

**Representing the Stations of
Encino – Panorama City – Sherman Oaks – Sun Valley – Tarzana – Van Nuys Main**

VOLUME 58

OCTOBER 2021

NUMBER 10

PRESIDENT'S REPORT

By JANETTE DOLABSON

Route Inspections

Route Inspections began in Main Office On 9/18/2021 for the 91406 zone. Hopefully we will be able to have this adjustment done in DOIS rather than COR. We will let you know if that is the case. We held a Training in the office on 9/14/2021. For those folks who attended this training, we are hopeful it helped you in knowing your rights and had the proper information to be successful in your inspections. The Branch will be looking at all the data from your counts and the 8-week analysis. Here are a few things you should know before those consultations are done.

Route Evaluation Consultation:

Management is required to provide Form 1838 to the letter carrier 5 calendar days before the consultation and Form 1840 to the carrier 1 day before the consultation (M-39 Section 241.4).

M-39 241.4 Providing Carrier With Summary

A completed copy of the front of Form 1840 — reflecting totals and averages from Forms 1838, day of inspection data, route examiner's comments, and analysis of office work functions and actual time recordings — will be furnished the carrier at least 1 day in advance of consultation. Completed copies of Form 1838 will be given to the carrier at least 5 calendar days prior to consultation.

Time Disallowances and Related Comments Provided Before the Consultation

All time disallowances and related comments on the Form 1840 will be furnished to the carrier one day before the consultation (M-39 Section 242.347). M-39 241.4 Providing Carrier With Summary A completed copy of the front of Form 1840 — reflecting totals and averages from Forms 1838, day of inspection data, route examiner's comments, and analysis of office work functions and actual time recordings — will be furnished the carrier at least 1 day in advance of consultation.

Completed copies of Form 1838 will be given to the carrier at least 5 calendar days prior to consultation.

M-39 242.347

All time disallowances and related comments will be noted on Form 1840 or attachments thereto, and furnished the letter carrier at least 1 day prior to consultation.

Operational Changes

Discussion of Operational Changes During Consultation Time adjustments due to operational changes must be discussed during the carrier consultation. If management does not have comments documenting the change, the carrier may note this absence of documentation on the Form 1840 or an attachment. If management does not provide the documentation within a week, the time adjustment is disallowed (M-39 Section 242.345).

Note: The letter carrier should note the absence of documentation in writing either on the Form 1840 or an attachment. The carrier should initial and date the notation. M-39 242.345 Any time adjustment to a carrier's base street time due to identified improper practices or operational changes (such as, but not limited to, the elimination of relay or park points, or travel pattern changes), must be documented by appropriate Comments on the reverse of Form 1840 or attachments thereto. Such adjustments must be discussed with the carrier at the time of consultation concerning the route evaluation. If the carrier, at the time of the consultation, notes the absence of such documentation in writing on the Form 1840 or attachment thereto, and initials and dates the Form 1840 or attachments thereto, and management does not supply such documentation within 1 week, with a copy to the carrier, the time adjustment shall be disallowed.

Discussion of Days Excluded from 1840B (8 Week Analysis)

If management excludes a day(s) from the 8-week analysis, the reasons must be documented and discussed with

(Continued on Page 3)

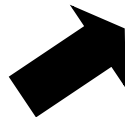
"The MailCall" is published monthly by "Heart of the Valley Branch 2462, NALC, 6910 Hayvenhurst Ave., Suite 104, Van Nuys, CA 91406 in the interest of and for the Letter Carriers of the Van Nuys Post Office and its Stations. **ARTICLES FOR PUBLICATION MUST BE IN THE HANDS OF THE EDITOR ON NIGHT OF THE 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 | D |
|---------------|---|----|----|----|----|----|----|----|----|---|---|---|
| MAIN OFFICE | C | 6 | 6 | 6 | 4 | 3 | 6 | 6 | 3 | | | |
| ENCINO | A | 3 | 5 | 2 | 3 | 3 | 4 | 4 | 3 | | | |
| PANORAMA CITY | N | 5 | 6 | 6 | 4 | 4 | 4 | 3 | 3 | | | |
| SHERMAN OAKS | C | 1 | 2 | 2 | 2 | 2 | 3 | 6 | 2 | | | |
| SUN VALLEY | E | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| TARZANA | L | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| RETIREE'S | E | 11 | 9 | 9 | 7 | 5 | 8 | 9 | 11 | | | |
| TOTAL | D | 26 | 28 | 25 | 20 | 17 | 25 | 28 | 22 | | | |

**MEETING PLACE OF BRANCH 2462, NALC
6910 HAYVENHURST AVE., SUITE 104
VAN NUYS, CALIFORNIA**

**NEXT MEETING
TUESDAY
OCTOBER
5th**



**It Will Be Held Online
Using Zoom at 6:30 pm**

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

Oct 10, 2021

**WEB PAGE.... WWW.NALCBRANCH2462.ORG
BRANCH OFFICE.....818-786-8505
O P C PERSONNEL OFFICE.....818-374-5600
E-Mail.....Branch2462nalc@gmail.com**

"RETIREE CORNER" ATTENTION: !!!

All Breakfasts have been cancelled until further notice. To all our Retiree's and Regular Members we hope that you are staying safe in your homes during this crisis.

IMPORTANT KEEP THIS INFORMATION YOU WILL NEED IT TO ATTEND BRANCH MEETING

Topic: NALC October Branch 2462 Zoom Meeting

Time: Oct 5, 2021, 06:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88107742738?pwd=aXhnMGw0VkVMMVZHeVJuWXdB1U1T09>

Meeting ID: 881 0774 2738

Passcode: 273585

One tap mobile

+16699006833,,88107742738#,,,,*273585#
US (San Jose)

+12532158782,,88107742738#,,,,*273585#
US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 881 0774 2738

Passcode: 273585

Find your local number:

<https://us02web.zoom.us/j/88107742738?pwd=aXhnMGw0VkVMMVZHeVJuWXdB1U1T09>



PRESIDENT'S REPORT

(Continued from Page 1)

the carrier during the consultation. If management does not have comments documenting the change, the carrier may note this absence of documentation on the Form 1840 or an attachment. If management does not provide the documentation within a week, the exclusion of the day(s) is disallowed (M-39 Section 242.346). Note: Again the letter carrier should note the absence of documentation in writing either on the Form 1840 or an attachment. The carrier should initial and date the notation. M-39 242.346 Any claim that conditions during the 8-week timecard analysis period or the week of count and inspection were not normal so as to justify not including such day or days in the base street time computation, must be documented. Such adjustments are to be discussed with the carrier at the time of consultation concerning the route evaluation. If the carrier, at the time of consultation, notes the absence of documentation in writing on the Form 1840 or attachments thereto, initials and dates the Form 1840 or attachments thereto, and management does not supply such documentation within 1 week, with a copy to the carrier, the time adjustment shall be disallowed.

For your Route adjustment Consultation:

When relief or an addition to a letter carrier's route is considered, the carrier should be consulted regarding the adjustment. The reasons for the adjustment should be discussed. The comments and recommendations of the carrier should be recorded on the Form 1840 as well as if there is agreement or disagreement with the proposed adjustment. The carrier is not required to sign a statement (M-39 Section 243.11a). M-39 243.11 a. After considering all factors, the postmaster or designated manager shall decide the tentative amount of relief or addition required, to place the route on as nearly an 8-hour daily basis as possible. The carrier should now be consulted concerning any proposed relief or addition recommended for the route and the reasons for the adjustment. The comments and recommendations of the carrier & whether there is agreement or disagreement with the adjustments along with reasons should be entered on Form 1840. The carrier should not be required to sign a statement; items mentioned should merely be entered on the form as a record. Promptly after consultation, if the carrier requests that the reverse of his or her copy of Form 1840 be completed, the carrier must immediately give the copy to the manager for completion & return no later than 7 calendar days.

The carrier's comments cannot be just dismissed. They must be considered by the postmaster or designee (M-39 Section 243.11c). M-39 243.11 a. After considering all factors, the postmaster or designated manager shall decide the tentative amount of relief or addition required, to place the route on as nearly an 8-hour daily basis as possible. The carrier should now be consulted concerning any proposed relief or addition recommended for the route and the reasons for the adjustment. The comments and recommendations of the carrier and whether there is agreement or disagreement with the adjustments along with reasons should be entered on Form 1840. The carrier should not be required to sign a statement; items mentioned should merely be entered on the form as a record. Promptly after consultation, if the carrier requests that the reverse of his or her copy of Form 1840 be completed, the carrier must immediately give the

copy to the manager for completion and return no later than 7 calendar days. M-39 243.11 c. The postmaster or designee must consider the comments of the individual who inspected the route, consult with the manager of the delivery unit, and consider suggestions from the carrier serving the route. 62 The following consultation explanation was originally printed in Chapter One of the NALC Route Protection Program and reprinted in the 2011 Letter Carrier Resource Guide. The Traditional 6-Day Route Count and Inspection Consultation(s) Postal regulations require management to consult with the regular carrier regarding evaluation and adjustment of his or her assigned route. Carrier routes are evaluated and adjusted using the complex data gathering process described in Chapter 2 of the M-39 Handbook and explained in detail in this manual. However, while numbers and averages and data are useful in evaluating times and adjustments, postal regulations also implicitly recognize that the individual letter carrier assigned to a route is in the best position to make these assessments. These consultations are mandatory. Management is not allowed to simply meet with the carrier and tell him or her what they came up with and what adjustment management intends to make. To consult means to seek an opinion as a guide to one's own judgment. You, the regular carrier, have an important role in determining the evaluated time of, and adjustment to, your assigned route. Do not allow management to pretend to consult, with a wink and nod, and simply go through the motions. Postal regulations are very explicit about what is required regarding consultations.

Consult within time constraints.

Management must place adjustments into effect within 52 calendar days of the completion of the count (M-39 63 Section 211.3). Management must complete all consultations within that 52-day window in a manner that allows full consideration of the carriers' comments and suggestions concerning the evaluation of the route and any proposed adjustments.

Provide documents in advance.

Management must give the carrier the following documents in advance of the consultation regarding the evaluation of the route:

A. Completed copies of Form 1838 at least 5 calendar days prior to consultation (M-39 Section 241.4, M-41 Section 923.1).

B. Completed copy of front of Form 1840 at least one day prior to consultation. This completed copy must contain the following (M-39 Section 241.4, M-41 Section 923.1):

1. Totals and averages from Forms 1838
2. Day of inspection data
3. Examiner's comments
4. Analysis of office work functions
5. Time recordings

C. Partially completed copy of reverse of Form 1840 or attachments thereto, at least one day prior to consultation. It must contain the following:

1. All time disallowances (M-39 Section 242.347)
2. Related comments (M-39 Section 242.345-.347)

(Continued on Page 4)

PRESIDENT'S REPORT

(Continued from Page 3)

Discuss certain matters.

Management is required to discuss certain matters at:

A. The evaluation consultation—including:

1. Mail volume (M-39 Section 232.1c) 64
2. Evaluation of route (M-39 Section 232.1c)
3. Any time adjustment to evaluated street time based on alleged improper practices or operational changes (M-39 Section 242.345)
4. Any adjustment of evaluated street time based on a claim that conditions during 8-week timecard period or week of count were not normal so as to justify not including such day or days in base street time computation (M-39 Section 242.346)

B. The adjustment consultation (if management proposes relief or addition to your route)—including (M-39 Section 243.11):

1. The proposed relief or addition
2. The reasons for the proposed adjustment
3. Whether the carrier agrees or disagrees
4. The reasons the carrier agrees or disagrees
5. The comments & recommendations of the carrier.

Record your recommendations and comments.

Management must enter the following on the Form 1840 (M-39 Section 243.11):

- A. Your comments
- B. Your recommendations
- C. Whether you agree or disagree with the proposed adjustments
- D. The reasons for your agreement or disagreement.

Refrain from requiring you to sign anything.

Management is not allowed to require you to sign a statement during the consultation(s) (M-39 Section 243.11a).

Consult with you a second time.

Management must hold a second consultation if adjustments are proposed (M-39 Section 243.11a).

Consider your suggestions.

Management is required to consider the suggestions from the carrier serving the route (M-39 Section 243.11c).

Permit notation of absence of documentation of street time disallowances.

If management attempts to adjust your street time due to alleged improper practices, operational changes, or claimed abnormal

conditions during the 8-week analysis, management must document it on the reverse of the Form 1840 and discuss it with you during the consultation regarding the route evaluation. If management fails to so document, you have the right, during the consultation, to note the absence of such documentation by writing a notation on, and initialing and dating, the Form 1840 (M-39 Sections 242.345 & .346).

Disallow street time adjustments if documentation is not provided to carrier within 1 week of notation by carrier. If you make a notation on the Form 1840, as noted above, about the absence of documentation supporting a management time disallowance, management has 1 week to supply such documentation to you. If management fails to do so within 1 week, the time adjustment shall be disallowed (M-39 Sections 242.345 & .346).

Provide completed copy of reverse of Form 1840 promptly after consultation.

Promptly after consultation, if the carrier requests that the reverse of his or her copy of Form 1840 be completed, the carrier must immediately give the copy to the manager for completion and return no later than 7 calendar days (M-39 Section 243.11a). You should make every effort to show your Forms 1838-C, 1838, and Form 1840 to your NALC representative prior to the consultation. Your union representatives can help identify any problems or mistakes on the forms. You will thereby be in a better position to protect your rights at the consultation. If you cannot obtain a NALC review in advance, don't panic. There will be time afterwards to address any problems.

Remember: · Completed Forms 1838 five (5) days in advance
· Completed front Form 1840 one (1) day in advance
· Partially completed reverse Form 1840 one (1) day in advance
· Full discussion at consultation
· Management writes your comments on the Form 1840
· No requirement for you to sign
· You write on Form 1840 in the absence of documentation
· Request a completed copy of the front and Reverse sides of Form 1840
· Management has 7 days to return documentation and Form 1840 AFTER THE CONSULTATION

You should contact your shop steward for grievance investigation and processing if management violates any of the procedures explained above. In addition, you should contact your shop steward for grievance investigation and processing in the following circumstances:

1. Unfair or incorrect adjustment. If you believe the adjustment to your route is incorrect or unfair.
2. Management use of COR. If management uses the Carrier Optimal Routing (COR) program to adjust routes, you can expect management not to follow the COR settlement (M-01661) and/or the COR relays settlement (M-01859) when unilaterally adjusting routes using COR.
3. No adjustment in 52 days.

If management fails to implement any needed adjustment within 52 days after the conclusion of the week of route count and inspection. Management must implement adjustments within 52 days unless an exception is granted by the district manager. Exceptions may only be made when warranted by valid operational

circumstances, substantiated by a detailed written statement, & submitted to the local union within seven days of the grant of the exception. The union has the right to grieve any exception (M-39 Section 211.3, M-01072).

It is important to note that the evaluation process does not end with the implementation of an adjustment. Management is required to evaluate the adjustment. The evaluation includes analysis of data generated after implementation of the adjustment, including volume data, time records, etc. In addition, management is required to complete a new Form 3999 after adjustments are implemented to reflect the new authorized route travel pattern and schedule (M-39 Section 243.613).

Management is also considering making a minor adjustment in the Encino 91316 zone to move territory from the routes that received router from their Special route inspections last year.

Christmas Party:

Due to the increase of the Delta Variant our 2021 Christmas Party has been cancelled. Unfortunately, it would be irresponsible for us to hold an indoor event at this time.

VICE PRESIDENT'S REPORT

BY

JAYMAYEN MACARAEG

Injured Worker and third-party claims

When an on-the-job injury is caused by a third party, such as an accident involving another vehicle, a dog bite or falling on a customer's slippery stairs, the Federal Employees' Compensation Act (FECA) mandates that injured workers must pursue the third party and attempt to recover damages. This is mandatory, not optional.

As letter carriers, we often build positive, long-term relationships with our customers, and workers may be reluctant to comply with the requirement of taking such a customer to court. However, the penalties for not doing so are substantial, including a termination of benefits and a mandate to reimburse OWCP for past medical expenses and wage-loss compensation paid.

When a FECA beneficiary refuses a request to either assign a claim or prosecute a claim in his or her own name, OWCP may determine that he or she has forfeited his or her right to all past or future compensation for the injury with respect to which the request is made. Alternatively, OWCP also may suspend the FECA beneficiary's compensation payments until he or she complies with the request. When OWCP determines that an employee or other FECA beneficiary must take action against a third party, it will notify the employee or beneficiary in writing. At a minimum, FECA regulation 20 CFR 10.707 requires a beneficiary do the following:

1. Seek damages for the injury or death from the third party, either through an attorney or on his or her own behalf.
2. Either initiate a lawsuit within the appropriate statute of limitations period or obtain a written release of this obligation from OWCP or the Solicitor of Labor (SOL), unless recovery is possible through a negotiated settlement prior to filing suit.

3. Refuse to settle or dismiss the case for any amount less than the amount necessary to repay OWCP's refundable disbursements, without receiving permission from OWCP or SOL.
4. Provide periodic status updates and other relevant information in response to requests from OWCP or SOL.
5. Submit detailed information about the amount recovered and the costs of the suit on a Statement of Recovery form approved by the Office of Management and Budget (OMB).
6. Submit information regarding the names of all plaintiffs to the suit or settlement and their relationship to the injured employee, if not the same as the FECA beneficiary.
7. If any portion of the settlement or judgment was paid to more than one individual, advise whether it was indicated in the settlement or judgment the amount each individual is to receive, and if so, the percentage of the total award.
8. Advise whether any portion of the settlement or judgment was paid in more than one capacity, such as a joint payment to a husband and wife for personal injury and loss of consortium or a payment to a spouse representing both loss of consortium and wrongful death; and
9. Pay any required refund.

Any recovery must be reported to determine whether a portion of the recovery is required to be paid to the United States as reimbursement for the FECA benefits that have been paid because of that injury.

If a beneficiary consults an attorney and is informed that a suit for damages against a third party for the injury or death for which benefits are payable is unlikely to prevail or that the costs of such a suit are not justified by the potential recovery, he or she should request that OWCP or SOL release him or her from the obligation to proceed. This request should be in writing and provide evidence of the attorney's opinion. If OWCP or SOL agrees, the beneficiary will not be required to take further action against the third party.

Letter carriers may be contacted by numerous law firms anxious to be their representative after a serious accident. Injured workers must notify such attorneys working on their behalf of the Department of Labor regulations regarding such a claim. In 1980, a memorandum of agreement between the United States Postal Service (USPS) and OWCP authorized USPS to administer the third-party aspect of FECA claims for its employees. In April 2013, OWCP terminated the memorandum of agreement with USPS.

As a result, USPS no longer has any responsibility for FECA third-party matters. Since July 1, 2013, all third-party matters are handled by the Department of Labor's Office of the Solicitor, Federal Employees and Energy Workers' Compensation Division (SOL-FEEWC).

Injured letter carriers with a question regarding a FECA third-party claim should direct their question to SOL-FEEWC by calling 202-693-5320 or faxing a letter to the attention of the FECA Subrogation Unit to 202-693-5360.

Injured NALC members with OWCP claim issues should contact their shop steward, branch OWCP specialist (818)419-7723 or national business agent's office for help.

"THE MAIL CALL"
BRANCH 2462, NALC
Francisco Valenzuela, Editor
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Van Nuys, CA 91406

NONPROFIT ORG.
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Branch Meeting Minutes
September 7, 2021

By
Steve Seyfried, Secretary

The Meeting was held Virtually on Zoom due to a renewed outbreak of Covid Variant D in some of the Van Nuys offices. It was called to order by PRESIDENT J. DOLABSON at 6:40 p.m. The Pledge of Allegiance was led by SGT-AT-ARMS POWERS
MOMENT OF SILENCE--In Memory of All the Letter Carriers who have passed.

ROLL CALL OF OFFICERS

PRESENT--J. DOLABSON, MACARAEG, SEYFRIED, WILSON, MULLINAX, POWERS, JEFFREY, JOHNSON, BURTON, L. DOLABSON, VALENZUELA

ABSENT--DUENEZ

MINUTES ACCEPTED AS PRINTED IN MAIL CALL
CORRESPONDENCE READ

APPLICATION FOR MEMBERSHIP

RICHARD FOSTER-SHELTON, MICHAEL DUBOSE, TERESA ARROYO, JACQUELIN CORTEZ, EDER CERVANTES, GABRIELA VELASQUEZ, ROBERTO QUIJADA, BETTY GUITIERREZ, CARLOS LORETO, FRANK SOTELO

BILLS READ----NONE

COMMITTEE REPORTS

AUDIT & BUDGET--TRUSTEES No Report
SAFETY & HEALTH--DUENEZ Just know that the street observations by management continue in full force. Be safe, Follow the Rules, stay Professional at all times. Always assume that someone is watching !

RETIREEES 11 retiree's present tonight. Retiree Luncheon will be postponed until next March. We will be notifying the membership as to exact date and place.

MDA FUND--POWERS Currently \$1120.00 in fund
HBR--L. DOLABSON Health Benefits Seminar will be held virtually this year. Still waiting on supplies. Open Season information material will soon be available.

MDA--MACARAEG JAMBA JUICE CARDS are still on sale . Don't miss out on this great deal. Check with your Shop Steward for more information or to purchase the cards. These are amazing savings for you, and remember ALL PROCEEDS GO TO MUSCULAR DYSTROPHY KIDS. Buy yours NOW !!!!.

MBA--DUENEZ No Report
EDITOR--VALENZUELA All is Well
POLITICAL--BURTON Postal Reform Bills are now moving through both the House (HR3076) and the Senate (S1720). These bills would guarantee 6-day Delivery and REPEAL the Postal Prefunding. Write to you representatives and urge them to support these important Letter Carrier Bills.

FINANCE REPORT--MULLINAX Currently sending out letters to new Retiree's urging them to sign up for NALC Retiree membership. Dues are only \$ 3 per month, and the benefits are substantial.

TREASURERS REPORT--WILSON Still waiting for some offices to turn in their Christmas receipts and/or return the checks that were issued and have not been used. The monies will be reissued when we are once again allowed to have gatherings.

Motion--Accept financial report as read M/S/C

VICE-PRESIDENT MACARAEG Refer any injured Carriers to me, or Shop Stewards immediately. There have been some problems with converting CCA's and PTF's in a timely manner. We are working on this and expect to have things straightened out very soon. In the meantime NO CARRIERS WILL LOSE ANY MONEY BECAUSE OF THIS.

PRESIDENT J. DOLABSON Gave her report which will be published in the MailCall.

OLD BUSINESS--NONE

NEW BUSINESS

MOTION--Branch endorse and instruct the Branch Delegation to vote the Unit Rule for CARLY HOOK, for the Office of State Director of Education and Organizing

M/S/C

UNDERLINED INDICATES UNANIMOUS VOTE

GOOD OF ASSOCIATION

Secretary SEYFRIED reminded all those who wish to be Delegates to the NALC National and State Conventions must submit their names for Nomination at the OCTOBER REGULAR BRANCH MEETING. If you cannot attend in person another Member may submit you name.

Meeting Adjourned 7:50 PM

