

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

VOLUME 59

JUNE 2022

NUMBER 6

PRESIDENT'S REPORT

By JANETTE DOLABSON

“PTF Step AA Interpretive Dispute Settled:

NALC and USPS have settled the interpretive dispute over the Postal Service's method of calculating overtime pay, Sunday premium pay, general wage increases, and cost of living adjustments (COLAs) for Part-Time Flexible (PTF) city letter carriers in Step AA. The settlement upholds NALC's position.

As a result of the Postal Service's incorrect calculation, PTF's currently at Step AA are being underpaid by \$1.21 for each overtime hour worked, \$1.61 for each penalty overtime hour and \$0.20 for each hour of Sunday Premium. The calculation has also currently resulted in a nine-cent deviation of the straight time rates between PTFs at Step AA and Full-Time Regulars at Step A.

The dispute centered around the implementation of the new language contained in Article 9 Section 8 and Article 11 Section 7 of the 2019 National Agreement and how they interact with each other.

PTFs who were, or are currently in, Step AA will have their pay adjusted retroactively for all time spent in Step AA. No other employees were affected. The affected employees will be notified in writing that their pay will be adjusted consistent with this grievance resolution.

Safety and Health:

The Occupational Safety and Health Administration (OSHA) administers more than 20 whistleblower protection laws. Each law has a filing deadline.

The Postal Service may not retaliate against you for exercising rights protected under OSHA. The Whistleblower Protection Programs website advises how to file a complaint and explains that *you must initiate your complaint within 30 days of the date when you believe you were subjected to retaliation.*

- The employee engaged in activity protected by the whistleblower protection law(s) (such as reporting a violation of law);
- The employer knew about, or suspected, that the employee engaged in the protected activity;
- The employer took an adverse action against the employee;
- The employee's protected activity motivated or contributed to the adverse action.

OSHA accepts whistleblower complaints made orally (telephone or walk-in at any OSHA office) or in writing, and in any language. If you choose to use OSHA's Online Whistleblower Complaint Form, you must complete the screens and fields that are marked as "required;" all other screens and fields are optional. (Note: You may have more success using this form on a computer than on a smartphone. If you are using a smartphone, you may need to scroll up on a screen to fill in the required information before you can proceed.) If you file a complaint, OSHA will contact you to determine whether to conduct an investigation. You *must* respond to OSHA's follow-up contact or your complaint will be dismissed.

A whistleblower complaint filed with OSHA cannot be filed anonymously. If OSHA proceeds with an investigation, OSHA will notify your employer of your complaint and provide the employer with an opportunity to respond. Because your complaint may be shared with the employer, **do not include witness names or their contact information on this form;** you will have the opportunity to offer evidence in support of your complaint during the investigation. If you have any questions about the complaint filing or investigative processes, please 800-321-OSHA (6742).

Heat Safety Tool app:

The National Institute for Occupational Safety and Health (NIOSH) and Occupational Safety and Health Administration (OSHA) have collaborated to update OSHA's original Heat Safety Tool app for smartphones.

A whistleblower complaint must allege four key elements:

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	3	4	7									
ENCINO	3	4	4									
PANORAMA CITY	4	4	4									
SHERMAN OAKS	2	4	3									
SUN VALLEY	0	0	0									
TARZANA	0	0	0									
RETIREE'S	9	7	7									
TOTAL	21	23	25									

**NEXT MEETING
TUESDAY
JUNE
7th
2022**

6:30 p.m.

**It Will Be Held At the
UNION OFFICE
6910 Hayvenhurst Ave
#104
Between Van Owen & Sherman Way**

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

June 11, 2022

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

Vice President's Report

By

Jemmayen Macaraeg

IMMEDIATE SUPERVISOR RESPONSIBILITY WHEN YOU GET INJURED ON THE JOB!!!

Letter carrier jobs are unique in that most of our work occurs away from the office, out on the route. That's what I loved most about the work: the freedom to walk the route with no boss looking over your shoulder.

The freedom of the route also has hazards that most office workers do not have to contend with. Letter carriers have the highest injury rate of any federal workers, and most letter carrier injuries occur out on the route.

Letter carriers injured on the route rely on their supervisor or manager to respond to the injury and provide the correct information to get a claim initiated with the Office of Workers' Compensation Programs, OWCP. While most supervisors get some training in postal procedures for handling workplace injuries, few are experts. However, OWCP rules and procedures are incorporated into the Employee and Labor Relations Manual.

ELM 544.11 has specific instructions that **postal supervisors MUST follow** when responding to an injury report: 544.11 Immediate Supervisor Responsibility When a notice of traumatic injury or occupational disease is filed, the immediate supervisor is responsible to do the following:

- A. Immediately ensuring that appropriate medical care is provided.
- B. Providing the employee, a Form CA-1 or a Form CA-2.
- C. Completing the receipt attached to Form CA-1 or CA-2 and giving the receipt to the employee or the employee's representative.
- D. Investigating all reported job-related injuries and/or illnesses.
- E. Immediately notifying the control office or control point of an injury, disease, or illness.
- F. Prompt completion and forwarding of Form CA-1 or CA-2 to the control office or control point on the same day it is received from the employee.

If the injury is traumatic, ELM 544.112 requires the supervisor to do the following: 544.112 Traumatic Injuries In case of a traumatic injury, the supervisor must advise the employee of the following:

- A. The right to select a physician of choice.

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PRESIDENT'S REPORT

(Continued from Page 1)

The updated app, available for both Android and iPhone, provides a clearer user interface while still providing the same information to help keep employees safe when working outdoors in hot weather. Extreme heat causes more deaths than any other weather-related hazard; each year more than 65,000 people seek medical treatment for extreme heat exposure. Letter carriers who are exposed to hot and humid conditions can use the app to check the heat index and learn about the relevant protective measures. The app displays the heat index in the user's location and shows the current risk level.

The app also forecasts the hourly heat index throughout the entire workday, giving employers information they can use to adjust the work environment as needed to protect workers. It provides tips for recognizing the signs of heat-related illness and for rendering first aid, plus links to more information and to NIOSH/OSHA contact information.

To download the updated app and get more information on OSHA's efforts to help protect employees from the heat, visit OSHA's heat campaign web page."

UPDATE:

Visit the NIOSH page in support of the app to learn more about it and to get answers to frequently asked questions, such as "What is a heat index?," "When should I use the heat index?," and "Is monitoring the heat index enough to keep workers safe?"

Joint Statement on Violence and BEHAVIOR in the Workplace:

Origin of the statement: NALC, other postal unions, the Postal Service and three postal supervisors' organizations created and signed the Joint Statement on Violence and Behavior in the Workplace in Feb. 1992. They drafted the statement at a meeting held in the wake of tragic shootings of postal workers in Royal Oak, MI, in Nov. 1991.

In the statement, the organizations committed to dignity, respect, and fairness for all postal employees as a fundamental human right. They also promised to rid USPS of the harassing, intimidating and abusive behavior that can lead to workplace violence, and they promised to deny rewards to those who violated that right and to remove repeat offenders from the Postal Service.

Six months later, the same parties issued a second joint statement, committing to continue their dialogue and pursue the first statement's mandate of a safer, more harmonious, and productive workplace.

Enforcement—The Snow award

In 1996, National Arbitrator Carlton Snow declared that the Joint Statement was a binding contractual obligation that NALC may enforce through the grievance procedure. Snow empowered regional arbitrators to enforce the statement and issue remedies against postal supervisors who violate it:

"[T]he Joint Statement on Violence and Behavior in the Workplace constitutes a contractually enforceable bargain. The grievance procedure of the National Agreement may be used to enforce the parties' bargain, and arbitrators have available to them the flexibility found in arbitral jurisprudence when it comes to formulating remedies, including removing a supervisor from his or her administrative duties." (Q90N-4F-C 94024977, Aug. 16, 1996) C-15697

Following Snow's landmark award, regional arbitrators have enforced the Joint Statement against postal supervisors where NALC has presented strong evidence of violent, abusive, harassing, or threatening behavior. They have ordered supervisors to apologize, to get training or to be transferred from any position involving supervision of letter carriers.

M-39 language for Managements obligates and Mutual Respect under Article 19 Handbook and Manuals M-39 115.3 Obligation to Employees When problems arise, managers must recognize that they have an obligation to their employees and to the Postal Service to look to themselves, as well as to the employee, to: a. Find out who, what, when, where, and why. b. Make absolutely sure you have all the facts. c. The manager has the responsibility to resolve as many problems as possible before they become grievances. d. If the employee's stand has merit, admit it and correct the situation. You are the manager; you must make decisions; do not pass this responsibility on to someone else.

115.4 Maintain Mutual Respect Atmosphere The National Agreement sets out the basic rules and rights governing management and employees in their dealings with each other, but it is the front-line manager who controls management's attempt to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities.

DPS out of order:

From Calvin Brookins:

Over time you may have received complaints from Letter Carriers about DPS mail that is out of order because it could not be sorted properly. Example, there is mail included in your DPS trays each day that is sorted to a main address (100 Main St.), but is not properly sorted to the secondary address (Suite 100, 200, 300 etc.), this mail is kicked to the front of the main address. This mail should be identified/flagged in a system called Station Input, which would pull this mail out of DPS and send it to the Letter Carrier's case to be cased with the rest of the residual mail.

Carriers should fill out an interview sheet that can be provided to you by your Shop Steward or Branch office.

I want to emphasize the importance of them getting all the Letter Carriers in each office to fill out an interview sheet. Without that information, it would be difficult to be successful when sending a grievance up on this issue. The NALC has been successful on four different occasions in regional arbitrations the past few years.

You may read VP Lew Drass's article in the April Postal Record regarding this very issue.

Vice President's Report

(Continued from Page 2)

B. If the injury is disabling, the right to either of the following:

1. To elect COP for up to 45 calendar days.
2. To use annual or sick leave.

Unfortunately, some supervisors do not fulfill these responsibilities, which can cause huge problems for the injured worker. Violations of the ELM are grievable under Article 19 of the national contract and supervisors who fail to follow ELM procedures should be held accountable.

NALC has recently seen form letters with the Postal Service logo that have been given to injured workers in lieu of claim forms. One letter lists the date, name of employee and office with the subject line "Letter of Declination." The body of the form states:

"The above-mentioned employee has advised me that he/ she does not wish to file a CA-1, Federal Employee's Notice of Traumatic Injury, for the job-related injury which occurred on _____. I have advised the employee that he/she has three (3) years from the data of injury to file a claim if they choose to do so."

There are spaces on the bottom of the form for both the supervisor and injured employee to sign.

No employee should ever be given, much less sign, such a form!!!!

UNITED STATES
POSTAL SERVICE

DATE: _____

EMPLOYEE: _____

OFFICE/FACILITY: _____

SUBJECT: Letter of Declination

The above mentioned employee has advised me that he/she does not wish to file a CA-1, Federal Employee's Notice of Traumatic Injury, for the job related injury which occurred on _____. I have advised the employee that he/she has three (3) years from the date of the injury to file a claim, if they choose to do so.

Supervisor's Signature _____ Employee's Signature _____

No employee should ever accept or sign the form shown above !!!!

The ELM also defines the penalty for not processing a claim: 542.33 Penalty for Refusal to Process Claim Any employee or supervisor responsible for making reports in connection with an injury who willfully fails, neglects, or refuses to do so; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury may be subject to a fine of not more than \$500 or 1 year in prison, or both. Injured workers are protected under the Federal Employees' Compensation Act (FECA), and violations of such workers' rights should not be tolerated. Please contact the Workers' Compensation department at NALC Headquarters if a postal supervisor or manager has given you a letter requesting that you decline your rights for a workplace injury.

Weingarten Rights

In addition to the specific provisions of Article 17, Section 3 of the National Agreement which concern interrogations by Postal Inspectors (see below), letter carriers have the right to union representation in many other meeting situations by virtue of the Weingarten doctrine.

This legal principle, established by the U.S. Supreme Court in 1975 in a case titled NLRB vs. J. Weingarten Inc., provides that employees are entitled to assistance from their union representatives during any investigatory interview which *the carrier reasonably believes* may lead to discipline. An investigatory interview is usually defined as questioning by management to search for facts that will be used to determine an employee's guilt, or to decide whether or not to impose discipline. The Weingarten rule does not apply to some kinds of meetings between management and carriers, such as fitness-for-duty examinations and "official discussions" under the provisions of Article 16, Section 2 of the National Agreement which states that "For minor offenses by an employee, ... discussions ... shall be held in private between the employee and the supervisor. See National Arbitrator Aaron, C-03769, January 6, 1983.

The steward cannot exercise Weingarten rights on the employee's behalf. And unlike "Miranda rights," which involve criminal investigations, the employer is not required to inform the employee of the Weingarten right to representation.

Under Weingarten employees have a right to a pre-interview consultation with a steward. In a Weingarten interview the employee has the right to a steward's active assistance—not just a silent presence. The employer would violate the employee's Weingarten rights if it refused to allow the representative to speak or tried to restrict the steward to the role of a passive observer.

Although ELM Section 666.6 requires all postal employees to cooperate with postal investigations, the carrier still has the right under Weingarten to have a steward present before answering questions in this situation. The carrier may respond that he or she will answer questions once a steward is provided.

Words From A Retired Carrier Steve Seyfried

When should you ask for a Shop Steward?

This is a question that arises often, especially with new Letter Carriers, and veteran Carriers as well. You may often be approached by a supervisor or management representative, with the statement such as “Hi, can you come with me to the office, I need to discuss something with you.” A simple enough request, right ?? Well Maybe !

The first thing you should say is “Can this lead to DISCIPLINARY ACTION.” Most likely their answer will be something like No, it is just a discussion, you do not need a Steward. You then follow them into the office. Once there look around, there should be no one else in the office except you and the supervisor, and the door should be closed. As you see a discussion is simply between you and your supervisor, IN PRIVATE, and should not include any questions addressed to you. If at any time any question is asked of you, other than your name, you should IMMEDIATELY STOP TALKING AND ASK FOR A SHOP STEWARD. WHY ??

Because this discussion has just turned in to a fact finding. A discussion is a statement of fact by the supervisor to you the employee, they do not need any information from you, because they are supposedly just talking to you about a specific thing. Now these questions from the supervisor may often seem innocent enough. Such as were you working on Route xxx on such a date, or were you driving on such and such a street 2 days ago. DON'T FALL FOR THIS SEEMINGLY SIMPLE ASK. Any information that you give can be used in a later disciplinary matter.

Do not be intimidated by a management figure. If you have any doubts about what to do the best thing is to DO NOTHING, REFUSE TO ANSWER ANY QUESTIONS, AND ASK FOR A SHOP STEWARD. Once the Steward is in the room with you they can find out what is really going on and counsel you on what should be done from there.

You have rights as a Letter Carrier under the NALC Contract with the Postal Service. Learn what they are !

HOW ? The first way is to have regular contact with your NALC SHOP STEWARD, they have been assigned to your office by the Union, and their number one priority is to represent you and make sure you are protected. Second, become proactive in the Union. Our Branch 2462 has monthly meetings on the first Tuesday of each month, at our Branch Office. We have Branch Officers also who are available to help you with questions and guidance regarding work rules and rights. Third read the Branch Newspaper “The MailCall.” This publication is mailed to your home address each month and contains valuable information regarding what is going on in the Branch and many activities that can help you integrate yourself in the Union and gain insight into what our Branch is all about. The NALC has a rich history, and it is well worth learning about, from it's beginning in 1889 to modern day. The achievements of our Union are many and great, most of the things we take for granted today are a direct result of NALC and other Labor Unions Striking and literally fighting for working men and women. So take a little time out from the hectic world and check out your Union, it is yours, you know. I think you will find that your time has not been wasted. Thanks for listening.

JAMBA JUICE BOGO FREE X 6



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"THE MAIL CALL"
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Francisco Valenzuela, Editor
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Branch Meeting Minutes

May 3, 2022

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 J. DOLABSON at 7:02 p.m. The Pledge of Allegiance was led by SGT-AT-ARMS POWERS

MOMENT OF SILENCE--In Memory of BETTY HAYES who worked out of SHERMAN OAKS and ALL LETTER CARRIERS that have passed in 2022.

ROLL CALL OF OFFICERS

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

ABSENT--WILSON, JOHNSON, DUENEZ

MINUTES ACCEPTED AS PRINTED IN MAIL CALL

CORRESPONDENCE READ

APPLICATION FOR MEMBERSHIP--NONE

BILLS READ--NONE

COMMITTEE REPORTS

AUDIT & BUDGET--TRUSTEES No Report
SAFETY & HEALTH--DUENEZ No Report
RETIREEES Retiree Luncheon has been scheduled for October 2022. We are anticipating restarting the Retiree Breakfast at the beginning of the new year, as our local site is restricting the size of parties.

MDA FUND--POWERS Currently \$ 1677.00 in the fund

HBR--L. DOLABSON In response to the recent Postal Reform Legislation the integration of employee Health Plans into Medicare will not begin until 2025. We will be providing information on this transition in upcoming articles.

MDA--MACARAEG MDA Summer Camp will be offered again this year in June. We will be contacting the family of our "Poster Child" JESUS, to see if they are interested in having him attend. If so the Branch will again sponsor him to attend.

MBA--DUENEZ No Report
POLITICAL--BURTON Postal Reform has finally been passed and signed into law. Among other things it eliminates and forgives the debt incurred by having to pay forward on Retiree Health costs. It also guarantees 6 DAY DELIVERY going forward so we do not have to depend on Congress every year as was the case in the past. Currently HR 82, which would eliminate the WINDFALL TAX on Federal Retirement has 272 Co-Sponsors in the House, however continued REPUBLICAN opposition in the SENATE probably means that no action will be taken this year. HR 4268, which would allow non-career Letter Carriers to be able to have their

time worked rolled into seniority after going to Regular sits in the House with only 41 Co-Sponsors.

EDITOR--VALENZUELA All is Good

FINANCE REPORT--MULLINAX Branch was recognized at the State Convention for our ongoing drive to sign up all Letter Carriers in the Van Nuys offices. As a result of these efforts we are currently at 97.7 %. Well done, but we intend to keep working to achieve 100 % organization.

TREASURERS REPORT--WILSON No Report
Will be submitted at next meeting

VICE-PRESIDENT MACARAEG Attended the OWCP and OIG/POSTAL INSPECTION class at the State Convention. They were highly informative and well attended.

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

OLD BUSINESS--NONE

NEW BUSINESS

MOTION--Move that the Branch set aside \$1000.00 to send Branch MDA "Poster Child" JESUS to the MDA Summer Camp in June 2022, should he wish to attend.

M/S/C

UNDERLINED INDICATES UNANIMOUS VOTE

GOOD OF ASSOCIATION

Brother MULLINAX spoke briefly on his experiences at the State Convention. VICE PRESIDENT MACARAEG swore in recent new members JENNIFER PACHICO--PANORAMA CITY & TONY NGUYEN--SHERMAN OAKS, and they were presented with their membership pins by PRESIDENT DOLABSON. CONGRATULATIONS JENNIFER & TONY, we hope to continue to see you at meetings and participating in Union events.

MDA DRAWING

\$ 5 CALVIN BROOKINS--RETIREE--DONATED

Meeting Adjourned 8:47 PM

IN MEMORY OF

BETTY HAYES

**LETTER CARRIER
SHERMAN OAKS STATION**