

Branch 2184 ... "Speaks"

Official Publication of Branch 2184, NALC, AFL-CIO

January/February 2008

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Office Hours:

9:00 a.m. - 5:00 p.m. Monday through Friday

Calendar Branch Meetings:

March 5, 2008 April 2, 2008 7:30 p.m. - Union Hall

Retirees Meetings:

March 12, 2008 April 9, 2008

12:30 p.m. - Union Hall

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President's Report

Memorandums Of Understanding

In the last edition of the "Speaks" I addressed the recently agreed to Memorandum Of Understanding regarding the use of DOIS. This month I have selected three additional Memorandums signed by the NALC and Postal Service that have now become part of our National Agreement and how they will affect you.

Third Bundle

The terms of the third bundle settlement are as follows: City Letter carriers on park and loop assignments will continue to carry three bundles but cannot be compelled to carry a fourth bundle under any circumstances. Enhanced Carrier Route Walk Sequence Saturation (ECRWSS) mailings must have either 90% or more coverage of the total active residential addresses or 75% or more coverage of the total number of active deliveries. The parties have agreed that *only* mail properly identified as "ECRWSS" should be taken to the street as a third bundle. Simply put, only mail tagged with the ECRWSS designation is to be considered a *third bundle* under the settlement. Of significance, this aspect of the settlement also applies to "mounted" (curbline) or NDCBU (cluster box) delivery routes. If a sequenced mailing is less than the required 90% coverage or has a different coding other then ECRWSS - such as ECRLOT or ECRWSH, it *must* be cased, regardless of the type of route!

For those carriers who have mounted routes, please remember that all mail worked while delivering must fit on the tray of your vehicle. Mounted carriers cannot be required to work mail off the floor of their vehicle, the dashboard, or any other part of the vehicle. It is incumbent on all carriers to work in a safe manner, whether on park and loop routes on mounted delivery. As a reminder, carriers with mounted routes should never put mail in your lap or hands while driving. This is a seri-

(Continued on page 3)



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Financial Secretary Treasurer	Cathy Tondreau
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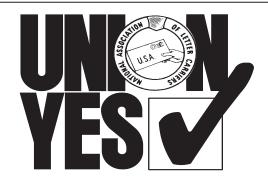


Branch 2184 Speaks is published 6 to 10 times a year by Branch 2184, National Association of Letter Carriers, AFL-CIO.

The opinions expressed in this publication, January/ February 2008, are not necessarily those of the editorial staff or the officers of the branch.

We invite all members to contribute articles for publication. Copy should be typed, double-spaced and signed by the contributor. The editorial staff reserves the right to edit, delete or reject the article for the good of the branch.

In the hope that material contained herein may be of benefit to the goals of the NALC, permission is hereby granted to copy or use material in this publication with our best wishes.



Address Correction Requested

When you move, change your name, leave the letter carrier craft, retire, or your phone number changes, we need to hear from you. Your member benefits, newsletter and other mailings may be affected if we don't have the new information. It only takes a phone call or drop us a note. We will do the rest.

Call 313-295-1640

(Continued from page 1)

ous violation of safety regulations. Make it a practice when the vehicle is in motion never to even touch the mail until you have come to a stop. Elsewhere in this addition of the "Speaks" we will have examples of designation codes and what they mean. If you have any doubts as to whether the mail you are being asked to carry as a third bundle qualifies, check with your steward and follow the directions of your supervisor - but be prepared to file a grievance when in doubt.

Bereavement Leave

Another added benefit of our new National Agreement is the addition of bereavement leave. City letter carriers may use a total of up to three workdays of annual leave, sick leave, or leave without pay, "to make arrangements necessitated by the death of a family member or attend the funeral of a family member". The definition of a family member is as follows: son or daughter, a biological or adopted child, stepchild, daughter or son in-law, spouse, parent or parent in-law, sibling (brother or sister), brother or sister inlaw, or grandparent. For employees opting to use available sick leave, the leave will be charged to sick leave for dependent care, if eligible. Documentation evidencing the death of the employee's family member is required only when the supervisor deems documentation desirable for the protection of the interest of the Postal Service. If you have additional questions regarding bereavement leave, ask your steward.

Payroll Deduction/Allotments

On January 4, 2008 the Postal Service increased the maximum allotments in the existing program by providing one additional allotment for the use of NALC bargaining unit employees. As I am sure you are all aware that this is a critically important election year. The interest in this year's National election has been extraordinary as evidenced by the voter turnout in the early primary states and caucuses. While national attention is being focused on the field of presidential candidates, we also have very important congressional elections hanging in the balance.

With the addition of the third allotment all those members who now wish to give to COLCPE through payroll allotment now have no excuse not to. In the February edition of the Postal Record (the special COLCPE edition) the yearly update was given for the members of the Branch who gave to COLCPE during the past year. Those of you who are giving, thank you. Those of you have not given to COLCPE or who have yet to renew your pledge, what are you waiting for? This year the elections should not be about the R's or the D's but about Jobs and the economic security of your families. Electing worker friendly candidates who will protect your middle class life style while ensuring that your jobs are not contracted out must become a priority for every member.

While we have the current luxury of a labor contract which runs through 2011, the time will come when we will be again facing the real threat of having our jobs contracted out from under us. We must always remember that we are at the mercy of Congress and the President and that they can with a stroke of a pen do away with our jobs. We must plan to prevent this from happening by contributing to COLCPE, by volunteering for the carrier corps, and by becoming a Branch NALC activist. If you need help signing up for COLCPE, contact the Branch and we will put you in touch with our COLCPE coordinator Walt McGregory who will be happy to walk you through the process. Or simply send your checks made out to COLCPE here to the Branch office and we will make sure they get forwarded. The time is NOW for all carriers to make their voices heard and to be part of electing a worker friendly Congress and a President.

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Congratulations!

Congratulations go out to long time union activist and Dearborn Annex carrier Master Sergeant Roderick Lelental who was just awarded the Legion of Merit Award from the State of Michigan for his active duty deployment to Iraq last year and also for receiving the Iraq Campaign Medal for his service to his country in support of Iraqi Freedom. Thanks Roderick for your service to our country and our Branch.

--Mark Judd President

Examples of possible designation codes on bundled flats or letters.

ECRLOT

Enhanced Carrier Route Line Of Travel signifies that a mailing has at least 120 pieces per route and are bundled in line of travel from beginning to end of route. ECRLOT mailings are always cased.

ECRWSH

Enhanced Carrier Route Walk Sequence Highdensity signifies that the mailer has prepared more than 120 pieces per route and the mailing is in walk sequence order. However, since the coverage is less than 75% of total deliveries, this mailing is also to be cased.

ECRWSS

Enhanced Carrier Route Walk Sequence Saturation mail pieces have either 90% or more coverage of the total active residential addresses or 75% or more coverage of the total number of active deliveries. The parties are now in agreement that ECRWSS is the only designation that city letter carriers are required to carry as a third bundle.

No ECRWSS = No Third Bundle

Contract Corner:

Q: Management forced me to work overtime on another route even though I am not on any Overtime Desired List. My supervisor said that she could do this because it was supposedly an "emergency." They had the same "emergency" the next day. Can they violate the Contract anytime they want just by calling it an "emergency?"

A: No. Merely claiming an alleged emergency situation exists does not make it so. An emergency by definition is both unanticipated and is not expected to occur again in the near future. Management in some of our offices has taken to defining each day as an alleged "emergency" situation, and then they want the Union to look the other way while they violate the Contract at will. However, it just does not work that way. Moreover, most of their so-called "emergencies" arise from their own inability to properly schedule employees and their refusal to hire enough employees to properly staff the Installation. Management's poor planning and intentional understaffing of the letter carrier complement is not our "emergency." "emergency" cannot be scheduled in advance. In the situation defined above, you should request to see your Steward so that the Union can investigate the specific facts and circumstances surrounding the assignment of overtime to you on that day or More than likely there was no valid days. "emergency" that warranted management actions which circumvented the Collective Bargaining Agreement.

Q: I am on the regular Overtime Desired List. Last Tuesday many Non-ODL carriers on my office worked overtime, but management held me to 8 hours. They told me this was allowable because they were giving me my "8 hour day." Was this right?

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A: No, this was not right, and it is likely that a contract violation occurred under the circumstances you described. Management is not required to utilize a regular ODL employee in a penalty overtime status prior to assigning work to a non-ODL full time regular carrier on their own assignment (up to 10 hours). However, in this specific situation (on a Tuesday) you would NOT have been in a penalty overtime status if management assigned up to two hours of this work to you. You were available to do this work in this situation and management was contractually obligated to assign it to you instead of requiring one or more Non-ODL carriers to work the overtime. An alleged need for a socalled "8 hour day" is not a contractually legitimate management claim until the need for this actually occurs. Such a need can only occur on the fifth regularly scheduled workday of a full time employee's service week, and then only if overtime work has been performed by the employee on the

preceding four scheduled workdays. Thus, management can *never* legitimately make the claim that an "8 hour day" is necessary on a Tuesday for a regular ODL carrier when Non-ODL carriers are working overtime the same day. Of note, if there is no overtime work assigned to any Non-ODL full time employee on a given day, management may then legitimately hold any regular ODL carrier to an "8 hour day" on that same day.

The Weingarten Declaration

"If the discussion I am being asked to enter could in any way lead to my discipline or termination or impact my personal working conditions, I ask that a union steward, representative or officer be present. Unless I have representation I respectfully choose not to participate in this discussion."

Keep in mind if you do not **REQUEST UNION REPRESENTATION**, then you are considered to have waived this valuable right.

(Clip and keep with you while working)

EVP's Report

ACCIDENT REVIEW BOARD

During the winter months industrial accidents and motor vehicle accidents go up just due to the inclement weather conditions. This, I hope would bring an added awareness of being safe during the winter. Yet, an accident is just an accident: an event occurring by chance or unintentionally. In managements opinion all accidents are preventable. I find this hard to accept. It suggests that you have total control of everything and everyone within your immediate area at all times. On the other hand, there are things that you can do to limit the possibility of having an accident. Know your surrounding area; know your limitations and capabilities.

AWARENESS = PREVENTION

Letter carriers who do have an accident are typically subject to many unpleasant experiences. First is the physical pain along with the inconvenience of medical exams/treatments. Additionally, they may feel embarrassed over what happened. Then you can count on management's questions and probable discipline. After all this comes the Accident Review Board Meeting. This is where you and your supervisor (usually the Postmaster) go to discuss the accident with other employees who have also had their own accident. A manager from the District Safety office will also be there. A discussion takes place about what happened and how it could have been prevented.

If you are compelled or instructed to go to an Accident Review Board Meeting and feel that it will lead to discipline you should invoke your Weingarten rights and ask to have your steward present during such a meeting. I have personally sat in on these meetings and found them to be informative even helpful when it comes to safety. This is not a grilling of employees who have accidents, but it is meant to bring awareness to the safety issues regarding our working environment.

When management issues safety related discipline they must show just cause. They must prove that you knew of an unsafe condition and intentionally continued to work in an unsafe condition or deliberately disregarded a safety rule. This is very tough to prove. I don't know any carrier that wants to intentionally and deliberately put their own safety in jeopardy. If you do receive discipline for safety, grieve this action. It's very rare that safety related discipline is upheld. Of course you can generally avoid all this if you just take the time to work in a safe manner everyday.

-- Jim Wolstencroft
Executive Vice President

Branch 2184 2007 Scholarship Winner

Dear Mr. Judd,

I would like to thank you and the members of Branch 2184 for the generous gift toward my college expenses. I am currently studying both Creative Writing and Film at Eastern Michigan University with aspirations of a career in both writing and filmmaking. I am grateful that the Union chooses to support and reward the children of its members, and would again like to thank you for the opportunity and reward.

Best wishes to all members, Greg Black

(Greg is the son of Retired Carrier Cary Black from Our Plymouth Office)

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Sgt@Arms Report

Hello Union brothers and sisters of Branch 2184. There is a great article in the February Postal record about COLCPE that every member should COLCPE is the NALC's political action fund. The February Postal Record lists the Union brothers and sisters who have taken an additional step to safeguard the futures of letter carriers and our families. The list consists of automatic COL-CPE contributors as well as occasional contributors. By joining the list of COLCPE contributors you will help Letter Carriers "Pack A Powerful Political Punch" – just as the corporate fat cats and deep-pocketed lobbyists do. The time is NOW and we need the help of every letter carrier to help secure our future. COLCPE contributions are the most effective way to secure that future.

Another way to help secure the financial future of our employer is by getting involved and becoming more knowledgeable about "Customer Connect." The more revenue the Postal Service has, the more secure our employer – and ultimately our paychecks – will be as we move further into the 21st Century. With the declining mail volume and ever-changing means of communication, every "Customer Connect" lead that we turn into USPS revenue is job security for us and our families. Do your part and ask your supervisor, manager, or postmaster about how you can get involved with customer connect. Turn in a lead - the job you secure may be your own!

--Walt McGregory Sergeant at Arms





Support the Company that Supports Letter Carriers

- Brookfield replaces uniforms lost due to fire and natural disasters!
- Brookfield, along with State and Local NALC Branches, has raised over \$500,000 for COLCPE.
- Brookfield provides assistance for Conventions, Seminars, and Charity fund raising events!

Contact Your Brookfield Representative!

Robert Kreager

Branch 2184 Retired

1802 Ford Blvd. Lincoln Park, MI 48146-3956 313-386-0527 (voice) 313-386-3270 (fax)

Tell Your Doctor – Beware Of The OIG!

As reported by NALC National President Bill Young in the December 2007 Postal Record, the USPS Office of Inspector General (OIG) has been engaging in illegal activity involving unlawful contact with employee physicians and other medical care providers, seeking medical information that is legally protected and that cannot otherwise be released without the consent of the employee. OIG operatives are also telling employee physicians and their staff to keep the release of this personal medical information secret from the affected employees. THIS OUTRAGEOUS AND ILLEGAL ACTIVITY HAS ALREADY BEEN DOCUMENTED INVOLVING BRANCH 2184 MEMBERS.

On January 17, 2008, the NALC and the APWU National Unions jointly filed a lawsuit in Federal Court in response to the OIG's continuing criminal conduct, which directly violates the United States Constitution as well as numerous Privacy statutes. The OIG's sleazy and underhanded conduct is empowered and abetted by anti-worker Bush regime toadies such as James Miller, until recently the chairperson of the USPS Board of Governors, and thus it is likely to continue at least through the rest of 2008. Given the Bush regime's sordid record of trashing the U.S. Constitution and ignoring the rule of law, even a Federal Court order as sought by the NALC and APWU to direct the OIG and USPS to cease and desist illegal invasions of employee privacy will in all likelihood be arrogantly defied.

The criminal conduct of OIG agents had thus far been directed toward USPS employees that have filed injury compensation claims (OWCP) or who have sought the protections of the Family and Medical Leave Act (FMLA). The OIG, which in the past deferred to the Postal Inspection Service in most matters of internal USPS investigations, is now, in the words of NALC President Young

"trashing letter carriers, trampling on their rights, and snooping into their medical records." The release of protected health information without the consent of the employee is of course blatantly illegal, and the NALC National Union is aggressively responding through litigation and other legal actions.

Unfortunately, in some instances letter carrier physicians and their office staff have been intimidated by OIG thugs and have released private medical information without the employee's knowledge. However, there have been some physicians who have displayed courage and legal common sense and have protected the privacy of their patients. Not only have these doctors refused to release the medical information but have also advised the employee of the OIG's secret illegal conduct.

So what should a letter carrier with an OWCP or FMLA claim do? Branch 2184 advises that ANY member who has filed a claim of OWCP benefits or FMLA protections within the past three years (since January 1, 2005) should *immediately* take the following steps:

- Directly ask your doctor and the doctor's office staff if anyone claiming to represent the USPS whether an OIG agent, postal inspector, or other representative of the employer has ever contacted them in person, by mail, or by telephone.
- 2) If this has occurred, obtain copies of ALL documents provided by the OIG and/or USPS to your physician and their staff. Obtain statements, if possible, from your physicians and their staff verifying and detailing the OIG/USPS contact.
- 3) Immediately provide the Branch 2184 office with any and all evidence obtained pertaining to illegal OIG and/or USPS conduct. This evidence will be turned over to the NALC National Business Agent's office for further investigation.

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For additional information, visit the national website at www.nalc.org/depart/hbp

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* Please note the asterisk indicates that your yearly contribution has or is about to expire.

The time is now to renew your commitment to COLCPE.



(Continued from page 8)

Beware Of The OIG!

Of note, a Monroe letter carrier was recently injured on the job and her immediate supervisor outright *refused* to provide her with OWCP Form CA-1, Notice of Traumatic Injury and Claim for Compensation. The supervisor's conduct directly violated Federal Law as well as USPS regulations. Curiously, though, the OIG has showed absolutely no interest in investigating the supervisor's obstructive conduct. It appears that they are too busy playing secret agent games and badgering letter carriers' physicians to respond to actual criminal activity on the part of USPS management.

Don't Sign Form 2488!!!

Related to the above issue of improper access to employee medical information is management's continuing attempt to get employees to sign away their right to keep their medical information private. Typically, this occurs when management provides an injured or ill employee with form 2488 – Authorization for Release of Medical Information. This form is generally slipped into a packet of other forms that are provided to unwary injured and ill employees to sign. However, management conveniently fails to inform the employee that signing this form is optional and voluntary – and that under NO circumstances can anyone be compelled to do so.

It is the strong recommendation of the NALC National Union as well as Branch 2184 that NO letter carrier should ever sign form 2488. By doing so you are giving management (and its agents such as the OIG) the right to scavenge through any aspect of your medical history, whether it is work-related or not! Again, you *absolutely have the right* to refuse to sign form 2488, and management cannot compel you to so under threat of discipline. If handed this form by management, simply give it back unsigned. If it is mailed to you, simply tear it up and throw it away.

If a management representative ever attempts to coerce you to sign form 2488 by threatening discipline or other actions, immediately request your Steward *and* contact the Branch 2184 office.

-- Joe Golonka Branch 2184 Injury Comp Specialist

Attend Your Branch Meetings

First Wednesday of the Month 7:30 p.m. at the Branch Hall

Branch 2184 Web Site

Visit the Branch 2184 web site using the following web address. http://br2184.com

The site will include pages for steward resources, contract Q&A, retirement, 2008 color calendar, branch picnic pictures, postal humor, online "SPEAKS" newsletter and much more.

E-Mail your comments and suggestions to the "Speaks" editor at leonardzawisa@br2184.com

Http://br2184.com

Calendar of Events

Branch Meeting	March 5th at 7:30pm
Steward Meeting	March 11th at 7:30pm
Steward Meeting	March 17th at 7:30pm
Executive Board	March 24th at 7:30pm

Branch Meeting	April 2nd at 7:30pm
Steward Meeting	April 8th at 7:30pm
Steward Meeting	April 14th at 7:30pm
Executive Board	April 28th at 7:30pm

Negotiated Rights and Entitlements for Transitional Employees Under the 2006 - 2011 National Agreement

- Hired for term not to exceed 360 calendar days for each appointment. Transitional employees will have a break in service of at least five (5) days between appointments.
- Employment Opportunities After 180 days as a transitional employee, they can request to take battery exam again for career letter carrier positions only. Only one opportunity will be provided each eligible TE pursuant to this memorandum. Request must be submitted to Personnel Office. Scores from such exam, if passing, will be merged with the appropriate existing, city letter carrier register. Eligible TEs who already have a passing test score on the city letter carrier register may take the examination again pursuant to this memorandum. At the request of the TE, the score will be placed on the register in accordance with the current competitive selection procedure.
- No Step Increase.
- ♦ No Sick Leave
- No holiday pay.
- No guaranteed number of work hours in a week. However, guaranteed four (4) hours, if scheduled to report on a particular day. Overtime provisions applicable to TEs:
- Over 8 hours per day time and a half.
- Over 10 hours per day double time up to 12 hours. Over 40 hours in a week - time and a half.
- Over 56 hours per week double time.

- ◆ Transitional employees will receive night differential for time worked from 6:00 p.m. to 6:00 a.m. (10 percent more per hour).
- ◆ Earn one (1) hour of annual leave for each unit of 20 hours in pay status in each pay period. Annual leave accrues and is credited in whole hours at the end of each biweekly pay period. Four (4) hours maximum per pay period.
- ◆ Payment for Accumulated Annual Leave. A separating transitional employee may receive a lump-sum payment for accumulated annual leave subject to the following condition: A TE whose separation is effective before the last Friday of a pay period does not receive credit or terminal leave payment for leave that would have been accrued during that pay period.
- No life insurance benefits.
- ♦ No health benefits. After one (1) year, they have option to sign up for Federal Employee Health Benefits: however they incur total cost.
- Cannot sign up for Thrift Savings Plan.
- Can become credit union member.
- ◆ Every three (3) months will be given 25 percent of their uniform allowance (depending on period of time they work). www.postaluniform.com.
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- Can be elected and hold union office.

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