



# MEMO To the Branch 2184 Leadership Council, Aug. 10, 2021

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This month's Leadership Council Memo will begin as usual with a Branch administrative update. Please be aware of the following information and make plans accordingly. First, our regular monthly membership meetings will resume on Wednesday, September 1, at 7:30 p.m. following the summer break. Although it was initially hoped that we could resume in-person meetings in September, the recent Covid-19 resurgence has rendered this as not possible. Thus, until further notice, all Branch 2184 meetings will continue to be conducted by teleconference. Convention delegates should also be aware that the September membership meeting begins the ten-meeting cycle for delegate funding eligibility for the next NALC National Convention, which will take place in Chicago on August 8 -12, 2022.

Newly elected Branch 2184 officers and stewards for the balance of the 2021-2023 term of office will be installed by NALC National Business Agent Troy Clark prior to the September 1 membership meeting. This will be a virtual installation of Branch officers and stewards that will be conducted via WebEx. Branch President Walt McGregory will be providing the information and links for those participating in the installation ceremony.

Because of the Covid-19 resurgence it will also be necessary to continue conducting our Steward meetings by teleconference until further notice. Thus, the Steward meetings scheduled for September 14 and September 20 will both be teleconference meetings. Stewards and Branch officers will continue to receive monthly steward meeting credit for attendance at either meeting.

The Postal Service has announced the penalty overtime exclusion period for 2021 will Saturday, December 4 through Friday, December 31. This four-week period encompasses pay period 26, 2021 and pay period 1, 2022.

A question arose regarding the contractual requirement to post and update Overtime Desired List hours on a weekly basis. This requirement is found in Article 8.5.C.2.c of the Contract and was first negotiated into Article 8 with the 2016-2019 Contract. Stewards should note that although a clear requirement exists that ODL hours are posted and updated on a weekly basis, the applicable contractual language does NOT specifically require that a supervisor or other representative of management must do this – only that it be done. It is perfectly okay for a union representative or letter carrier craft member designated by the union to this. So don't quibble over who does this – just ensure that it is done.

On Friday, July 23, the NALC National Union announced that the long overdue update to the Joint Contract Administration Manual (JCAM) had been completed and a new 2021 JCAM was released. Although printed copies of the new JCAM are not yet available, it is readily available on the NALC National website and the NALC App. Stewards and Branch officers are strongly urged to download the new JCAM onto your computers, tablets and other devices for quick and easy access anytime.

Additionally, printed and bound copies of the new JCAM will be obtained ASAP by the Branch for stewards and others involved in Contract enforcement. They will be distributed by Branch officers after they are obtained. **The new JCAMS will be Branch property and should NOT be given to management under ANY circumstances.**

The United States Department of Labor Office of Workers Compensation Programs (OWCP) is strongly encouraging any federal worker that contracted the COVID-19 virus or that is infected between the dates of January 27, 2020 and January 27, 2023, even if your case was or is asymptomatic, to establish coverage under the Federal Employees Compensation Act (FECA) by initiating a claim. **To be eligible, an employee merely needs to establish 1) a positive COVID-19 diagnosis anytime during this three-year period, and 2) that your work duties include any risk of exposure within 21 days prior to the diagnosis.** This simply means that you carried out duties that required contact with patients, members of the public, or co-workers, or included a risk of exposure to the novel coronavirus.

**These criteria clearly provide coverage for ANY Postal Service letter carrier that was working during the 21-day period to their COVID-19 diagnosis.** Branch 2184 members that have contracted the COVID-19 virus OR that have a positive diagnosis before January 27, 2023 should notify their steward or the Branch 2184 offices. Stewards, if a member comes to you with this information, obtain their contact information and immediately provide it to the Branch 2184 office. This information will then be provided to our National Business Agent's office, who will assist the member with the development of their claim.

Also, the question will be asked - why those that have had previous positive COVID-19 diagnoses and believe that they are okay now should still file a claim? This is because the coronavirus has been well-documented as responsible for the subsequent development of many potentially serious and long-term physical and neurological conditions. Filing a claim NOW will facilitate the processing of any future claim for such consequential condition or impairment.

Another issue arose regarding investigative interviews conducted by management. Although management will usually provide the steward or other designated union representative in an investigative interview situation with a copy of the questions in advance, they are not specifically required to do so. However, management IS required to inform both the employee and the union representative in advance of the specific purpose of the investigative interview. Additionally, they are required to allow the employee and union representative to have a private, pre-interview consultation.

If management fails or refuses to provide the steward or union representative with an advance copy of the investigative interview questions, be sure to take the time during the course of the interview itself to write down everything that the management representative asks or says, as well as the responses from employee. Also remember that management MUST permit the union representative to participate and to advise the employee during an investigative interview. Then, using your Contractual (Article 17/31) rights to information, always request management's copy of the completed interview. Please see M-01667 from the NALC Materials Reference System, which is correspondence from then USPS Vice-President of Labor Relations Doug Tulino to management representatives at the local level in the United States.

The Postmaster in one of our installations incorrectly advised employees pertaining to Hatch Act restrictions on social media usage, specifically that they were prohibited from any activity that has a partisan political aspect to it, even on their own time. **Although Postal employees should not ever engage in any politically-related activity while on duty or at work, and in fact should just stay off social media when at work – period,** such prohibition does not carry over to their own time, with one important and specific exception. Under no circumstances may a Postal employee engage in any activity, anytime, that involves fundraising events or solicitations of contributions to candidates for partisan political office. This prohibition includes “liking” or sharing/retweeting fundraising or solicitation posts of this nature. **However, this does NOT prohibit a postal employee from making contributions from their own personal funds to candidates for partisan political office or to political parties.**

USPS employees are NOT “further restricted” federal employees, who do have some additional restrictions on social media usage. Examples of “further restricted” federal employees are Secret Service and FBI employees, and others whose work involves more direct access to or involvement with federal government activities. USPS employees, **on their own time**, may post, like, share, or retweet messages in support or opposition to partisan political candidates or political parties, as well as like, follow, or friend the social media account of a political party or candidate for partisan political office.

Our active members should be reminded that in this 21<sup>st</sup> Century world of mail and parcel delivery in the United States, there are cameras and recording devices everywhere. As such, they should perform all delivery duties at all times in a manner that assumes they are video and/or audio while working. In other words, perform all duties professionally and safely every minute of every day, being especially careful to avoid actions and/or words that could result in serious disciplinary consequences for a letter carrier.