKEW
ROLL CALL OF OFFICERS

PRESENT--ASKEW, BROOKINS, SEYFRIED, McCLINTON, JOHNSON, BRASH, TUKESBREY, GALLEGOS, T. HALL
ABSENT--RATHBONE, SCARBOUROUGH

MINUTES ACCEPTED AS PRINTED IN MAILCALL
CORRESPONDENCE READ

APPLICATION FOR MEMBERSHIP

KENNETH KING, MARIA MUNOZ, SONIA RUIZ, ADRIANA GONZALEZ, CARMEN ROMERO

BILLS READ MOTION TO PAY BILLS--M/S/C

COMMITTEE REPORTS

COLCPE--GALLEGOS \$ 655 in the fund

RETIREEES--RIMKUS 6 retirees were present

On the Sick List we have GENE BRECKMAN, WALT KENWAY, and ODIL SABBE. We wish them a speedy recovery and hope to see them back soon. Plans are proceeding for the Retiree night, hope to see you there.

TRUSTEES Audit was held on Wed September 16th at 5:30 pm. Books balanced fine. Some missing check problems, but all were accounted for. Congratulations to Treasurer and Financial Sec. for a fine job.

DISTRICT 6--McCLINTON Deadline has now past to register to vote. Prop 8 is extremely anti-Union and will appear on the ballot. Election day is Nov 3rd, don't forget to go and vote. Next district meeting is Nov 12th. no place picked yet. Congratulation to our own ANN SCARBOROUGH new District 6 Secretary.

MBA--T. HALL No Report

HEALTH & SAFETY--JOHNSON Safety Committee is meeting again, each office will have a safety rep.

HBR--TUKESBREY Health Plan rates will be reduced in 1999. Nov 9 thru Dec 14th will be open season.

FINANCIAL SECRETARY REPORT--JOHNSON

TREASURERS REPORT--McCLINTON

VICE PRES REPORT--BROOKINS Picnic was great success, \$ 15,768.05 total cost and we came in under budget.

DPS--BROOKINS Questions regarding DPS should be referred to the Union office.

will be presented at the Retiree dinner on October 23, 1998. Legislation has passed Congress which will make the Postal service accountable under the federal laws of OSHA. Toll free hot line has been established for Contact negotiation info. (877) 235-6252. Route inspections are scheduled for Civic Center, March 1, 1999, Panorama City, March 15, 1999, and Sherman Oaks, (91403) May 3, 1999 and (91423) May 10, 1999. Three members attended the Congressional reception for BRAD SHERMAN on Sept 27, 1998. They were

EXECUTIVE BOARD MINUTES READ
OLD BUSINESS **NONE**
NEW BUSINESS

MOTION-- Branch renew the subscription to the FEDERAL TIMES for 1 year. Cost \$ 52 M/S/C*

MOTION--Branch purchase 2 FEDERAL EMPLOYEE

ALMANACS @ \$ 10.40, plus \$ 3.95 shipping.

Total cost to the Branch \$ \$ 24.75

MOTION--Branch update the computer to Windows

95. Cost not to exceed \$ 100 M/S/C*

MOTION--Branch distribute the COLCPE funds as follows: HOWARD BERMAN 26TH. DIST--\$ 100

BRAD SHERMAN 24TH DIST.--\$ 100, BARBARA

BOXER, SENATE--\$100, GRAY DAVIS, GOV--\$ 100

SALLY HAVICE, ASSBLY-SYMAR--\$ 50

AMMEND--Remove SALLY HAVICE and replace

with SCOTT WILDMAN M/S/C*

MOTION--Branch renew the QUICK PAY TAX

TABLE computer program. Cost not to exceed \$ 55 M/S/C*

MOTION--Branch spend up to \$ 400 for a new

refrigerator for the Office M/S/F

MOTION--Branch spend up to \$ 600 for a new

refrigerator for the Office M/S/C

MOTION--Branch cancel the December Regular

Meeting and hold an Open House at a date to be

determined later. M/S/C

MOTION--Branch donate \$ 100 to the SUSAN

KOMAN BREAST CANCER FOUNDATION

M/S/C

* DENOTES UNANIMOUS VOTE OF THE BRANCH

CHARGES FILED---Member JEFF JACKSON

officially charged member LESLIE MICHELSEN

with Mis-Conduct. SECRETARY SEYFRIED read the

charges and PRESIDENT ASKEW instructed the

Branch as to the procedure. A committee of 3

disinterested members will be selected by the

PRESIDENT and their report and recommendations

shall be presented to the Branch for action at the

NOVEMBER GENERAL BRANCH MEETING ON

NOVEMBER 4, 1998

(Continued on Page 3)