

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

VOLUME 60

MARCH 2023

NUMBER 2

**PRESIDENT'S REPORT
By JANETTE DOLABSON**

Discipline:

There has been a lot of grievance activity regarding discipline lately, especially for Irregular attendance. Irregular attendance includes any absences that are not excused. That means, calling out sick, using emergency annual, being late to work. The Rule of thumb is you can only have two in a three month period. When you hit that third instance you may be looking at some sort of fact finding or review of your attendance and possibly issued discipline. These would be separate instances. If you are ill and are out consecutive dates that counts as one instance from begin date and end date. Being late to work are each individually one instance. Just because you have a doctors note when you return to work doesn't excuse the absence. A not covers the time you are out for payment of sick leave, annual leave or leave without pay. I urge anyone with an ongoing health condition to put in for FMLA Benefits that cover your absences when you need to use leave for that condition. There is a considerable number of folks who are late to work often. Occasionally you may find traffic delays and unexpected reasons for being late. This should be the exception and not the rule. The burden of proof for discipline in on management. All they have to prove is just cause for issuing it. Below is the Just cause principle and how it is used in determining just cause.

16.1 Section 1. Principles In the administration of this Article, a basic principle shall be that discipline should be corrective in nature, rather than punitive. No employee may be disciplined or discharged except for just cause such as, but not limited to, insubordination, pilferage, intoxication (drugs or alcohol), incompetence, failure to perform work as requested, violation of the terms of this Agreement, or failure to observe safety rules and regulations. Any such discipline or discharge shall be subject to the grievance-arbitration procedure provided for in this Agreement, which could result in reinstatement and restitution, including back pay. Just Cause Principle The principle that any discipline must be for "just cause" establishes a standard that must apply to any discipline or discharge of an employee. Simply put, the just cause provision requires a fair and provable justification for discipline. Just cause is a term of art created by labor arbitrators. It has no precise definition. It contains no rigid rules that apply in the same way in each case of discipline or discharge. However, arbitrators frequently divide the question of just cause into six sub-questions and often apply the

following criteria to determine whether the action was for just cause. These criteria are the basic considerations that the supervisor must use before initiating disciplinary action. • 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?

(Continued on Page 3)

**NOTICE OF NOMINATIONS
OF
BRANCH OFFICERS**

This is official notice to members of Branch 2462 that nominations for the following offices well be held at the regular branch meeting April 4, 2023 at 8:00 p.m. at the Branch Union Hall 6910 Hayvenhurst Ave # 104, Van Nuys California. The Offices are President, Vice-President, Recording Secretary, Financial Secretary, Treasurer, Sgt-at-Arms, Three (3) Trustee's, Editor, 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 7, 2023. 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.

ELECTION

The election shall be conducted by secret mailed ballot. All ballots will be mailed First Class to the home addresses of eligible members no later than May 8, 2023. The Election shall be conducted in accordance with the rules and regulations adopted and promulgated by the Executive Board of Branch 2462, NALC, which shall not be in violation of the rules and regulations adopted and promulgated by the Rules of the National Executive Council. Ballots must be mailed back to the Election Committee at PO BOX 800785 Valencia CA 91380, and must be received by 5:00 p.m. on May 28, 2023. The counting of the ballots will take place on Thursday, June 1, 2023 beginning at 5:00 p.m. at 6910 Hayvenhurst Ave., # 104 Van Nuys, California . All candidates and members may observe the counting of the ballots.

"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.

Vice President's Report

By

Jemmayen Macaraeg

COVID-19 and Federal Workers' Compensation

The Office of Workers' Compensation has updated its procedures to provide that claims for COVID-19 diagnosed after January 27, 2023 must establish the five basic elements for adjudication as set forth under the Federal Employees' Compensation Act (FECA) as follows:

1. The claim was filed within the time limits set by the FECA;
2. The injured worker was an employee within the meaning of the FECA;
3. The claimant provided evidence
 - a. Of a diagnosis of COVID-19, and
 - b. That establishes they actually experienced the event(s) or employment factor(s) alleged to have occurred.
4. The alleged event(s) or employment factor(s) occurred while the employee was in the performance of duty; and
5. The COVID-19 is found by a physician to be causally related to the established event(s) or employment factor(s) within the employee's Federal employment.

Neither the fact that the condition manifests itself during a period of Federal employment, nor the belief of the claimant that factors of employment caused or aggravated the condition, is sufficient in itself to establish causal relationship.

WHICH FORM SHOULD I FILE FOR A COVID-19 CLAIM?

Claims for COVID-19 diagnosed after January 27, 2023, should generally be filed on Form CA-2, Notice of Occupational Disease. This is because in most cases there is no clear, identifiable incident or incidents over a single day or work shift to which the injured worker can specifically attribute the event alleged to have caused the diagnosed COVID-19.

A Form CA-1, Notice of Traumatic Injury, should only be used if the event alleged to have caused the diagnosed COVID-19 clearly identifiable as to time and place of occurrence. This must be a specific event or incident or series of events or incidents during a single day or work shift.

If there is no clear, identifiable incident or incidents over a single workday or work shift to which the COVID-19 diagnosis is attributed, then a Form CA-2 should be used.

ATTENDANCE CHART BRANCH MEETINGS

MONTH	J	F	M	A	M	J	J	A	S	O	N
MAIN OFFICE	4	3									
ENCINO	3	4									
PANORAMA CITY	1	5									
SHERMAN OAKS	1	5									
SUN VALLEY	0	0									
TARZANA	0	0									
RETIREE'S	7	5									
TOTAL	16	22									

**NEXT MEETING
TUESDAY
MARCH
7th
2023
6:30 p.m.
BRANCH OFFICE**

**DEADLINE DATE FOR THE NEXT
ISSUE OF "THE MAIL CALL" IS
Mar 12, 2023**

**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: !!!!

Our next Breakfast Meeting will be held at Denny's Restaurant, (Corner of Sherman Way & DeCelis). It will begin at 09:00 AM. Date will be APRIL 22, 2023 (4th Saturday) So, please mark your calendar.....We hope to see you there. Thank You

PRESIDENT'S REPORT

(Continued from Page 1)

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.

- 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.

- 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.

- 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.

- 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 30-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.

- Was the disciplinary action taken in a timely manner? Disciplinary actions should be taken as promptly as possible after the offense has been committed. Corrective Rather than Punitive The requirement that discipline be corrective rather than punitive is an essential element of the

just cause principle. In short, it means that for most offenses management must issue discipline in a progressive fashion, issuing lesser discipline (e.g., a letter of warning) for a first offense and a pattern of increasingly severe discipline for succeeding offenses (e.g., short suspension, long suspension, discharge). The basis of this principle of corrective or progressive discipline is that it is issued for the purpose of correcting or improving employee behavior and not as punishment or retribution.

Food Drive:

We have found a couple charities that will be happy to receive food from our food drive. Right now, Main office, Encino, Sun Valley and PC have confirmed that they will be participating in the food drive this year. We will see if we can add Sherman Oaks and Tarzana offices to those charities wanting the food.

We do not have a sponsor for bags this year, but we will order cards for the office's participation. The food needs to be picked up on all routes that food is left at the mailbox or front door. Thank you for your continued support to feed the hungry!

"THE DAY THE MAIL STOPPED" By **ROD GODDARD**

In March of 1970 the U.S. Postal Service went on a 8 day strike that began in New York City and later spread to other cities within weeks. Postal workers were fed up with low wages and poor working conditions. An immediate trigger for the strike took place when Nixon decided to defer a wage increase on July 1.

In an attempt to keep the mail going Nixon called on the U.S. armed forces and National Guard that plan unfortunately didn't work.

This strike influenced the contents of the Postal Reorganization Act of 1970 which dissolved the U.S. Post office department and replaced it with U.S. Postal Service and guaranteed Collective bargaining rights for postal workers. On April 2, 1970 both parties, Nixon and Rademacher (NALC PRESIDENT), came to a agreement of a Memorandum stating:

- Carriers and Clerks would get a pay increase of 14 percent.
- 6 percent retroactive to December 27, 1969.
- 8 percent would be added when a postal reform bill is enacted.

In the end, strikes changed the Postal Service and the Union.

February 20th



"THE MAIL CALL"

BRANCH 2462, NALC

Francisco Valenzuela, Editor
6910 Hayvenhurst Ave., # 104
Van Nuys, CA 91406

Address Service Requested

Branch Meeting Minutes

February 7, 2023

By

Steve Seyfried, Secretary

The Meeting was held at the Branch 2462 Union Hall 6910 Hayvenhurst Ave, #104 Van Nuys California. It was called to order by PRESIDENT J. DOLABSON at 7:03 p.m. The Pledge of Allegiance was led by SGT-AT-ARMS POWERS

MOMENT OF SILENCE--In Memory of KEVIN ONEILL-ENCINO AND ALL LETTER CARRIERS that have passed in 2022.

ROLL CALL OF OFFICERS

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

ABSENT--WILSON, JOHNSON, DUENEZ

MINUTES ACCEPTED AS PRINTED IN MAIL CALL

CORRESPONDENCE READ

APPLICATION FOR MEMBERSHIP--

HARUTUN KHACHATRYAN, KARINE KARAPETYAN, ALVANO CHECA, EBONY BACKES, SHAYLA VOETS

BILLS READ--NONE

COMMITTEE REPORTS

AUDIT & BUDGET--TRUSTEES Audit was held on Jan 26th at the Union Office. All books and monies were found to be in good order.

SAFTEY & HEALTH Same problems with Carriers not following Earbud policy, not fastening seat belts when in drivers' seat and delivering to mounted boxes and improper lifting procedures. Mgt team is on the prowl and will be coming into offices soon to check for violations and Carrier compliance. Follow the safety rules and you will have no problem.

RETIREES 5 Retiree's present tonight.

We will be having our first Retiree Breakfast's on Saturday APRIL 22, 2023 it will be held at Denny's Restaurant, (Corner of Sherman Way & DeCelis). It will begin at 09:00 AM.

MDA FUND--POWERS \$ 3334.00 in the fund

HBR--L. DOLABSON We are waiting on the updated Roster for the Health Plan for 2023. Remember if you need lab work done, you must go to either QUEST or LABCORP. Otherwise you will be charged for the tests. If you have any questions please contact me through the Branch Office. If you have not received your 2023 Health Plan Card call me.

MDA--MACARAEG MDA will be sponsoring a Youth Summer Camp this summer after cancelling the last 2 due to COVID. It will be held at Lake Hughes Campgrounds in Castaic. The date will be posted later.

MBA--DUENEZ No Report

POLITICAL--BURTON HR-82, the Windfall Elimination Act, has been resubmitted in the House. Currently we have 133 signed onto the bill, need 218 for passage. All California representatives have signed on to the bill, except, 1, but we expect them to be on it soon.

EDITOR--VALENZUELA All is Well

ELECTION--SEYFRIED Branch will be having an Election of Officers upcoming in May. Information regarding the Nominations and Election will be published in the February MailCall

FINANCE REPORT--MULLINAX We had 2 recent retirees sign up to continue their Membership in the NALC. They are MARK GOLDSTEIN & EDDIE BERGARRA.

TREASURERS REPORT--WILSON Financial Reports for January were read by the Financial Secretary.

MOTION TO ACCEPT REPORTS AS READ M/S/C
VICE-PRESIDENT MACARAEG Newly converted CCA's are ANDRE RODRIGUEZ, PEDRO TADEO, LEWIS PERRY, EDER CERVANTES, BRIAN REYES, PEDRO MORALES, JESSICA MUCHUCA to Regular Carrier, and RICARDO CARRANZA to PTF. There are new changes for filing OWCP for COVID-19 illnesses starting in February. Should you need to file any claim now for COVID it is imperative that you contact me at the Union Office before filling out ANY PAPERWORK !!

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

OLD BUSINESS--NONE

NEW BUSINESS

The 2023 Budget was read and discussed by those present at the Meeting.

MOTION--Branch 2023 Budget be accepted as printed in the February issue of the MailCall M/S/C

MOTION--Branch renew the membership in the L A County Federation of Labor for one year and 101 members Cost to the Branch \$ 275.00 M/S/C

MOTION--Branch send Shop Stewards & E-Board members, to be chosen by the President, to the Regional Training in San Diego, March 30 - April 1st.
Total cost not to exceed \$ 12,100.00 M/S/C

UNDERLINED INDICATES UNANIMOUS VOTE

MDA DRAWING

\$ 5 JOSE JIMENEZ--SHERMAN OAKS--DONATED
\$ 7 ROD GODDARD--SHERMAN OAKS--DONATED

Meeting Adjourned 8:32 PM