

Branch 2184 ... "Speaks"

Official Publication of Branch 2184, NALC, AFL-CIO

July/August 2019

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National Association
of Letter Carriers
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Monday through Friday

Calendar

Branch Meetings:

September 4th, 2019
October 2nd, 2019
(7:30 p.m. - Union Hall)

Retirees Meetings:

September 11th, 2019
October 9th, 2019
(12:30 p.m. - Union Hall)

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NALC NATIONAL CONFERENCE REPORT

On August 9 through August 11 the NALC held a National Conference, informally known as a "Rap Session" which took place in Denver, Colorado. These National conferences are required by the NALC Constitution, and they are called by NALC National President. They occur during non-National Convention (odd numbered) years. Approximately 850 attendees from throughout the United States participated in this year's NALC National Conference.

Five Branch 2184 officers attended the National Conference; President Mark Judd, Executive Vice-President Walt McGregory, Vice-President Joe Golonka, Recording Secretary Jackie McGregory, and Financial Secretary-Treasurer Cathy Tondreau. This year's National Conference was scheduled during the midst of Contract negotiations with the Postal Service as well as myriad additional issues that are impacting letter carriers in Branch 2184 and throughout the United States.

On Sunday morning, August 11, NALC President Frederic Rolando addressed the attendees under a banner that read "Mile High Solidarity in Action," in reference to Denver's nickname and the 285,000 members of the NALC. Fred began by reminding the NALC activists in attendance that is what they do that makes our union strong.

Collective Bargaining

President Rolando then provided an overview of the Union's bargaining and legislative strategies. Contract negotiations between the NALC and the Postal Service opened on June 26. However, preparation for collective bargaining is a nonstop process for the NALC, involving both long term as well as short term goals. He also noted that the collective bargaining with the Postal Service by the other three postal unions can affect the NALC's strategy in negotiations. Typically, the USPS tries to establish a "pattern," especially with economic issues, that is based on the outcome of negotiations with one of the unions. City letter carrier work is more difficult and demanding than that of the other USPS crafts, which should be reflected in letter carrier pay.

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Officers

President.....	Mark Judd
Executive Vice President	Walt McGregor
Vice President	Joe Golonka
Recording Secretary.....	Jacqueline McGregor
Financial Secretary Treas	Cathy Tondreau
Sergeant at Arms.....	Scott Watts
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Trustee.....	Michele Szafran
Trustee.....	Gloria Warthen
Trustee.....	Felicia Davis
Editor.....	Leonard Zawisa
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Injury Compensation.....	Michele Szafran
Injury Compensation	Joe Golonka
Web Page Design	Jim Hales



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The opinions expressed in this publication 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

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Fred also discussed some of the other collective bargaining priorities for the NALC. One of the issues addressed by the union during negotiations is the phasing out of a non-career workforce, which Fred noted has no place in the City Delivery craft, while concurrently recognizing that the Postal Service does need some flexibility with staffing. CCA attrition is unacceptably high, greater than 50%. Another bargaining priority for the NALC is the development and implementation of a truly effective joint safety program to replace the half-hearted and ineffective jumble of local and district level programs now in existence.

Other issues being addressed by the NALC include the absence of contractual compliance by management at all levels, which is clearly not a priority of the USPS. Additionally, the Postal Service has shown no sincere interest in addressing the toxic work environment that continues to exist in many USPS facilities. The Postal Service also seems unwilling to do anything to innovate and grow, and they are ignoring the input from its most valuable resource, the letter carriers that actually do the work of USPS and also are its public face.

Another issue being addressed by the NALC during contract negotiations is the ongoing and widespread problem of time clock fraud committed by postal management and the resulting wage theft from letter carriers. The USPS seems not to be at all phased by the reality of this and seems perfectly content to continue stealing from its employees whenever possible. Additionally, there is the long-existing problem of the Postal Service's complete inability to manage workload and staffing efficiently.

In response to these issues, the NALC has presented well-crafted proposals to seriously deal with real safety issues such as heat and cold, as well as other hazards unique to the letter carrier job. The NALC also has proposals to address the toxic work environment created by the Postal Service's misguided style of management, an approach that emphasizes micromanagement

and intimidation to try to get letter carriers to rush through their duties at any cost.

The NALC is also seeking general wage increases that appropriately reward carriers for their difficult and ever more demanding job. Additionally, the union is proposing to continue cost of living adjustments (COLA), and continuing non-layoff protections. Other union proposals seek to strengthen existing limitations on subcontracting as well as auditing time records in response to the rampant dishonesty exhibited by management by stealing wages from letter carriers.

Finally, the union is proposing to address management's apparent disinterest in innovative ways for growing USPS revenue through the creation of a joint innovation task force. If management won't do anything substantive to help the USPS thrive and compete, then the NALC will lead the way.

Fred closed his discussion of contract negotiations by emphasizing that the NALC was about half-way through the bargaining period with the Postal Service and that the union is fully prepared for any outcome of negotiations, including interest arbitration if this becomes necessary.

National Level Issues

President Rolando then provided an overview of some of the current issues being addressed by the NALC at the National level, including a grade level dispute with the Postal Service regarding the excessing of clerks into the carrier craft as well as the conversion of CCAs to career status. The USPS has exceeded CCA hiring caps in many districts, thereby creating problems with conversions and with hiring additional CCAs.

The Postal Service is currently "testing" a major change in the letter carrier job in a number of locations across the United States, a unilateral process known as "consolidated casing" where an individual carrier cases up several routes before doing some delivery of mail while other carriers are scheduled to be delivering mail for 7 hours and 45 minutes out of an 8 hour day. The NALC has responded with a National

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level grievance as well as intensive on site monitoring of the locations where the consolidated casing test is underway.

Early results from the testing sites have not unexpectedly been disastrous, with increased work hours and numerous contract violations occurring on a daily basis, thus resulting in many local grievances. The Postal Service has also notified the union that they are looking to change office time standards, and they have also unilaterally deployed cameras in postal vehicles in some locations. The NALC is taking issue with the cameras and the union will be responding.

Fred then discussed an ongoing "Hatch Act" issue that had its origins in 2016 with a politically motivated complaint from an anti-union and anti-Postal Service United States Senator from Wisconsin. In response, the Office of Special Counsel issued a citation against the Postal Service, claiming that the release of letter carriers in a leave without pay status to work on the campaign in 2016 somehow violated the Hatch Act. The Postal Service then unilaterally changed its regulations in the Employee and Labor Relations Manual (ELM) pertaining to LWOP as well as PS Form 3971 to prohibit the release of employees in a leave without pay status for this purpose.

A National Level grievance filed by our sister union, the APWU, and supported by the NALC resulted in an arbitration ruling against the Postal Service, who was instructed to rescind the unilateral ELM and Form 3971 revisions and instead negotiate any changes with the unions, as is required. However, the Postal Service has ignored the arbitration ruling and challenged the decision in court, which in turn has resulted in the initiation of a new National level grievance by the NALC. Until the dispute is resolved, the NALC will only be using retired members to work on political campaigns.

There are still about 1400 remaining jurisdictional disputes with the Rural Letter Carriers Union regarding city delivery territory versus rural delivery territory. The NALC is evaluating the remaining cases to determine the strongest cases to proceed with. The Rural Carriers Union

has expressed interest in resolving these issues, possibly through an agreement which would create some better defined boundaries for city and rural delivery.

One of the strengths of the NALC at the National level is our union's extensive corps of specialists that have been appointed and deployed throughout the United States. These include nine or ten letter letters that are highly trained workers compensation experts and are known as Regional Workers Compensation Assistants (RWCAs). They assist with the complex and sometimes daunting process of workers compensation claims filed with the Department of Labor's Office of Workers Compensation Programs (OWCP) by NALC members. This program is working very well and it could be expanded further.

Fred also discussed the union's development of Regional Grievance Assistants (RGAs) who are contract enforcement experts and are deployed around the country to assist NALC members and local branches with grievance issues. The NALC also has five Legislative and Political Organizers (LPOs) who work to support our State organizations with the union's critical legislative and political agenda. Our LPOs, including Anna Mudd here in NALC Region 6, have proven to be an excellent resource. Ultimately, there is nothing more critical than this subject, which was the next topic that President Rolando reported on.

Legislation and Politics

Fred began this portion of his report by reminding those assembled that "if you are going to be a leader, you MUST engage in politics." Many find this subject to be distasteful, but ultimately, there is nothing that matters more. As Fred bluntly put it "the most dangerous challenge we face are the attacks on our jobs and our wages through legislation." We simply must educate our members at the branch level about the very real dangers we face from attacks by our political enemies, and this is done through effective communication at the station level and outside of the workplace when opportunities are present.

For many NALC leaders at the local level, that means leaving our comfort zone, but so be it. This has nothing to do with political campaigning for elections, but

instead is about the real and present dangers, beginning with the details of any postal reform legislation. Any such legislation **MUST** address the onerous retiree healthcare premium prefunding mandate that was included in the 2006 Postal Reform and Accountability Act, and requires the Postal Service, alone among any company or agency in the United States, public or private, to pay \$100 billion in healthcare premiums in advance.

The continued existence of this issue alone ensures that the Postal Service will remain financially unsustainable until the prefunding requirement is rescinded, even if the USPS is making money on products and services. Moreover, this has opened the door for our political opponents such as the current administration to attack Postal Service wages and benefits for both active and retired employees.

Additionally, the Trump administration's proposals attack the universal service business model of the Postal Service itself, and they open the door for private competitors. Thus, additional postal reform is essential, but it must be positive postal reform and it must have bipartisan support. The fate of the Postal Service is ultimately in the hands of 535 United States Congressional Representatives and Senators.

A second area of political and legislative concern is the proposed federal budgets from the current administration, which are debated by Congress and eventually approved, often with substantial changes, some of them good and some bad. The latest budget proposal from the Trump administration is filled with direct attacks on active and retired postal and federal employees, including but not limited to increased retirement contributions and decreased retirement benefits, such as the elimination of the Social Security Supplement for FERS retirees. It is essential that these proposals are stripped from any budget passed by Congress, but we need majority bipartisan support for this to occur.

A third and extremely dangerous threat involving legislation and politics is the White House Task Force Report on the Postal Service. In addition to the attacks on active and retired postal employees previously discussed, the Task Force report recommends doing away with col-

lective bargaining for wages and benefits, as well as doing away with the postal monopoly on essential mail. Many of our members are still not aware of these threats, or they are aware but are making a grave error by not taking them seriously. However, we do have a strong collective voice, but only if it is raised.

Fred reported that even in the face of these threats, there are things that make us strong. We do have friends in Congress from both political parties, who are members of Congress that just want to do the right thing for their constituents as well as the Postal Service and its employees. The Postal Service and letter carriers are widely loved by the American public. However, there are other members of Congress that must be approached and their views cultivated. Politicians are motivated by the desire to be reelected, and to do this they need both money and votes. Yes, the NALC has its Letter Carrier Political Action Fund (LCPF), but our enemies also have their PACs.

The purpose of the LCPF is simple and straightforward, to support those that support us, regardless of political affiliation. Yet, only 9% of NALC members contribute to the single most important resource we have for keeping the wolves away from the door. In most instances, this is again the result of an absence of education; and our members simply do not understand the gravity of what is at stake for them personally as well as their families.

Other NALC Issues

President Rolando then reported on other issues that directly impact letter carriers, including outside predators seeking to financially benefit by providing dubious "retirement counseling" and fraudulent financial advice to retiring and retired letter carriers. Another area where sleazy outside predators abound is in the realm of injury compensation and OWCP claims, including matters such as schedule awards. Letter carriers simply do not need an attorney taking 30-40% of their schedule award when they can receive free and highly competent assistance from trained NALC experts. In fact, there is no valid reason to ever be paying an attorney for assistance with any aspect of a workers compensation claim.

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Fred also reported on the NALC Disaster Relief Foundation that was established to provide on the ground assistance to NALC members impacted by natural disasters. He then discussed the concepts of self-management and co-management of letter carrier work, ideas that are especially relevant given the current excessively micro-managed workplace climate in the Postal Service. President Rolando closed by taking numerous questions from the letter carrier representatives present at the National Conference, pertaining to issues of both local and national significance

Safety and Health Workshop

On Saturday, August 10, the NALC National Union conducted four two-hour workshops for those attending the National Conference in Denver. The safety and health workshop, facilitated by NALC National Director of Safety and Health Manny Peralta and other national officers, covered a wide range of issues, beginning with the USPS Employee Assistance Program (EAP). An especially troubling statistic is the 176 USPS employee suicides since 2010.

Manny Peralta also reported on the continuing issues with letter carrier heat illness, which has contributed to numerous illnesses and also some fatalities across the United States. The Postal Service has acted in a reluctant and even obstructive manner in response to heat related issues with letter carriers, and the NALC has acted aggressively to address this. Unfortunately, instead of compliance with OSHA citations and other proactive means of addressing heat safety, the USPS continues to ignore or even legally challenge them.

Manny also addressed the continuing issues with USPS vehicle issues, noting the importance of twice yearly preventive maintenance checks of the vehicles as well as proper daily vehicle inspections by letter carriers. He then discussed continuing issues with the USPS "CARE" program," as well as issues with the problematic USPS "safety ambassador" program. The NALC's position remains unchanged regarding the "safety ambassador" program – we should not participate under any circumstances. Finally, Manny reported on park point accidents, which have resulted in five letter carrier fatalities and sev-

enteen serious injuries to letter carriers getting mail from the back of their postal vehicles.

NALC Secretary-Treasurer Nicole Rhine reported on various matters, including hotels for next year's National Convention, and also discussed per capita tax reimbursement to branches with members in a leave without pay status. Assistant Secretary-Treasurer Paul Barner reported on the stringent requirements for the completion of I-9 forms (Employment Eligibility Verification) for all employees that are hired or contracted.

MBA/HBP/Retirement Workshop

Jim Yates, NALC Director of the Mutual Benefit Association (MBA), and his staff provided a highly informative overview of the many options for life insurance and annuity policies offered through the MBA. The NALC MBA is not for profit and has many valuable options for members.

Stephanie Stewart, Director of our NALC Health Benefits Plan, provided an informative overview and discussion of our union's excellent and cost-effective plan. The NALC Health Benefits plan currently has 130,000 members and covers 230,000 members and family members and is the third largest plan in the Federal Employee Health Benefits (FEHB) program. The NALC plan offers valuable health assessments that many plan members have not yet taken advantage of. 46% of the NALC plan members have one or more chronic health conditions.

Dan Toth, NALC Director of Retired Members reported on retirement related issues and recent developments. Kevin Card, NALC Assistant to the President for Workers Compensation, gave a very enlightening report concerning recent developments with OWCP; an agency which he noted was "in chaos." There have been several structural changes within OWCP that directly impact injured letter carriers, most of them positive in nature. One of these, which is already in effect, requires an individual OWCP claims examiner to handle a case from beginning to end, thus ending the frustrating practice of "musical claims examiners" that our injured members have long dealt with.

Even more encouraging is an OWCP program that

is just beginning to be rolled out, whereby an injured letter carrier can file their claim (CA-1 or CA-2) electronically by use of a computer that will give them direct access to an OWCP portal. This will make the reporting of a job-related injury or medical condition much more user friendly, and most importantly, it will allow an injured letter carrier to bypass local postal management when initiating the claim. This will directly eliminate most problems with supervisors and local management caused by their refusal to provide OWCP forms or by providing the wrong forms as well as serious misinformation, as well as eliminating much of the widespread abuse and intimidation incurred by letter carriers when reporting job-related injuries.

Finally, Dan Toth reported that an astounding 21% of USPS FERS employees (nearly all USPS employees are now FERS employees) have chosen not to contribute anything to the Thrift Savings Plan (TSP), thus willfully forgoing even the 5% agency matching contributions. This is a troubling statistic, as the refusal to participate in the TSP is a financially harmful choice.

Collective Bargaining and Legislative Workshop

This Workshop was chaired by NALC Executive Vice President Brian Renfroe, who provided an overview of the NALC's process for collective bargaining. In addition to "main table" discussions with postal management, the NALC Executive Council is divided into seven groups, each of which addresses specific areas and subjects of collective bargaining.

As the bargaining process is currently underway, Brian provided some background on the focus of each of the seven groups of NALC Executive Council members. Typically, issues where the parties can reasonably be expected to reach common ground are addressed first, and economic issues are introduced and discussed later in the bargaining process.

Should the NALC and USPS reach an impasse at the expiration of the current collective bargaining agreement on September 20, a period of mediation will occur, most likely followed by interest arbitration. It appears that the possibility of arbitration is higher with this round of

negotiations, and Brian opined that the USPS seems to be intimidated by the current administration, thus making it more difficult to reach an agreement.

The next subject of discussion, led by Ed Morgan of the NALC's legislative staff, was the NALC's legislative mobilization efforts. Our union's five regional Legislative and Political Organizers (LPOs) oversee and direct these efforts in conjunction with the state presidents, and they are critical in the current political environment. A positive note is current legislation (HR 2382) to eliminate the USPS retiree health benefit prefunding requirement, which has recently attained a majority number of cosponsors. However, the legislation is still a long way from being enacted, given control of the United States Senate and the White House by our political adversaries. Congress is currently on a break until September 9.

NALC Counsel Jim Sauber reported on the political landscape for the forthcoming 2020 National elections. He reported on the Vote at Home coalition, a state by state campaign to enact laws which allow citizens to vote at home. Voting by mail in this manner strengthens the voting process and thus our democracy by increasing voter participation, and also by safeguarding the integrity of the process. Paper ballots completed at home can't be hacked.

The Workshop also included information about the updated Letter Carrier Resource Guide, which is filled with valuable information for new letter carriers as well as added sections that contain essential information for all active letter carriers.

Contract Administration Unit Workshop

This workshop was led by NALC Vice President Lew Drass and NALC Director of City Delivery Christopher Jackson, along with staff members of the NALC's Contract Administration Unit. The workshop covered a broad range of subjects including the ongoing "Consolidated Casing" test that was unilaterally implemented by the Postal Service. As noted earlier, there are many contractual issues and violations occurring in the sites where the test is being conducted.

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Other subjects covered included the Carrier Academy for newly hired CCAs, with updated training materials that were released in July this year. The USPS is currently testing four new versions of Mobile Delivery Devices (MDDs), although there is no timeline for procurement of the new devices. The USPS is also conducting two different versions of video testing inside postal vehicles at some locations in the United States.

NALC Vice President Lew Drass reported that there are 13 pending interpretive issues at the National level. These include but are not limited to a significant increase in the number of Contract Delivery Services (CDS) deliveries and related subcontracting matters, CCA conversions to fulltime career status, and holiday schedule "pecking order" disputes for work performed on the actual day of a holiday, pay schedule consolidation issues and clerk excessing, and CCA employment caps.

Lew also provided a regional arbitration update and a report on the results of Local Memorandum of Understanding (LMOU) impasse arbitrations, most of which

have been completed with an impressive 72% win rate the NALC. He then provided an update on the Dispute Resolution Process. During recent years the 58 fulltime Step B teams across the United States have discussed nearly 30,000 grievances each year that remained unresolved after the first two local steps of the grievance procedure.

Finally, Vice President Drass reported on forthcoming training that will be conducted by the NALC including Formal Step A and Beyond Training and arbitration advocate training. He also reported that route inspections would likely be occurring on a widespread basis during the coming months, and that the NALC Guide to Route Inspections and The Route Inspection Pocket Handbook were available for order from the NALC supply department. The NALC now has more than 100 grievance starters available for our station stewards.

Mark Judd, President

Walt McGregory, Executive Vice President

Joe Golonka, Vice President

Jackie McGregory, Recording Secretary

Cathy Tondreau, Financial Secretary-Treasurer



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Denise Kreager

Retired Letter Carrier

4953 Sycamore Newport, MI 48166

313-478-5910 (voice)

Branch 2184 2019 Scholarship Application

Qualifications:

1. Must be a dependent child of a Branch 2184 member in good standing (active or retired) or a child of a member now deceased.
2. Applicant's parent must be a member in good standing of Branch 2184 for at least one (1) year prior to making application, with the exception of children of members now deceased who were previously members in good standing of Branch 2184 at the time of their death.
3. Must be a high school senior, high school graduate, GED recipient, or attending college or technical school (undergraduate) at the time of submitting the application, and attending an eligible school in the fall. **
4. Only one application per child per year. Only one scholarship per family will be awarded each year.
5. Student must have maintained a 2.0 grade point average or above. A copy of grade transcript or equivalent must accompany application for scholarship.
6. If the NALC parent of a successful applicant is suspended by the Branch or makes an application for a supervisory position before monies are paid, the scholarship will be cancelled. Children of members who have applied for a supervisory position are excluded from making application for two (2) years following withdrawal of the supervisory application.
7. Students with full scholarships are not eligible.
8. Eligible schools: accredited and licensed colleges, trade schools, community colleges and schools of higher education only. The institution's eligibility shall be determined by the scholarship committee.
9. All decisions of the scholarship committee will be final.

**** TO BE ELIGIBLE TO APPLY FOR THIS SCHOLARSHIP YOU MUST BE ENROLLED IN OR ENTERING AN ELIGIBLE SCHOOL FULL OR PART-TIME IN THE FALL OF 2019.**

Awards:

1. The scholarship committee shall award the scholarships by random drawing of all eligible applicants.
2. Scholarships will be on a yearly basis and will be awarded at the October monthly meeting.
3. Scholarships will be awarded in allotments of \$500.00. Four (4) scholarships of \$500.00 shall be allocated.
4. Four (4) alternates will be selected in the event that any scholarship winners are later ruled ineligible. The alternates' names will not be disclosed.
5. The scholarship will be disbursed to the student when a copy of a receipt for tuition, room and board, or books is provided to the committee. The student must be full-time or part-time as established by their school or college.

Member's Name:		Member's Phone Number:	
Member's Station:			
Applicant's Name and (Date of Birth):		Name of School:	
Address:		Address:	
Signature of Member:		Date:	
Signature of Applicant:		Date:	
Signature of Steward or Officer:		Date:	

**THIS APPLICATION
MUST BE MAILED TO
THE FOLLOWING
ADDRESS:**

SCHOLARSHIP COMMITTEE
BRANCH 2184, NALC
6969 Monroe
Taylor, MI 48180-1815

**Applications
Must be Received by
SEPTEMBER 30, 2019**





Safety and the Numbers

On August 16th the Postal Service held an executive safety meeting which consisted of the leadership from the USPS Detroit District and the NALC along with the USPS Safety Specialist and the District Safety Committee. We came together to discuss your safety and how we are doing as a district.

So far for fiscal year 2019 (since October 1, 2018) we have had 1683 accidents in the Detroit District. This roughly translates into 38 accidents a week. That seems like a lot, and it is, but we are doing better than last year. Last year at this time we recorded 1908 accidents. As of week 45 of FY19 we have had 225 fewer accidents which is an 11.79% reduction from last year. That's awesome, but as always, there is room for improvement.

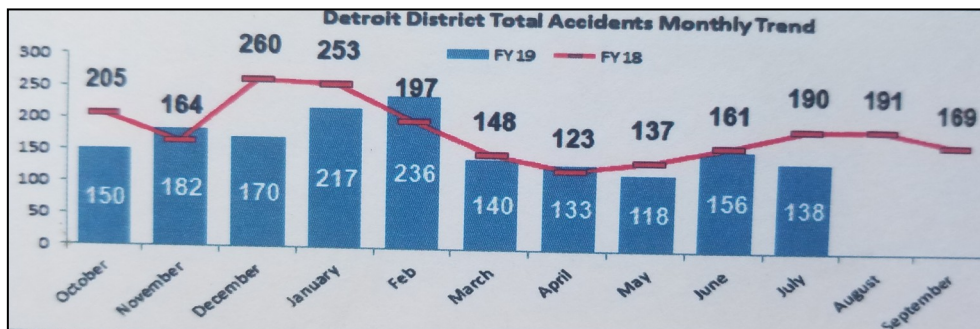
I would like to give a shout out to our Dearborn office which has a reduction of 20% from last year and to our Taylor office which has a reduction of 40.6% from last year. Great job carriers!

When working, your safety should be a top priority. Unfortunately, this isn't always the case. Carriers tend to take unnecessary risks. For example, something as simple as wearing your seatbelt. It literally takes only a second to fasten, but there are those who choose not to do this simple task. We have had 9 fatalities so far this year (nationwide) and the one thing all these carriers had in common; none of them were wearing their seatbelt. We all go to work expecting to come home, but those carriers chose not to buckle up, and it cost them their lives. When you get hurt, it doesn't just affect you; it affects your family.

As I walked into my station the other day, I noticed that the driver's seatbelt was fastened on a Promaster. I walked past five Promasters on my way in, and out of the five, three of them had the seatbelt fastened. As I went out to retrieve my LLV to load, I notice a Promaster that was in the loading area, and this one also had the seatbelt fastened. This means the carrier sat on the fastened seatbelt to drive it to the loading area. What's even scarier, is that my station is off a very busy road and that the ones I noticed on the way in, more than likely were driven back from the carriers routes the day before like that.

As contract enforcers, we hold management accountable for not providing a safe working environment for us carriers. During the executive safety meeting, Darron Bray (postmaster of Detroit) posed a simple question to us NALC leaders. He said, "why should I care more about your safety than you do?". Those words echoed in my mind as I observed all those fastened seatbelts.

We need to change our mindset about safety. We think, "it wont happen to me", but what if it did? By the time it happens, it's too late. We need to make sure we are taking the time to work in a safe manner. We are paid by the unit; take the time to work safely.



-- Michele Szafran

National Association of Letter Carriers - Region 6

National Business Agent

August 2019 Report

Brothers and Sisters,

Have you ever heard comments like the following from your supervisors? "My numbers say you are 20 minutes short", or "You have no mail nor parcels - you need to pivot 30 minutes on route 2 today" or maybe "You should be out by 8:30 and back by 3:30. You can take annual leave to make your eight hour day or take this 25 minute pivot". Sound familiar? Let me tell you a few things you may want to remember if a manager makes these kinds of comments.

First, has management conducted a six-day count with *you* on that assignment or have they done a 'proper' minor route adjustment with ***your data*** from a six-day count on that assignment? If not, here is what a national memorandum of understanding states (in part):

"... route based information may only be changed through a full-count and inspection or minor route adjustment." (M-01664)

Another national memo states (again, in part):

"...Projections are not the sole determinant of a carrier's leaving or return time, or daily workload. The use of any management created system or tool that calculates a workload projection does not change the letter carrier's reporting requirements outlined in section 131.4 of Handbook M-41, the supervisor's scheduling responsibilities outlined in section 122 of Handbook M-39, or the letter carrier's and supervisor's responsibilities contained in Section 28 of Handbook M-41." (M-01 769)

The above two memo's restrict management from using projections solely, and especially, if they are trying to convince you that you must meet someone else's standards for that assignment. So if they come to you with projections, ask them whose data they are using. If they say yours, If and you know they have not performed a six-day count with you on that assignment ask to see your steward.

Second, if say they are using your data from a previous PS Form 3999 (street evaluation worksheet) and they claim that is your demonstrated performance, keep in mind the following from Supervisor's handbook of Duties and Responsibilities (M-39):

242.321 For evaluation and adjustment purposes, the base for determining the street time shall be either:

- a. The average street time for the 7 weeks random timecard analysis and the week following the week of count and inspection; or*
- b. The average street time used during the week of count and inspection.*

To reaffirm this handbook the parties also agreed to the following (M-00745):

There are only two options from which a base street time can be selected, and they are as shown in Section 242.32a, M-39 Handbook.

There is nothing in any handbook or manual that allows management to hold someone accountable for a "demonstrated performance" - especially from a one day 3999 or a one day PS Form 1838-C mail count.

Number three, keep this national memo in mind when management insinuates possible discipline if you are not up to a previous standard of one of their "one day counts" (M-00849):

Under Article 16, no employee may be disciplined except for just cause. In this instance, the parties agree that a one day count and inspection may not be used as the sole basis to establish a standard against which a carrier's performance

(Continued on page 14)

(Continued from page 13)

Business Agent's Report

may be measured for disciplinary purposes.

Article 34 of our National Agreement starts out with the following language:

The principle of a fair day's work for a fair day's pay is recognized by all parties to this agreement.

Please keep in mind the following contractual provisions as well:

Article 41.3.k Supervisors shall not require, nor permit, employees to work off the clock.

ELM 432.33 Except in emergency situations or where service conditions preclude compliance, no employee may be required to work more than 6 continuous hours without a meal or rest period of at least 1/2 hour.

Joint Contract Administration Manual (JCAM page 41-28) states:

Rest Breaks. National Arbitrator Britton ruled that the Postal Service must ensure that all employees stop working during an office break. Contractual breaks must be observed and cannot be waived by employees (H4N-3D-C 9419, December 22, 1988, C-08555).

The last four cites are there to remind you that management has a responsibility to assure no one works off the clock. Therefore, if you skip your lunch and breaks in order to make their fictitious numbers, you are helping them violate our contract. Please don't!

I apologize for using so much contractual citations but I want you to remember, if you know the contract, management cannot intimidate you into violating the contract and requiring you to throw out important rights that our union predecessors have fought so hard for. If you don't exercise a right you will lose it!

Important Reminder

August 31 is the deadline to submit your application for the NALC Leadership Academy. The application can be found at the following:

<https://www.nalc.org/member-benefits/education>

This is definitely a one-of-a-kind training. The training involves exactly what the title implies - leadership. If selected you will be given a chance to enrich your life. This may sound over dramatic, but I do believe it. You don't have to be a branch officer or steward to apply. Any member can. However, don't be surprised if you don't get accepted on your first application. If not, don't give up! You will realize, once you attend the Academy, it was worth the effort. If you have any questions about the NALC Leadership Academy give our office a call.

In Solidarity,

– Troy Clark

National Business Agent – Region 6

Kentucky – Indiana – Michigan (KIM)

Attend Your Branch Meetings

Branch Meetings

September 4th, 2019

October 2nd 2019

7:30 pm @ Union Hall

Retirees Meetings

September 11th, 2019

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Branch Uniform Bank Now Open!

As our new CCA Brothers and Sisters join us as new members, Branch 2184 is asking our retired and active carriers to donate new or used uniforms that they no longer need. If you would like to donate please bring them to the Branch office or give them to your Steward to drop off.

Thank you to **Teresa Wisniewski** (Lincoln Park Retired), **Valencia Thomas** (Dearborn Annex), **Debbi Louis** (Westland Retired), **Gerald Skocen** (Dearborn Annex Retired), **Greg Walker** (Canton), for their donations.

CCAs please call prior to coming in so that we can make sure someone is available to assist you.

Lets make our new members feel welcome.

For more information call

313-295-1640



GIMME 5

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.

**Remember the magic words –
“I WANT TO SEE MY STEWARD”**

Contract Corner:

Q: I have mounted (curbline) deliveries on my route. Some of the boxes are often blocked by cars or garbage cans. Do I have to dismount and walk to the boxes?

A: In most instances, the answer is YES, you do. There is a long-established myth that letter carriers do not have to deliver mail to boxes that are blocked, a myth that has absolutely no basis or factual support. Unless there is clearly existing and demonstrable safety risk to the letter carrier, an obstructed mailbox should always be serviced by the letter carrier delivering that street or location. **We are in the business of delivering mail, not finding reasons to withhold delivery.**

Specifically, the Postal Operations Manual (POM), section 632.14 states that "Where the approach to the mail receptacle located at the curb is temporarily blocked by a parked vehicle during normal delivery hours for the area, or snow or ice hampers the approach to the box, the carrier normally dismounts to make delivery. If the carrier consistently experiences a problem in serving curbline boxes and where the customer is able to control on-street parking in front of his or her mailbox but does not take corrective action after being notified, the postmaster may, with the approval of the district manager, withdraw delivery service."

The above language makes it clear that is a carrier's responsibility to dismount to deliver mail to a blocked curbline box. To do so, safely park the postal vehicle out of the line of traffic, turn it off, unfasten your seatbelt, take the keys and exit the vehicle and then carefully walk the mail to the box. If the distance is more than several steps, it is advisable to also close and lock the vehicle door. Some might ask "but won't this take a lot more time?" Of course, it will take more time. What's your hurry, anyway?

Q: I had a serious illness and used up my sick leave balance, and management began taking my annual leave. I did not authorize them to do so. Can they do that?

A: In this situation, management did NOT have the right to unilaterally begin taking your annual leave. Postal Service leave regulations found in the Employee and Labor

Relations Manual (ELM), section 513.61, provide that "if sick leave is approved but the employee does not have sufficient sick leave to cover the absence the difference is charged to annual leave or LWOP at the employee's option." This means that instead of automatically using the employee's annual leave once their sick leave balance is exhausted, management should ascertain whether the employee instead wants the balance of the absence charged to leave without pay (LWOP).

Of significance, this is one of several situations where the use of LWOP is at the employee's discretion, not management's discretion. Unfortunately, all too often it is belatedly discovered that management just went ahead and took the employee's annual leave even without being authorized to do so. Additionally, absences for many if not most serious illnesses and off the job injuries for letter carriers (or that are due to the need to care for an eligible family member) will also qualify for protection under the provisions of the Family and Medical Leave Act (FMLA). Eligibility for FMLA protection begins after one year of USPS employment as well as having 1250 or more work hours during the 12 preceding months.

Once an absence has been designated as FMLA-protected, the employee alone determines the type(s) of leave that they choose to use for the absence, per USPS leave provisions (ELM 515.42). For their own FMLA qualifying illness or off the job injury, a career letter carrier can use sick leave, annual leave, or LWOP, or any combination thereof. For an absence to care for a qualifying family member, a career letter carrier can use annual leave or LWOP, as well up to 80 hours of sick leave for dependent care.

How are Union Stewards Chosen?

A: Article 17, Section 1 of our Collective Bargaining Agreement provides that stewards "may be designated for the purpose of investigating, presenting, and adjusting grievances." In actuality a steward's work typically encompasses much more than developing and processing grievances. A steward is the union's authorized work floor representative, a position that requires many different functions and roles.

Depending on a Branch's internal procedures as established through their Bylaws, NALC stewards are either elected by the membership or appointed by the Branch President. In Branch 2184 our stewards are normally elected by the active members in the USPS Station where they work. Stewards are nominated and elected every three years at the same time as Branch 2184 officers and convention delegates. Unfilled or vacant steward positions in Branch 2184 offices that occur between election cycles can be filled by the appointments made by the Branch President. The Branch President may also appoint alternate stewards that are empowered to act in the absence or unavailability of regular stewards.

Any active NALC member in a Branch-2184 represented station that meets the criteria established in the NALC Constitution (Article 5, section 2) is eligible for nomination for a steward position in that station. The criteria are straightforward, namely that a letter carrier be an active member in good standing and that during the previous two years he or she has not voluntarily or otherwise held, accepted, or applied for a supervisory position in the Postal Service for any period of time (even a fraction of one day). Those that held or applied for supervisory status are ineligible to run for or to hold any union office or other position for a period of two (2) years after termination of this status. Upon nomination, every candidate for any union position must verify that he or she has not served in or applied for a supervisory position for 24 months prior to nomination.

Finally, those interested in becoming stewards in Branch 2184 should contact the Branch office for additional information about the duties and responsibilities of the steward position. Our stewards are provided with extensive resources and training, and this is an ongoing process even for experienced stewards.

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.

Call 313-295-1640



Branch 2184 Web Site

www.nalc2184.org

Retirement Information
 CSRS & FERS Annuity Payments
 Branch Calendar
 "FMLA" forms
 OWCP Information
 Carrier Pay Chart
 Online Forms 3971, 3996, 3189
 CCA Information
 2184 Memo of Understanding
 National Agreement
 Grievance Forms
 Grievance Guidelines
 Grievance Issue Statements
 Defenses to Discipline
 JCAM, MRS, M-39, M-41

Letter Carrier Political Fund Contributors

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- ✓ Orlando Allen
- ✓ Gregory Bodziak
- ✓ Bryon Hendricks
- ✓ Lynn Taylor (R)
- ✓ Cindy Trzeciak (R)

Dearborn Main

- ✓ James Bryant
- ✓ Darryl Clay
- ✓ Symone Coleman
- ✓ Wanda Ellison
- ✓ Lisa Franklin
- ✓ Hussein Ghoteimi
- ✓ Yvonne Jackson
- ✓ Dan Smith (R)
- ✓ Ed Waldon
- ✓ Tammy Wheeler
- ✓ Leonard Zawisa (R)
- ✓ Margaret Zywicki (R)

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- ✓ Joe Garcia
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- ✓ Carl Gibbs
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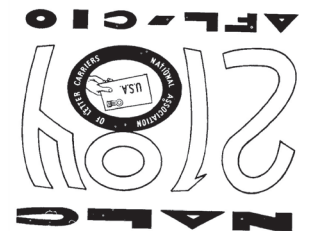
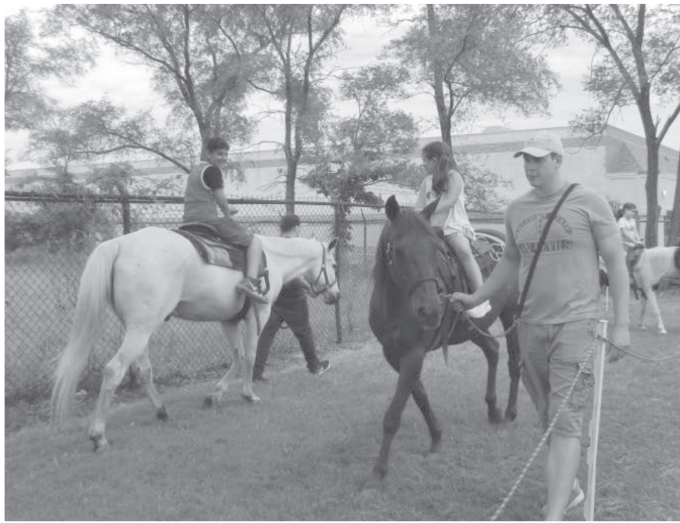
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Annual Branch Picnic Pictures



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