

## PRESIDENT'S REPORT

### By Calvin Brookins

#### Joint Lawsuit

The NALC and the APWU have filed a joint lawsuit against the Postal Service and the USPS Office of Inspector General (OIG) in an attempt to stop the OIG agents from obtaining confidential medical information about employees without their knowledge or consent. Attorneys for both unions filed the lawsuit in New York City on January 17, in the US District Court for the Southern District of New York.

#### New Retirees

On behalf of the Branch 2462, the Executive Board and myself I would like to congratulate Linda Brookins Civic Center station, Art Bocek Encino station, Dave Parker Sherman Oaks station, and Tom Reyes Encino station on their recent retirement. Each of these letter carriers has worked 30 plus years in the Postal Service and has earned their opportunity to retire. I wish each of them well in their retirement and hope they all have a long and healthy retirement.

#### COLA

The projected accumulation for the second regular cost-of-living adjustment (COLA) under the 2006-2011 National Agreement increased to \$333.00 following the release of the December 14 Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for November.

The \$333.00 annual accumulation equals 16 cents per hour or \$12.80 per pay period.

The COLA in 2008 for retirees under the Civil Service Retirement System (CSRS) will be 2.3 percent and retirees under the Federal Employees Retirement System (FERS) will receive a 2.0 percent increase.

The accumulation toward the 2008 COLA for Federal Employees Compensation Act (FECA) participants stands at 4.4 percent based on the latest figures.

## NOTICE OF NOMINATIONS OF BRANCH OFFICERS & SHOP STEWARDS

This is official notice to members of Branch 2462 that nominations for the following offices will be held at the regular Branch meeting April 1, 2008 at 6:30 p.m. at the Branch Union Hall 6910 Hayvenhurst Ave # 101, Van Nuys California. The Offices are President, Vice-President, Recording Secretary, Financial Secretary/Treasurer, Sgt-at-Arms, Three (3) Trustee's, Health Benefits Representative, and Mutual Benefits Representative. No one may be nominated for more than one (1) office. Candidates must accept nomination at the time made or, if absent, in writing to be received by the Branch Secretary no later than April 3, 2008. The terms of Office shall be for a three year period. Candidates elected shall be delegates to the National and State Conventions as stated in the Branch By-Laws.

Shop Steward nominations and election will be held at the individual Stations.

#### Customer Connect

Congratulations to Panorama City, they had a customer connect sale posted for \$19,604. The participation ranking report for Customer Connect shows this district currently ranks 53rd out of 80 as of January 25.

(Continued on Page 2)

"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.

## ATTENDANCE CHART BRANCH MEETINGS

MONTH	J	F	M	A	M	J	J	A	S	O	N
MAIN OFFICE	3	0									
ENCINO	4	5									
CIVIC CENTER	1	1									
PANORAMA CITY	3	3									
SHERMAN OAKS	4	3									
SUN VALLEY	1	1									
TARZANA	1	1									
RETIREE'S	6	6									
<b>TOTAL</b>	<b>23</b>	<b>20</b>									

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

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

**MARCH**  
**4th**  
**"2008"**

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

**March 4, 2008**

BRANCH OFFICE.....818-786-8505  
O P C PERSONNEL OFFICE....818-374-5600  
E-Mail.....NALCBRANCH2462@sbcglobal.net

### "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 March 22nd, and April 26, 2008 (4th Saturday) So, please mark your calendar.....We hope to see you there.

Thank  
You

Frank Brash

(Continued from Page 1)

### Overtime or NOT

I have received a lot of complaints from carriers at every station that management is not working them overtime. It appears that management in the Sierra Costal District has decided to cut back on the overtime, I would caution all of you overtime hungry carriers out there that this may or may not be just another phase. But if it isn't just remember you are only guaranteed 8 hours a day if you are a full-time employee.

However, this does not preclude you from determining if you will be able to complete your assignment upon the last receipt of your mail on any given day. Basically what this means is that once management tells you that you have all of your mail at that point you should look at all of the mail at your case and what ever you need to pick up from redis at that time and make a determination as to how much work you have left before you can actually leave the office clocking out to street time. The determination should be made of all mail at your case including any mail that your supervisor may have told you to curtail (cut) earlier. If you cannot complete your assignment within 8 hours, then you need to request a PS Form 3996.

Whether or not management is telling you that there is no overtime, if you believe you cannot get the job done within 8 hours then you should request a PS Form 3996 and let management make the decision on how they will get your route down to 8 hours. Remember no one knows that route better than you as the regular carrier assigned to it. Exercise your right to utilize a PS Form 3996.

### ATTENTION RETIREE'S !!!

You may be familiar with the saying "There is no such thing as a Free Lunch" While this may be true, it does not pertain to Breakfast. The Branch holds a Retiree Breakfast meeting every 4<sup>th</sup> Saturday of the Month. No Voting, just a friendly get together to talk and eat. The best thing is

**IT IS FREE !!!**

That's right, if you are a retired member in good standing of Branch 2462 your Breakfast is provided at no charge, that's right **FREE !!!!**

So what are you waiting for meet with us this month.

When Saturday, March 22<sup>nd</sup>  
Where Hart's Restaurant, (Corner of Saticoy and Balboa).  
Time 9:00 AM

If you have trouble with transportation contact FRANK BRASH and we will try and arrange for a ride. Come on out, you will have a great time, and the price is right !

## VICE PRESIDENT'S REPORT ART BOCEK

### **"Six Rules Test for Just Cause"**

The basic principle of any issued discipline must be for "just cause." An established standard must apply to any issued discipline or discharge of an employee. Simply put, this means that "just cause" provision requires a **fair and provable justification** for the issuance of any discipline or removal action. However, arbitrators frequently divide the question of "just cause" into six sub-questions known as the **"Six Rules Test for Just Cause"** and often apply the following criteria to determine whether the action was for just cause. These criteria are the **basic** considerations and **all** supervisors or managers **must use** before initiating disciplinary action and they are as follows:

**1. 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.

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

**3. Is the rule consistently and equitably enforced?** A rule must be applied fairly and without discrimination. Consistent and equitable enforcement is a critical factor. Consistently overlooking employee infractions and then disciplining without warning is improper. 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.

**4. Was a thorough investigation completed?** Before administering the discipline, management **must** make an investigation to determine whether the employee committed the offense. Management **must** ensure that its investigation is **thorough** and **objective**. This is the employee's *day in court* privilege. Employees have the right to know with reasonable detail what the charges are and to be given a reasonable opportunity to defend themselves **before the discipline is initiated.**

**5. 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.

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

Question, is management not doing their job by just shooting from the hip and "Just throwing a bunch of muck on the wall just to see what will stick?" Remember, **"you can only demand your rights by becoming aware of your rights."**

## Health Benefits Plan Update by Janette Dolabson HBR

Hey NALC Benefit Members,

If you have not received your cards, that means both the NALC burgundy and cream card and Blue CIGNA card, you need to contact the health plan and ask them to get them to you. Everyone should have them both by now. You need them both to make sure you receive the benefits you need at the correct rate. Don't forget that you can sign up for the Dental separately that is 5 dollars a month and it is separate from the Health plan. It is not a insurance but rather a discount service.

This time I would like to give you some health tips regarding your teeth and acid. Sugar is not the only enemy of the teeth. Acids found in many foods and beverages also can cause tooth enamel to erode, paving the way for decay. Although saliva helps restore tooth enamel after you consume something acidic, its capacity to do so has limits. You can minimize damage by:

1. Limiting consumption between meals, especially diet and regular sodas, energy or sports drinks, fruit juices, wine, tart candies, fruits and items containing vinegar.
2. Timing your consumption. Consuming acidic products with a meal allows for neutralization and elimination of acids from the mouth. Avoid acidic items before bed, since saliva production decreases when sleeping.
3. Drinking right. Avoid sipping acidic drinks or holding them in your mouth. Drink quickly or use a straw to minimize contact with teeth.
4. Neutralizing. After eating or drinking an acidic item, neutralize the acid with a bite of cheese or a swish of water of fluoride mouthwash.
5. Timing your brushing. Avoid tooth brushing immediately after eating acidic foods. Brushing with a fluoride toothpaste before or 30 minutes after eating or drinking is best.
6. Chewing sugar-free gum. This can help stimulate saliva flow. Saliva helps stimulate saliva flow. Saliva helps to neutralize and dilute acids.

Lastly, I want to remind you that coming up in the next few months is the food drive and I am looking to get some new volunteers to help out. If you are interested call me at 661-373-2224.

# "THE MAIL CALL"

## BRANCH 2462, NALC

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

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### Branch Meeting Minutes

February 5, 2008

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 BROOKINS at 6:45 p.m. The Pledge of Allegiance was led by SGT-AT-ARMS ROGER ASKEW

**MOMENT OF SILENCE**—In Memory of All who have passed.

#### ROLL CALL OF OFFICERS

**PRESENT**--- BROOKINS, BOCEK, SEYFRIED, MULLINAX, JACKSON, L. DOLABSON, ASKEW, J. DOLABSON, ENZ

**ABSENT**—JOHNSON

#### MINUTES ACCEPTED AS PRINTED IN MAIL CALL

**WITH CORRECTION**—JANETTE DOLABSON donated her MDA winnings.

#### CORRESPONDENCE READ

#### APPLICATION FOR MEMBERSHIP

JONATHAN CIGARROA, LUIS RAMOS, PEDRO VILLARREAL

**BILLS READ**—MOTION TO PAY M/S/C

#### COMMITTEE REPORTS

**TRUSTEES** Audit was on January 15<sup>th</sup>, at the Union hall. The books balanced and were found to be in good order.

**SAFETY & HEALTH** Be careful crossing streets, do not Jay walk. Always report any accidents immediately.

**RETIREEES** 6 retiree's present tonight. Congratulations to our newest retiree, ART BOCEK.

**MBA--ENZ** No new plans at this time, still updating system, but everything is available.

**HBR--J DOLABSON** Anyone having problems with the NALC health plan, especially getting membership cards, contact Janette.

**MDA** \$ 230 currently in the fund  
**FINANCIAL/TREASURERS** REPORT—JOHNSON—No Report

**VICE-PRESIDENT BOCEK** Has retired from the USPS, but will continue to help out in the Union Office. Thank you to everyone for all the years of support.

**PRESIDENT BROOKIN** Gave his report on latest important items which he will cover in his article in the MailCall.

#### OLD BUSINESS

#### EXECUTIVE BOARD MINUTES READ

#### NEW BUSINESS

**MOTION**—Branch purchase 4 men's and 3 women's NALC watches. Cost not to exceed \$ 600.00  
M/S/C

**MOTION**—Branch donate \$ 100.00 to the

Saxemeyer Scholarship golf tourney  
M/S/C

**MOTION**—Branch accept the 2008 Budget as printed in the February Mailcall

**MOTION**—Any Delegate that attends the 2008 State Convention in Los Angeles, be reimbursed \$ 200.00 per day for all expenses.  
M/S/C

**MOTION**—The remaining money in the Contingency Fund will be equally divided among Those attending the 2008 National Convention.

No delegate to receive more than \$ 2750.00 M/S/C

UNDERLINED = UNANOMOUS VOTE

GOOD OF THE ASSOCIATION

An impromptu "roast" and tribute was given to newly Retired member and outgoing Vice President ART BOCEK. The Branch provided dinner for all who where present. Congratulations and Good Luck Art !

#### MDA DRAWING

\$ 5 FRANK BRASH--RETIREE  
\$ 5 BETTY LOW--SHERMAN OAKS--DONATED  
\$ 8 RAY MOLA--ENCINO--DONATED

MEETING ADJOURNED 8:16 PM

**Pictured above is DAVE PARKER punching out for the Last Time after 36 years of Service**