

# THE MAIL CALL



Published by  
Branch 2462, NALC  
Van Nuys, CA

VOLUME 43

OCTOBER

2006

NUMBER

8

## **PRESIDENT'S REPORT** **By Calvin Brookins**

### **Contract Bargaining**

Discussions for our next contract started on August 28th, our current contract expires on November 20th, of this year. President Bill Young and the entire 28-member Executive Council were on hand for the formal opening of the negotiations.

If no agreement is reached by November 20, 2006, the Postal Reorganization Act of 1970 calls for mediation and, if needed, binding arbitration to determine a new contract. Under the act, postal employees, like other federal employees, are not allowed to strike.

President Young has stated to the Postal Service that it needs to reward city letter carriers with a fair wage increase along with continued benefits for helping it become a profitable and productive government agency. President Young reminded the Postal Service that it was \$11.3 billion in debt in 2001 when the current contract began. The Postal Service has turned an \$8.4 billion profit over the past three years.

I am convinced that city letter carriers should be rewarded for their contributions to the success of the Postal Service. President Young and the 28-member NALC Executive Council have set some bargaining goals for this negotiation. The goals are listed as follows;

"The men and women we represent want to help make the Postal Service a success through Customer Connect and similar programs."

"They want to build a better workplace that is free from tensions caused by flawed DOIS numbers."

"They want a route evaluation system that will allow them to move toward greater autonomy and self-management so that postal managers can focus on revenue generation and better serving our customers and the American people."

"They want to lay the groundwork for cooperatively implementing flat sorting technology in a manner that does not repeat the mistakes made when USPS adopted DPS technology for letter mail."

(Continued on Page 3)



## **BRANCH 2462** **RETIREE "NITE"**

**SUNDAY AFTERNOON**

**OCTOBER 29, 2006**

**ENCINO GLEN**  
**RESTAURANT**

16821 Burbank Blvd. Encino, California

**Doors Open 12:30 PM**

## **IN MEMORY OF**

**PAUL STAPLETON**  
**RETIRED**

"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 NIGHT OF 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 to the goals of the NALC, permission is granted to copy and/or use any material in this publication with our best wishes.

## Convention Insight Janette Dolabson HBR

I would like to take a few moments to talk about a couple of the classes I attended at the National Convention. It may come as no surprise that two of the 4 classes I attended were, Health Benefits workshop and Food Drive. I want to first write about the NALC Health Benefit plan. I am really excited about the upcoming open season for the plan. I promise there will be some welcomed changes that will only make this plan more attractive to active letter carriers. People, this is our union Health Plan. Its union operated, union owned and not for profit. All the money coming in goes right back into the plan. The class was big on the union president utilizing the Health Benefit Plans Representative to talk to new hires about the plan and to make sure that all the officers in the branch are members of the plan themselves. After all these are the leaders of our local unions branch. If you talk the talk then you better be willing to walk the walk. I challenge all those officers that sit on our own executive board to do just that. This is the best and highest rated plan that the Postal Service offers, its our own union operated plan, yet we have board members that do not belong to this plan. We have 11 executive board members, 5 of us have the union health plan. The more members we have enrolled in the plan the better it gets. Open Season this year is tentatively November 13 - December 11, 2006. There are 301,328 NALC members. 223,990 of these members are active letter carriers. Only 15,026 of the active letter carriers belong to the NALC Health Plan. Its incredible to me that so few active carriers have chosen a PPO Health Plan that has been consistently rated number one in customer satisfaction. Most of the Health Plans members are retirees. The plan has a total of just over 97,000 members. Our goal this year is to get it over the 100,000 member mark. If we can get all the branch officers around the country to join the plan that would easily be accomplished.

The second class I want to talk about is the Food Drive class. It was really well done and informative. I had a chance to network with other branches coordinators across the country and get some really good ideas and information about how to go about getting sponsors for, and purchasing bags to go in the boxes with the cards food drive day. We viewed a DVD that was put together already from this years food drive that was exceptionally good. National Food Drive coordinator, Drew Von Bergen spoke along with the Executive Vice President for America's Second Harvest- the Nations Food Bank Network, Al Brislain. On the panel were Executives from Campbell Soup Company and Cox Target Media- Valpak, and a spokesperson from the USPS. They were interesting and informative and it was truly one of the most worthwhile classes I attended at this convention. The Harlem Globe Trotters have signed to be the spokesmen for the Food Drive for the next 3 years. Next years food drive will be May 12th, 2007. In closing I would like to say that I truly thank the membership of this branch for allowing me to attend this convention. I always learn so much and with knowledge comes enlightenment. I am confident in this unions leadership as it moves in to Negotiations with the Postal Service for our new contract. This is a very important time for letter carriers not just in the contract area but in the political arena. Support Candidates that are worker friendly, give to COLCPE so we as letter carriers have a stronger lobby in Washington. The time is now for action. Dont sit back and let others do all the work and worry. Come join us in being active in the business of the branch and of this Union.

## ATTENDANCE CHART BRANCH MEETINGS

MONTH	J	F	M	A	M	J	J	A	S	O	N
MAIN OFFICE	2	1	2	2	2	2	1	2			
ENCINO	6	5	5	5	2	7	6	5	5		
CIVIC CENTER	2	1	1	1	2	1	0	1	1		
PANORAMA CITY	1	4	3	3	0	3	2	3	3		
SHERMAN OAKS	2	3	5	5	6	3	5	6	4		
SUN VALLEY	0	1	1	1	2	1	1	1	1		
TARZANA	1	0	1	1	1	1	1	1	0		
RETIREE'S	5	6	4	6	3	4	4	5	4		
TOTAL	19	21	22	24	18	22	21	23	20		

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

**NEXT MEETING  
\*\*\*6:30 PM\*\*\***

**OCTOBER  
3rd  
"2006"**

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

**October 3, 2006**

**BRANCH OFFICE.....818-786-8505  
O P C PERSONNEL OFFICE....818-374-5600  
RETIREMENT PERSONNEL....661-775-7030**

### "RETIREE CORNER"

Our Breakfast Meeting will be held at Hart's Restaurant, (Corner of Saticoy and Balboa). It will begin at 09:00 AM. The next 2 dates will be September 23rd and October 28, 2006 (4th Saturday) So, please mark your calendar.....We hope to see you there.

Thank You

**Frank Brash**

# **PRESIDENT'S REPORT**

## **By Calvin Brookins**

(Continued from Page 1)

At the recent NALC convention in Las Vegas delegates passed a number of resolutions giving direction to our negotiators. Including a resolution dealing with "DOIS", some of the resolutions are listed as follows;

--DOIS is a management tool that has created workplace conflict and discord and has no benefit to the letter carrier craft whatsoever, and that NALC should not agree to any implementation of DOIS that has no benefits to the letter carrier craft.

--An additional case for all letter carriers who make a request because "one size fits all" casing constraints have failed and lead to increased repetitive motion injuries.

--Postal Service to have letter carriers scan all delivery confirmation packages upon pickup and for that to be considered letter carrier work.

--Article 26 to be amended to allow any unused uniform allowance to be carried over to successive years.

--Approval for female letter carriers to wear Capri pants that would be authorized for purchase through the uniform allotment program.

--Additional remedies for Article 8 violations because of constant short staffing and constant mandating of non OTDL employees to work overtime.

Remember the above listed resolutions were passed by the delegates at the NALC convention, what that does is direct our national officers to attempt to negotiate these items into our new National Agreement. The recent NALC convention basically set the stage for our contract negotiations.

### **Vincent R. Sombrotto Building**

During the NALC convention President Young entertained a motion from the floor to designate the National Headquarters building in Washington D.C., the "Vincent R. Sombrotto Building" to honor President Emeritus Sombrotto, NALC's national president from 1979 to 2002.

### **NALC Constitution amendments**

On Tuesday of the convention week President Young expressed his joy with the delegates for making necessary changes to the NALC Constitution which will overhaul the union's political and legislative machinery. The redirection of resources will reinforce the new field plan, which is critical to protecting letter carrier jobs and benefits and to improving the life of working families, he said. Young also stated;

"When every congressional representative and senator has his/her own personal letter carrier liaison, we will be in a position to start changing the direction this country is heading." Young added, "Long after I'm gone, you and the letter carriers who come after you will be reaping the benefits of what you did..."

### **National Officers**

On behalf on the branch membership I would like to congratulate National President Bill Young and his staff on being elected or Re-elected to their positions. Among those newly elected was our current National Business Agent Dale Hart who has been elected to the position of Director of City Delivery and one of our current Regional Administrative Assistant Manny Peralta who has been elected to the position of National Business Agent for Region # 1.

I know Manny will do a great job as our National Business Agent and I am looking forward to working with him.

### **COLA**

The eighth and final regular cost-of-living adjustment under the 2001-2006 National Agreement is \$790.00 annually, which will be effective with the pay period beginning September 2, for pay date September 22.

### **Safety Tips**

Postal Driving Rules;

Ability to operate – Employees must be physically and mentally fit to operate a vehicle. (EL-801)

Attention to Pedestrians – Yield right-of-way at all times. Reduce speed when a pedestrian approaches roadway. Tap horn to alert bicyclist, occupant in parked vehicle, or pedestrian near roadway. Reduce speed when children are observed near schools, parks or residential areas.

Backing – Backing is to be avoided whenever possible. When backing is necessary, you must physically look behind the vehicle. Prior to backing, you must ensure that it is safe to back. If you must back, back up slowly. When parking, back into the space rather than out of it, whenever possible. (EL 814, EL 801).

**In Unionism, be safe.**

**DON'T LET TIME RUN OUT !!!**



**SEND A CHECK TO  
COLCPE TODAY !!**

# VICE PRESIDENTS REPORT

**Art Bocek**

## **Burden of Proof**

**“I don’t know what OWCP wants, my doctor has written to them four times!”** This statement from an injured letter carrier who recently called seeking help with his denied on-the-job injury claim are words demonstrating a dangerous misunderstanding of a fundamental OWCP principle. The injured worker bears the burden to prove the essential elements of his or her claim. The essential elements that the claimant must prove include the following:

- 1) the claim was filed in a timely manner;
- 2) the claimant was federally employed;
- 3) there was in fact a diagnosed injury or condition;
- 4) the injury or condition was sustained in the
- 5) the injury or condition was causally connected to

These elements, and placement of the burden of proof on the claimant, are found in the implementing regulations of the Federal Employees’ Compensation Act (FECA) at 20 CFR 10.115. See also OWCP guidance in publication CA-550 Section C-1 and postal regulations at *ELM* 542.21. Diagnosis and causal connection can only be established by report of a physician, as that term is defined in the FECA at 5 USC 8101.

Definition of a “physician” includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors and osteopathic practitioners with the scope of their practice as defined by state law. The term “physician” includes “chiropractors” only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist.

So, regarding the diagnosis and causal connection, the injured worker must provide a written report by an attending physician in order to meet his or her burden of proof. The opinion of the injured worker, or the supervisor, or an injury compensation specialist, or any other non-physician, is of little or no significance when it comes to diagnosis and causal connection. Moreover, OWCP procedures require more than a bare opinion regarding causal connection. OWCP may require that the physician explain in detail why he or she holds that opinion. In OWCP parlance, the opinion must be rationalized. In addition, OWCP may require that the physician demonstrate an accurate knowledge of the medical and factual history of the injury. Thus, in order for a claim to be accepted as work-related by OWCP, there must be a medical report by a physician that provides a diagnosis and that offers an opinion, with rationale, that the diagnosed injury or condition was causally connected to work factors. However, the fact that there must be a report by a physician does not shift the burden of proof to the physician. The injured worker retains the burden of proof. The injured worker has the burden to ensure that the attending physician submits the necessary report. The claimant’s burden is not met by measurement of the quantity of reports submitted by the attending physician. The physician could write and submit 104 reports, but if those reports did not include the necessary rationalized opinion regarding causal connection, OWCP would deny the claim.

Any injured letter carrier who calls saying he didn’t know what OWCP wanted after four letters from his doctor, didn’t understand that he himself had the burden of proof to demonstrate with a sufficiently rationalized medical report,

signed by a physician, that there was a diagnosed condition caused by work factors. When OWCP finds that a first medical report (or second or any number of later reports) is insufficient to meet the injured worker’s burden of proof, the injured worker has the responsibility to review and analyze those medical reports, in light of any correspondence from OWCP, to determine the deficiency, and then communicate the deficiency to the physician. In this respect, whenever OWCP formally denies a claim, or some element of a claim, it is required by its own procedures to explain the basis of the denial. OWCP’s procedure manual provides. It is very important to provide a correct description of the basis for denial so that the parties of interest will have a clear understanding of the precise defect of the claim and the kind of evidence which would tend to overcome it. Burden of proof is a fundamental concept in every on the job injury claim. Injured workers should understand that they bear the burden to ensure that the medical reports contain the required information.

**Remember, “Rights Are Like Muscles, Use Them Or Lose Them.”**

**This is your Vice President, I welcome your comments.**

## **CONVENTION NOTES**

**Tracy Mullinax, Trustee**

I would like to thank the branch for nominating me to the State and National Conventions and allowing me to represent the members there. It was a very informative and eventful week. My article this month will be a general overview of information gathered at both the classes I attended and the general sessions we all attended. I urge you to become involved at both union meetings and function put on by the branch. Any problems you may encounter on or off the workroom floor regarding your job, make your shop steward aware of it. We are here with information and knowledge for all letter carriers to share. We have a National Contract we are fighting for and we need all the support the members can give us. We just received not only the largest COLA in this last contract of \$790.00 but over \$6,583 in wage increases over the last 5 year deal, which equates to \$253.19 per pay period or \$3.16 cents an hour. This averages out to a 16% pay hike over 5 years or 3.2% a year; given the fact that core inflation is running at 2.3% or below over the last 5 years, I believe anytime your wage increases can outpace inflation you are doing fairly well.

What would you describe as a good job! Well according to private sector labor market trends, a good job equates to one that pays \$16.00 an hour or \$32,000 a year, has an employer provided pension and employer provided health insurance. Well, brothers and sisters, this entails 25% of the 130 million US jobs, all others are below this line. I, believe if you do the math, that would put a letter carriers job with their pay and benefits package I think in the top 10-15% of all US jobs. Tell that to a non-union letter carrier or a union member thinking about getting out of the union. Thank you members and thank you NALC for all that you do and good luck on negotiation of a new Collective Bargaining Agreement with the USPS.

In Unionism

# INFORMATION YOU SHOULD KNOW

by  
**Tracy Mullinax, Trustee**

- 1) NALC, your union is 92.7% organized nationally, and over 95% in Van Nuys.
- 2) Unions now make up only 12% of the US workforce in general, that is down from 35% in 1955 and 23% in 1980.
- 3) A city carriers pay and benefit package combined is \$37.74 per hour vs a private sector job at \$24.19 an hour or 50% more.
- 4) Today we are approaching 50million uninsured Americans who have no healthcare.
- 5) Nationally, 70.5million lbs. of food collected. Next years goal is 100million lbs.
- 6) Next years food drive will be on May 12th, 2007.
- 7) New Orleans delegates wanted to thank all members of the NALC who contributed to the Postal Relief Fund and gave us a progress report on the area and how the rebuilding was going.
- 8) The TSP Plan is the largest defined contribution plan in the world with 187 billion in assets. 87% of FERS employees contribute and 67% of CSRS do.
- 9) 6.7% or 12 billion dollars are now invested in the new L funds.
- 10) The "R" fund is being tossed about in Congress and is a real estate fund which is not endorsed by the NALC, but if enacted would give plan participants another fund to diversify their holdings for retirement. It is not endorsed because of the huge runup the last few years because of market speculation and believe the bubble in housing could cause hot money to go there right at the peak and thus would not be in the best interest of letter carriers at this time.
- 11) DPS flats to be implemented nationwide 2007-2009.
- 12) 3rd bundle issue and DOIS grievances are at the National awaiting arbitration.
- 13) Scanners have been selected by USPS and initial deployment to begin in September and to be completed within 12 months nationwide. (No GPS in them)

## In Unionism

## August 1, 2006 Branch Meeting Minutes

(Continued from Page 6)

and his family in your thoughts and prayers as he continues to grieve the loss of his wife. Congratulation to VELMA McCLINTON on being reelected SGT-AT\_ARMS of the L A County Federation of Labor. Shop Steward Kathy Crawford has taken a leave of absence from Steward duties.

OLD BUSINESS--NONE  
EXECUTIVE BOARD MINUTES READ  
NEW BUSINESS  
MOTION--Branch renew the basic insurance policy for the Branch office. Cost \$ 925.00  
M/S/C  
MOTION--Branch donate \$ 50.00 to the Saxemeyer Scholarship Fund in the name of MARYLOU MOWER  
M/S/C  
MOTION--Branch purchase Quick Books from Quicken to upgrade the Branch Financial records. Cost to the Branch \$ 350.00  
M/S/C  
SPECIAL AWARD  
LEE FENSTERMACHER received a special award from the California State Association to honor his COLCPE contribution at the 2004 National Convention  
COLCPE DRAWING  
\$ 3 TED DeMAIRE--RETIREE  
\$ 5 VELMA McCLINTON--MAIN OFFICE  
\$ 6 JEFF JACKSON--PANORAMA CITY  
MEETING ADJOURNED 7:53 P.M.

## September 5, 2006 Branch Meeting Minutes

(Continued from Page 6)

OLD BUSINESS--NONE  
EXECUTIVE BOARD MINUTES READ  
NEW BUSINESS  
MOTION--Branch deposit \$ 1100 into the Branch Picnic account to pay for the over run and keep the account open  
M/S/C  
MOTION--Branch renew membership in the L A County Federation of Labor for one year. Cost to the Branch \$ 606.00  
M/S/C  
MOTION--Branch purchase 475 calendars, one for each active member and to any retiree who requests one. Cost to the Branch \$ 1,543.75  
M/S/C  
MOTION--Branch send the Financial Secretary and Trustee Chairman to the Financial class at Sportsman Lodge. Cost to the Branch \$ 430.00 plus mileage  
M/S/C  
MOTION--Branch raise the Branch mileage rate to 40 cents per mile, same as the National  
M/S/C  
MOTION--Branch send \$ 75.00 donation to Saxemeyer Scholarship Fund, in lieu of flowers, to honor GEORGE WOYTOVICH, RAY VICK, & PAUL STAPLETON.  
M/S/C

### COLCPE DRAWING

\$ 4 RICHARD MORENO--SHERMAN OAKS--DONATED  
\$ 5 CALVIN BROOKINS--CIVIC CENTER  
\$ 6 STEVE SEYFRIED--SHERMAN OAKS  
MEETING ADJOURNED 8:17 P.M.

**"THE MAIL CALL"**  
**BRANCH 2462, NALC**  
**Steve Seyfried, Editor**  
**6910 Hayvenhurst Ave., # 101**  
**Van Nuys, CA 91406**

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**Branch Meeting Minutes**  
**August 1, 2006**  
 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 CALVIN BROOKINS at 6:33 p.m. The Pledge of Allegiance was led by SGT-AT-ARMS ASKEW  
 MOMENT OF SILENCE-In memory PAUL STAPLETON  
 Retired member Branch 2462  
 ROLL CALL OF OFFICERS  
**PRESENT**--- BROOKINS, BOCEK, SEYFRIED, McCLINTON, MULLINAX, JACKSON, L. DOLABSON, ASKEW, J. DOLABSON  
 ABSENT--JOHNSON, ENZ  
 MINUTES ACCEPTED AS PRINTED IN MAIL CALL WITH FOLLOWING CORRECTION, JULY MEETING CALLED TO ORDER BY VICE PRESIDENT BOCEK  
 CORRESPONDENCE READ  
 APPLICATION FOR MEMBERSHIP--ANTHONY SIDOTI, RICARDO VILLACANA  
 BILLS READ--MOTION TO PAY M/S/C  
 COMMITTEE REPORTS  
 TRUSTEES Audit was held July 18th. All books were found to be in good order and in balance.  
 SAFETY & HEALTH Stations are being audited and inspected. Inspection reports should be posted.  
 RETIREES 5 present tonight. Date for this years Retiree Luncheon is October 29, 2006 at Encino Glen.  
 MBA--ENZ No Report  
 HBR--J DOLABSON No Report  
 COLCPE \$ 189 currently in the fund  
 DISTRICT--McCLINTON Boycott is now on against Mondavi Wines. New High school in L A will be named in memory of Migel Contreras former Secretary of LA Fed.  
 GIMME 5--JACKSON No Report  
 EDITOR SEYFRIED There will be no September Mailcall due to the National Convention.  
 FINANCIAL SECRETARY REPORT---JOHNSON  
 TREASURERS REPORT--McCLINTON  
 VICE-PRESIDENT BOCEK The final report on the Picnic will be submitted at the September meeting.  
 PRESIDENT Report Bios for nominees for the RAY KREYER AWARD must be in the Union office by Thursday September 28th. Was privileged to attend and speak at the memorial service for MARYLOU MOWER. Please keep Keith

**Branch Meeting Minutes**  
**September 5, 2006**  
 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 CALVIN BROOKINS at 6:35 p.m. The Pledge of Allegiance was led by SGT-AT-ARMS ASKEW  
 MOMENT OF SILENCE-In memory of all who have passed away.  
 ROLL CALL OF OFFICERS  
**PRESENT**--- BROOKINS, BOCEK, SEYFRIED, McCLINTON, JOHNSON, MULLINAX, JACKSON, ASKEW, ENZ  
 ABSENT--L. DOLABSON, J. DOLABSON  
 CORRESPONDENCE READ  
 APPLICATION FOR MEMBERSHI--JOSE ORTIZ, RUDOLFO VAZQUEZ, ANTHONY NGUYEN  
 BILLS READ--MOTION TO PAY M/S/C  
 COMMITTEE REPORTS  
 TRUSTEES No Report  
 SAFETY & HEALTH No Report  
 RETIREES 4 present tonight. Date for this years Retiree Luncheon is October 29, 2006 at Encino Glen.  
 MBA--ENZ No Report  
 HBR--J DOLABSON No Report  
 COLCPE \$ 199 currently in the fund  
 DISTRICT--McCLINTON Fed endorsed Phil Angeles for governor. Recommends YES on Props. 84, 86 & 87 and a NO on Props. 85, 88, 90. Ralphs markets have been fined \$ 50 million for violating Labor laws during the last strike. California minimum wage will be raised by 75 cents.  
 GIMME 5--JACKSON No Report  
 FINANCIAL SECRETARY REPORT---JOHNSON  
 TREASURERS REPORT--McCLINTON  
 VICE-PRESIDENT BOCEK Total cost of the Branch Picnic was \$ 10,912, \$ 912.00 over budget. Attendance was down due to the heat. Canoga Park had 120 guests and 84 of our members and 136 family members were there.  
 PRESIDENT Report Bios for nominees for the RAY KREYER AWARD must be in the Union office by Thursday September 28th. Preliminary negotiations have begun on the new National contract with the Postal service in DC. Old contract expires in November. Postal service is trying to bring back the "breaker cards" for DPS. These new cards till be disposable, used once the then tossed. Civic Center has been selected as a test site.