

ACTIVIST

NALC

A NEWSLETTER FOR BRANCH LEADERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS

Vol. 30, NO. 1

2017 Issue One

Time limits

A stitch in time saves nine, but an untimely grievance will fail almost every time.

You may have a grievance with the strongest facts imaginable, but if you fail to discuss that grievance with the immediate supervisor within 14 calendar days, management will probably call time limits. If your grievance is not timely and management properly argues that fact, your grievance is most likely dead in the water. To ensure that grievances are decided on their merits, we must always meet the time limits specified in Article 15, Section 2.

File grievances within 14 days - "An employee or union representative must discuss the grievance with the employee's immediate supervisor within 14 calendar days of when the grievant or the union first learned, or may reasonably have been expected to learn, of its cause. The date of this discussion is the Informal Step A filing date." (See JCAM p. 15-2) Start counting calendar

days the day after the event giving rise to the grievance. So if a grievant receives discipline on June 1, a grievance should be filed on or before June 15. It should also be noted the time limits are the same whether the union was aware the discipline was issued or not.

If management refuses to hold a timely Informal Step A Meeting or issue a timely decision, the grievance should be appealed to Formal Step A without a meeting or a decision, unless the parties have agreed to an extension of the time limits. Important note: If you want to extend the initial 14-day filing period, it should be extended before the 14-day period ends. Appeal a grievance to Formal

Step A within seven days - "If the parties are unable to resolve the grievance during the Informal Step A meeting the union may file a written appeal to Formal Step A within seven calendar days after the meeting." (JCAM p. 15-3)

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Time limits*(Continued from page 1)*

Hold the Formal Step A meeting within seven days - "The Formal Step A meeting must be held be-

You may delay, but time will not.

Benjamin Franklin

tween the installation head or designee and the branch president or designee as soon as possible but no later than seven calendar days after the installation head receives the Joint Step A Grievance Form (unless the parties agree to an extension)." (JCAM p. 15-5)

The parties are to meet and discuss the grievance within seven days of receipt by the installation head in an attempt to resolve the grievance. A decision is to be rendered at the conclusion of the meeting unless an extension is granted.

If management refuses to hold a timely Formal Step A Meeting, or issue a timely decision, the grievance should be appealed to Step B without a meeting or decision, unless the parties have agreed to an extension of the time limits.

Appeal to Step B within seven days - "If the grievance is not resolved at Formal Step A, the union may appeal it to Step B within 7 calendar days of the Formal Step A decision date (unless the parties agree to an extension of time for appeal)." (JCAM p. 15-7)

The contractual authority to appeal a grievance to the next step when management fails to schedule a meeting or fails to render a decision, is found in Article 15.3.C.

But, as noted in the warning, the grievance is not automatically appealed. The union must ensure the grievance is appealed. The

following is found on page 15-11 of the JCAM:

15.3.C. Failure by the Employer to schedule a meeting or render a decision in any of the Steps of this procedure within the time herein provided (including mutually agreed to extension periods) shall be deemed to move the grievance to the next Step of the grievance-arbitration procedure.


Warning. Article 15.3.C can easily be misunderstood. It does not mean that grievances are automatically appealed if management fails to issue a timely decision. Rather, if management fails to issue a timely decision (unless the parties mutually agree to an extension) the union must appeal the case to the next step within the prescribed time limits if it wishes to pursue the grievance. In cases where management fails to issue a timely decision, the time limits for appeal to the next step are counted from the date management's decision was due.

The time limits for an underlying grievance are not waived even if management violates Article 17 or 31 by refusing to pro-

vide steward time or information. For example, a grievance must be filed within 14 days of the incident, even if management has denied the union's repeated requests for time and information. If necessary, stewards must investigate and process grievances off-the-clock and then file a separate timely grievance concerning the denial of steward time and information.

Time limit extensions should always be in writing. Verbal agreements can be nullified at any time if management simply claims it no longer exists, or that it never existed. It then becomes our word against theirs - a chance the union cannot afford to take. Secure written and signed extensions that are both specific in nature and duration. Keep copies and always include them in the grievance file.

The parties have agreed to time limits for each step of the grievance procedure to ensure issues are dealt with in a timely fashion. The union is the moving party in the grievance procedure and bears the burden of meeting the time





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Fredric V. Rolando, President





limits of Article 15. Excuses such as, “management would not meet,” or “management would not make a decision,” are not sufficient reasons for not meeting time limits.

The penalty when the grievant or the union is found to have failed to meet the time limits can be severe: “The failure of the employee or the union in Informal Step A, or the union thereafter to

meet the prescribed time limits of the Steps of this procedure, including arbitration, shall be considered as a waiver of the grievance.” (See Article 15.3.B.)

Activists and the food drive

The Letter Carrier Stamp Out Hunger® food drive celebrates its 25th anniversary this year, making our cherished labor of love a bit more special. While we have several silver anniversary and commemorative items celebrating this milestone, underneath all the glitz and glamor remains a well-established program needing skillful execution by letter carriers, community partners, and – importantly – local activists like you. There is a place for everyone in this worthy event, so take on a few of these tasks and put your activism into action. Your efforts and leadership will benefit your local food banks and pantries, and ultimately, the dinner tables of those in need in the neighborhoods where you live and work.

By the publishing of this article, we will be down to the wire – yet three major components remain ever so important for a successful food drive that delivers so much to our communities.

Building Partnerships is an ongoing effort that covers all areas of our collaboration with other businesses, communities, and organizations. Whether you are looking for volunteers to help on the day of the food drive, trying to secure a bag sponsor in your branch, or wanting to fund food drive yard signs, billboards, or t-shirts, all things are possible when you connect with others willing to help. Pick a few strategies you’d like to implement and think of local groups that would make a good partner fit. Then reach out and make the pitch to your local food drive coordinator or branch president. Good teamwork from the local letter carriers creates a win-win opportunity for businesses and the community in joining our drive. To assist in your efforts, you can order partnership opportunity materials by emailing lettercarrier-fooddrive@nalc.org

Logistics is a crucial part of what we do every day as letter carriers – traversing the Postal Ser-

vice’s enormous delivery network. So it is no surprise it’s also highlighted in our work for the food drive. Logistical planning makes it possible to complete crucial tasks such as delivering postcards and providing promotional bags to customers. Your help is needed to support having postcards and food drive bags treated like postage paid mail; that is what the G 10 permit and the PMG’s letter of support pledge. Start with a conversation with your food drive coordinator and branch president. Help your branch get signed letters of support from local postmasters and station managers. That is key! The letter of support from PMG Megan Brennan, Chief Operations Officer David Williams, and the template for a local letter of support is at NALC.ORG/food, in the tool kit. The support letter doesn’t magically do anything by itself. But if its promises are put into action and used in planning and execution, it’s a powerful foundation for our work and ultimate success.

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Food drive

(Continued from page 3)

Media engagement is a powerful thing. The public may learn of our drive through the delivered postcard, but it is best when you actively take the lead and help shape the story using all forms of media available. Your actions make all the difference. Whether you want to write a letter to the editor of your local paper or call local news and radio stations, our tool kit can

help you craft your message. The important thing is to take action!

Don't forget social media – Facebook, Twitter, Snapchat are at your fingertips. It's our 25th Anniversary – find a picture from the past, tag your friends, and remind everyone in your social media contacts about the food drive. Ask them to join by posting on all their social media channels, including our Thunderclap event (learn about it at NALC.ORG/food). These tasks

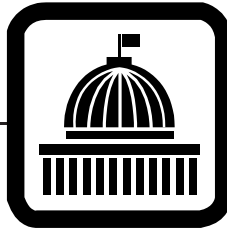
can be done in minutes, and will create a domino effect of public awareness that starts with your single act on social media. Help to make sure the food drive motivational video is played on the workroom floor for all letter carriers and postal employees (found at NALC.ORG/food).

For those looking for a high level of involvement, participate in on-camera interviews for a local news station, propose a proclamation regarding the food drive at your local city council meeting (template on the tool kit), or organize a fabulous food drive kickoff event with your local food bank and other local partners. Create media events where the cameras and reporters come to you!

The key to the success of the annual Letter Carrier Stamp Out Hunger Food Drive® is not found in just words or good intentions; actions speak louder than words. Lead with your actions and help make the 2017 Letter Carrier Stamp Out Hunger Food Drive® the best ever.

Index Available

A cumulative index for all past issues of the *Activist*, from 1986-2016, is now available in either hard copy or digital format. Please note that this is an *index*, not the full-text of all the back issues of the newsletter. Digital versions of all *Activist* issues back to 1997 are available on the NALC web site. If you would like a copy of the index, contact Nancy Dysart at 202.662.2879 or dysart@nalc.org. Be sure to specify which format you prefer.



115th Congress

The men and women listed on pages 5-8 are on Congressional committees that have a lot to say about the future of the Postal Service. See if any are from your district or state and make sure they know about the vital role the USPS plays in the nation.

Senate Committee on Homeland Security and Governmental Affairs

Republicans

Ron Johnson (WI)
Chairman
John McCain (AZ)
Rob Portman (OH)
Rand Paul (KY)
James Lankford (OK)
Michael Enzi (WY)
John Hoeven (ND)
Steve Daines (MT)

Regulatory Affairs and Federal Management Subcommittee

Republicans

James Lankford, *Chairman*
John McCain
Rob Portman
Michael Enzi
Steve Daines

Democrats

Heidi Heitkamp,
Ranking Member
Thomas Carper
Margaret Hassan
Kamala Harris

Democrats

Claire McCaskill (MO)
Ranking Member
Thomas Carper (DE)
Jon Tester (MT)
Heidi Heitkamp (ND)
Gary Peters (MI)
Margaret Hassan (NH)
Kamala Harris (CA)



For more information on the Senate Committee on Homeland Security and Governmental Affairs, go to <http://www.hsgac.senate.gov>.

The website of an individual senator can be found at <http://<lastname>.senate.gov>.

House Committee on Oversight and Government Reform

Republicans

Jason Chaffetz
Chairman (UT3)

John Duncan, Jr. (TN2)
Darrell Issa (CA49)
Jim Jordan (OH4)
Mark Sanford (SC1)
Justin Amash (MI3)
Paul Gosar (AZ4)
Scott Desjarlais (TN4)
Trey Gowdy (SC4)
Blake Farenthold (TX27)
Virginia Foxx (NC5)
Thomas Massie (KY4)
Mark Meadows (NC11)
Ron DeSantis (FL6)
Dennis Ross (FL15)
Mark Walker (NC6)
Rod Blum (IA1)
Jody Hice (GA10)
Steve Russell (OK5)
Glenn Grothman (WI6)
William Hurd (TX23)
Gary J. Palmer (AL6)
James Comer (KY1)
Paul Mitchell (MI10)

Government Operations Subcommittee

Republicans

Mark Meadows, *Chairman*

Jody Hice
Jim Jordan
Mark Sanford
Thomas Massie
Ron DeSantis
Dennis Ross
Rod Blum

Democrats

Gerald Connolly, *Ranking Member*

Carolyn Maloney
Eleanor Holmes Norton
William Lacy Clay
Brenda Lawrence
Bonnie Watson Coleman

For information on the House Committee on Oversight and Government reform, go to oversight.house.gov/.

The website of an individual congressional representative can be found at <http://<lastname>.house.gov>.

Democrats

Rep. Elijah Cummings
Ranking Member (MD07)

Carolyn Maloney (NY12)
Eleanor Holmes Norton (DC)
William Lacy Clay (MO1)
Stephen Lynch (MA8)
Jim Cooper (TN5)
Gerald E. Connolly (VA11)
Robin Kelly (IL2)
Brenda Lawrence (MI14)
Bonnie Watson Coleman (NJ12)
Stacey Plaskett (VI)
Val Butler Demings (FL10)
Raja Krishnamoorthi (IL8)
Jamie Raskin (MD8)
Peter Welch (VT)
Matt Cartwright (PA17)
Mark DeSaulnier (CA17)

Senate Committee on Appropriations

Republicans

Thad Cochran (MS)
Chairman

Mitch McConnell (KY)

Richard C. Shelby (AL)

Lamar Alexander (TN)

Susan Collins (ME)

Lisa Murkowski (AK)

Lindsey Graham (SC)

Roy Blunt (MO)

Jerry Moran (KS)

John Hoeven (ND)

John Boozman (AR)

Shelley Moore Capito (WV)

James Lankford (OK)

Steven Daines (MT)

John Kennedy (LA)

Marco Rubio (FL)

Financial Services and General Government Subcommittee

Republicans
Shelly Moore Capito
Chairman

Jerry Moran
John Boozman
James Lankford
Steve Daines

Democrats
Christopher Coons,
Ranking Member

Richard Durbin
Joe Manchin
Chris Van Hollen

Democrats

Patrick J. Leahy (VT)
Vice Chairman

Patty Murray (WA)

Dianne Feinstein (CA)

Richard J. Durbin (IL)

Jack Reed (RI)

Jon Tester (MT)

Tom Udall (NM)

Jeanne Shaheen (NH)

Jeff Merkley (OR)

Christopher Coons (DE)

Brian Schatz (HI)

Tammy Baldwin (WI)

Chris Murphy (CT)

Joe Manchin (WV)

Chris Van Hollen (MD)



For more information on the Senate Appropriations committee, go to www.appropriations.senate.gov/.

The website of an individual senator can be found at <http://<lastname>.senate.gov>.

House Committee on Appropriations

Republicans

Rodney Frelinghuysen
(NJ11)

Chairman

- Harold Rogers (KY5)
- Robert B. Aderholt (AL4)
- Kay Granger (TX12)
- Mike Simpson (ID2)
- John Abney Culberson (TX7)
- John R. Carter (TX31)
- Ken Calvert (CA42)
- Tom Cole (OK4)
- Mario Diaz-Balart (FL25)
- Charles Dent (PA15)
- Tom Graves (GA14)
- Kevin Yoder (KS3)
- Steve Womack (AR3)
- Jeff Fortenberry (NE1)
- Tom Rooney (FL17)
- Charles Fleischmann (TN3)
- Jaime Herrera Beutler (WA3)
- David Joyce (OH14)
- David Valadao (CA21)
- Andy Harris, MD (MD1)
- Martha Roby (AL2)
- Mark Amodei (NV2)
- Chris Stewart (UT2)
- David Young (IA3)
- Evan Jenkins (WV3)
- Steven Palazzo (MS4)
- Dan Newhouse (WA4)
- John R. Moolenaar (MI4)
- Scott Taylor (VA2)

Democrats

Nita M. Lowey (NY17)
Ranking Member

- Marcy Kaptur (OH9)
- Peter J. Visclosky (IN1)
- José E. Serrano (NY15)
- Rosa L. DeLauro (CT3)
- David E. Price (NC4)
- Lucille Roybal-Allard (CA40)
- Sanford D. Bishop, Jr. (GA2)
- Barbara Lee (CA13)
- Betty McCollum (MN4)
- Tim Ryan (OH13)
- C.A. Dutch Ruppersberger (MD2)
- Debbie Wasserman Schultz (FL23)
- Henry Cuellar (TX28)
- Chellie Pingree (ME1)
- Mike Quigley (IL5)
- Derek Kilmer (WA6)
- Matt Cartwright (PA17)
- Grace Meng (NY6)
- Mark Pocan (WI2)
- Katherine M. Clark (MA5)
- Pete Aguilar (CA31)

Financial Services and General Government Subcommittee

Republicans

- Tom Graves,
Chairman
- Kevin Yoder
- Jaime Herrera Beutler
- Mark Amodei
- Chris Stewart
- David Young
- John Moolenaar

Democrats

- Mike Quigley,
Ranking Member
- Jose Serrano
- Matt Cartwright
- Sanford Bishop



For more information on the House Appropriations committee, go to <http://appropriations.house.gov>.

The website of an individual congressional representative can be found at <http://<lastname>.house.gov>.

STEWARDS' CORNER

Using USPS handbooks and manuals to enforce the national agreement

When you have a grievable situation, what better tool can you use to enforce “our” *National Agreement* than one of the Postal Service’s own handbooks or manuals? Using “their” handbooks and manuals to support your grievance can be very effective, and often be of assistance in obtaining a satisfactory result.

Remember, the *National Agreement* is always the foundation for any grievance you file – even the most strident supervisor or manager wouldn’t deny a letter carrier has access to the grievance process – through Article 15, Section 1:

Section 1. Definition

A grievance is defined as a dispute, difference, disagreement or complaint between the parties related to wages, hours, and conditions of employment. A grievance shall include, but is not limited to, the complaint of an employee or of the Union which involves the interpretation, application of, or compliance with the provisions of this Agreement or any local Memorandum of Understanding not in conflict with this Agreement.

This difference, disagreement or complaint is based on some contractual provision which has been violated. But how do you get to the handbooks and manuals part? Article 19 gives you access to handbooks and manuals.

ARTICLE 19 HANDBOOKS AND MANUALS

Those parts of all handbooks, manuals and published regulations of the Postal Service, that directly relate to wages, hours or working conditions, as they apply to employees covered by this Agreement, shall contain nothing that conflicts with this Agreement, and shall be continued in effect except that the Employer shall have the right to make changes that are not inconsistent with this Agreement and that are fair, reasonable, and equitable. This includes, but is not limited to, the Postal Service Manual and the F-21, Timekeeper’s Instructions.

Furthermore, National Level Arbitrator Nolan wrote a decision, binding upon the parties, which reinforced the impact of Article 19. It referred to two tests

regarding how handbooks and manuals affect the *National Agreement* and thus are potentially grievable if violated. Arbitrator Nolan wrote:

The Agreement imposes two tests for ... [handbooks and] manuals ... Article 5 provides that "The Employer will not take any actions affecting wages, hours and other terms and conditions of employment as defined in § 8(d) of the National Labor Relations Act which violate the terms of this Agreement or are otherwise inconsistent with its obligations under law." Article 19 provides that "Those parts of all handbooks, manuals and published regulations of the Postal Service, that directly relate to wages, hours or working conditions, as they apply to employees covered by this Agreement, shall contain nothing that conflicts with this Agreement, and shall be continued in effect except that the Employer shall have the right to make changes that are not inconsistent with this Agreement and that are fair, reasonable, and equitable (emphasis added).

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USPS handbooks and manuals

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In short, Arbitrator Nolan found that when management disregards a provision of any handbook or manual that directly relates to wages, hours or working conditions, it has done so as a unilateral action which violates Article 19 of the

ward in the grievance is really the meat of your grievance. Everything else, the issue statement, facts and contentions, only point to the evidence.

Issue statements

It is really pretty common to see an issue statement that says;

to deliver a parcel endorsed “carrier leave if no response.” The NOR accused the carrier of wanton disregard for the rules. The carrier tried, unsuccessfully, to explain he was not guilty of the charges. He did not work on the day in question and the address in question isn’t on his route. The supervisor would have nothing to do with the carrier’s explanation, and proceeded with the removal action.

Obviously, a disciplinary action must be for just cause, as stated in Article 16.1 and explained in the JCAM (pages 8-1 & 8-2). However, Handbook M-39, *Management of Delivery Services*, has a lot to say about discipline. M-39 Section 115 states (with some passages emphasized for this example):

115 Discipline

115.1 Basic Principle

*In the administration of discipline, a basic principle must be that discipline should be corrective in nature, rather than punitive. **No employee may be disciplined or discharged except for just cause. The delivery manager must make every effort to correct a situation before resorting to disciplinary measures.***

115.2 Using People Effectively

Managers can accomplish their mission only through the effective use of people. How successful a manager is in working with people will, to a great measure, determine whether or not the goals of the Postal Service are attained. Getting the job done through people is not an easy task, and certain basic things are required, such as:

In a grievable situation, what better tool to enforce the contract that one of the Postal Service’s own handbooks or manuals?

National Agreement. This violation is grievable.

The most effective method of prosecuting this type of violation is threefold: the issue statement, the union’s facts and contentions, and the documents and other evidence that support the union’s facts and contentions.

Remember, just because the union asserts something is a fact or contention doesn’t make it so. Every union submitted fact or contention is just an opinion until it is supported and proven by a document or other evidence.

For every fact or contention the union makes there should be a document, a piece of evidence, to support it. Otherwise, it is just an opinion. The evidence – the documents, whether statements, photographs, reports, etc. – you put for-

Did management violate Article 3, 5, ... or Article 19 when it ...? If so, what is the appropriate remedy?

While this type issue statement certainly gets Article 19 into the grievance, it is probably not your best effort to enforce the *National Agreement*. Why?

An issue statement is always in the form of a question, because that’s exactly what it is – a question. As a shop steward you are asking someone, was there a violation? If that’s the case, then don’t make your question open ended. If you do, you are likely to get an open ended answer, which isn’t very useful and accomplishes little. Instead, ask a specific question in your issue statement.

For example, carrier John Smith is issued a Notice of Removal (NOR) for allegedly failing

a. *Let the employee know what is expected of him or her.*

b. **Know fully if the employee is not attaining expectations; don't guess — make certain with documented evidence.**

c. **Let the employee explain his or her problem — listen! If given a chance, the employee will tell you the problem.** Draw it out from the employee if needed, but get the whole story.

115.3 Obligation to Employees

When problems arise, managers must recognize that they have an obligation to their employees and to the Postal Service to look to themselves, as well as to the employee, to:

a. **Find out who, what, when, where, and why.**

b. **Make absolutely sure you have all the facts.**

c. *The manager has the responsibility to resolve as many problems as possible before they become grievances.*

d. **If the employee's stand has merit, admit it and correct the situation. You are the manager; you must make decisions; don't pass this responsibility on to someone else.**

Handbook M-39 states it is the supervisor's responsibility to abide by the test of just cause, to not guess, to let the employee explain, to be absolutely sure of the facts, and to admit when the employee's stand has merit; it would seem that Handbook M-39 has certainly been violated in this example. Your issue

statement should include the specific handbook violation as well as claiming a violation of Article 16.

Did management violate Articles 16 and Section 115 of the M-39 Handbook via Article 19 of the National Agreement when issuing Letter Carrier John Smith a Notice of Removal dated March 15 charging him with "Failure to deliver a "carrier leave if no response" parcel to 1234 Main Street on December 18, 2016," and if so, what should the remedy be? (emphasis added)

Another example might be when a letter carrier reports a safety hazard, unsafe work condition or practice and the immediate supervisor fails to investigate the situation within the tour of duty and/or fails to forward the original PS Form 1767 to the next level of management, and/or fails to keep the letter carrier who reported the situation informed if the situation is not abated after seven calendar days.

Aside from being a violation of Article 14 *Safety and Health, the Employee and Labor Relations Manual* (ELM) Section 824.632 has some very specific rules management must follow when a hazardous or unsafe condition is reported. ELM 824.632 states (with some passages emphasized for this example):

824.632 Supervisor

*The immediate supervisor must promptly (**within the tour of duty**):*

a. **Investigate the alleged condition.**

b. **Initiate immediate corrective action or make appropriate recommendations.**

c. **Record actions or recommendations on PS Form 1767.**

d. **Forward the original PS Form 1767 and one copy to the next appropriate level of management (approving official).**

e. **Give the employee a copy signed by the supervisor as a receipt.**

f. **Immediately forward the third copy to the facility safety coordinator.**

It is the supervisor's responsibility to monitor the status of the report at all times until the hazard is abated. If the hazard remains unabated longer than 7 calendar days, the supervisor must verbally inform the employee as to abatement status at the end of each 7-day interval.

Rather than your issue statement simply asking, "Did management violate Article 14 when it did not properly handle a reported unsafe condition?" the issue statement should include the specifics of this handbook provision.

Did management violate Article 14 and Section 824.632 of the Employee and Labor Relations Manual (ELM) via Article 19 of the National Agreement when it failed to investigate the unsafe working condition reported by Letter Carrier John Smith on March 15, 2017 within the Tour of Duty and/or fail to keep Letter Carrier John Smith informed as to the abatement status after seven (7) calendar

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USPS handbooks and manuals

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days of the notification when it remained unabated, and if so, what should the remedy be? (emphasis added)

The additional power of an issue statement which clearly and specifically includes violations of USPS Handbooks and Manuals via Article 19 cannot be underestimated.

The union's facts/contentions

PS Form 8190, Item 17 (*UNION'S full, detailed statement of disputed facts and contentions*) is where the union must lay out its claim as to what happened and the specific violations. This is where the union must explain how the manager failed to abide by BOTH the *National Agreement* and the applicable USPS handbooks and manuals we specified in our issue statement. This is not a place to assume the reader knows what you mean.

In the NOR example, when you claim management violated John Smith when it didn't listen to his explanation, you must spell it out. When John Smith claimed he was off work that day and the address in question isn't on his route, you need to explain in detail where management failed to comply with its obligation under Handbook M-39 to have all the facts. Go item for item into management's failures and note what evidence you have to support your claim – a statement, a work schedule, an edit book, etc.

In the example of the reported unsafe condition, go down the checklist of the supervisor's responsibilities under ELM 824.532

and point out the failures to abide by those handbook provisions. Did Carrier Linda Jones report the accident? Point out you have a statement from Linda Jones. Lay out the timeline with a calendar. Show pictures if appropriate and include statements from other carriers who can confirm the situation is unabated. Make sure the facts are clear that the manager did not abide by the *National Agreement* and the USPS handbook or manual.

Also, make sure you explain why these handbooks and manuals apply to the *National Agreement* via Article 19. *Via* is Latin and another way of saying, "by way of." Does a NOR directly relate to wages, hours and/or conditions of employment? Obviously, if you are fired you are not getting wages or hours and your condition of employment is, well...gone.

Likewise with the example of reporting an unsafe or hazardous condition, does it affect wages, hours or conditions of employment? Certainly. If employees should become injured or ill from the unsafe or hazardous condition it will adversely affect their hours and conditions of employment. Additionally, the workplace and its safe upkeep in a fundamental condition of employment.

Your issue statement asks a question. Your facts and contentions, answer the question from the union's point of view – it is what we say happened. For every handbook or manual violation that applies to your grievance, you should make a specific contention which explains the violation and how that violation took place.

Evidence that supports these contention

A contention is nothing without proof. For every contention you must have a piece of evidence. For instance, a statement of what was said or what was seen is evidence. As stated above, if you are contending John Smith was not at work on the day in question, you would want the weekly schedule to show Smith was non-scheduled, the ETC Everything report from TACs to show he was not on the clock, along with a signed and dated statement from Smith. If your contention is the address in question is not on Smith's route, you may need a copy of the edit book along with a statement to that fact from Smith or anyone else with specific knowledge.

It's a one, two, three punch.

Ask the specific question in your issue statement that clearly points out the specific violation of BOTH the *National Agreement* and the applicable USPS handbook or manual.

Explain the answer to your specific question of what happened in your facts/contentions – the who, what, when and where.

Remember, you should have at least one document or piece of evidence to back up every contention you make.

Nominate a hero

Does this scenario sound familiar? “While out on the route, I noticed mail piling up in the mailbox. Since this customer usually comes to the door to greet me, I was concerned. I knocked on the door. I did not get an answer. Whenever the customer is going to be away, she tells me. I saw the customer’s car parked where it is normally parked. I knew something was wrong. I knocked again and heard a faint cry for help. I immediately called 911 for assistance. Once the police arrived and gained entry into the home, they discovered the customer on the floor in the kitchen, unable to move. After the paramedic arrived, Emergency responders cared for the woman so I continued on my route.”

Letter Carriers look after the well-being of their customers and communities - routinely performing acts of heroism and averting disastrous outcomes through their concern and compassion that far exceed their Postal Service job description. As an activist, when you become aware of these deeds, we need to hear from you. It is actually pretty simple. Get an NALC hero notification form online or through the Community Service tab in the NALC App, complete it and send it in. Can’t find the form? The direct number to contact us for

hero notification is 202-756-7403. E-mails can be sent to post-alrecord@nalc.org. You can also look in any issue of the *Postal Record* in the section where the hero stories are published for reporting information. We want to hear from you. Don’t think someone else may report it. Again, if you become aware of a fellow letter carrier who has performed such an act, please tell us.

NALC recognizes letter carriers by publishing many of their stories involving heroic and humanitarian acts in the *Postal Record*. Each year a panel of independent judges considers the stories that appeared in the *Postal Record* between July of the previous year through June of the current calendar year. The judges then choose winners in the identified categories. Don’t be discouraged if a story you report to us does not get into the magazine right away. Once the carrier gets interviewed by the *Postal Record*, the communication staff determines what appears and when, depending on the available space.

The Hero program is significant because it highlights to the public why it is important to have mail delivery done by letter carrier professionals who are trusted and get involved when needed. Many lives have been saved or enriched because of the action of our letter

carriers. Let’s get those stories told; the first step is to hear from you when they happen.

Nominate a Hero right from our NALC Website or APP under the Community Services header

<https://www.nalc.org/community-service/carrier-heroes/nominate-a-hero>

Simply type your information into the form, save it, then print it out and mail it to:

**Letter Carrier Heroes
National Association of
Letter Carriers
100 Indiana Ave., N.W.
Washington, DC 20001-2144**



Performance Engagement Tool (PET)

Performance Engagement Tool (PET) is the most recent computerized data-generating program, in a long list of previous efforts, designed by the Postal Service for supervisors to use for projecting the daily workload of letter carriers. PET attempts to compare a letter carrier's past street time performance and mail volumes with the current daily situation, and then uses that information to determine how long it may take a letter carrier to perform his or her duties on that day.

Office time

The office time projection generated by PET only considers how long it would take to case and pull down the day's volume of letters and flats, based on 18 pieces per minute for casing letters, eight pieces per minute for casing flats, and 70 pieces per minute for pulling down letters and flats combined. PET's office time projections do not allow for any fixed office time to perform such necessary daily functions as vehicle inspections, standup talks, retrieving mail from the throwback case, withdrawing mail, and retrieving or signing for accountable mail, just to name a few. If a station has an

office break, in some locations that time will be factored into the equation, but other locations do not consider office breaks when making the projection.

Street time

Street time is also projected differently in certain locations. In some offices, supervisors will select one of four different options and apply that time to today's equation for PET to use in projecting the street time for that day. The four options are:

1. The average street time for the same day of the week for the previous six weeks. For example, if today is Monday, then one of the possible street time selections is the average street time recorded in DOIS for the previous six Mondays. If today is Tuesday, then the projection is the average street time recorded in DOIS for the previous six Tuesdays, etc.
2. The average street time for all delivery days during the previous six-week period.
3. The most recent PS Form 3999 time.
4. The base street time.

In some parts of the country the only street time options for supervi-

sors are the PS Form 3999 time or the base street time. While USPS has instructed its supervisors to compare the mail volume for previous days to the current day when deciding which street time to select for PET, none of these projections take into account daily situations such as weather, parcel counts, traffic, construction, etc.

Regardless of which option management chooses, the street time projected in PET starts when the incorrect office time ends, ensuring a misrepresentation of both office and street times.

While this most recent attempt at projecting a letter carrier's daily workload may apply a different formula than that used by any other management projection tool in the past, what hasn't changed are the responsibilities and reporting requirements outlined in *Handbook M-39, Management of Delivery Services* and *Handbook M-41, City Delivery Carriers Duties and Responsibilities*. What else hasn't changed is NALC's ability to challenge the use of any such projection as the determinant of a carrier's daily workload or its use as the basis for disciplinary actions. These issues have been settled many times in the past in national-level settlements such as M-

01664 and M-01769, found in the NALC Materials Reference System.

National-level settlement M-01664 was signed on July 30, 2007, and national-level settlement M-01769 was signed on September 16, 2011. These settlements very clearly state daily workload projections by management are not the determinant of a carrier's leaving or return time or daily workload. Despite this fact, we still have too many offices where these settlements are ignored, and workload projections create a breeding ground for disputes when a letter carrier fills out a PS Form 3996, *Carrier Auxiliary Control*, requesting auxiliary assistance or approval to work overtime in order to complete their daily assignments.

National-Level Settlement M-01664 states in relevant part:

“After reviewing this matter, the parties agree to resolve this dispute based on the following: The Delivery Operations Information System (DOIS) is a management tool for estimating a carrier's daily workload. The use of DOIS 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. DOIS projections are not the sole determinant of a carriers leaving or return time, or daily workload. As such, the projections cannot be used as the sole basis for corrective action.”

National-Level Settlement M-01769 states in relevant 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

the workroom floor, it is possible that some relevant contractual provisions and/or settlements could be violated.

If management in your office is using PET in contradiction to the above referenced settlements and handbooks, a grievance should be initiated. As with any other grievance, a successful grievance challenging the misuse of PET must contain a proper issue statement, a detailed statement of the facts, a well-prepared series of contentions, the neces-

NALC still retains the ability to challenge the use of a PET projection as the determinant of a carrier's daily workload or as the basis for disciplinary action

-39, or the letter carrier's and supervisor's responsibilities contained in Section 28 of Handbook M-41.

Management's use of PET doesn't change the fact that it cannot be used as the determinant of a letter carrier's daily workload projections. Letter carriers are still responsible for estimating the amount of time it will take to complete their assigned duties, and management still has a responsibility to manage that workload within the confines of the handbook language as well as these national-level settlements regarding the use of any such time-projection tool. Depending on how management uses PET on

sary documentation, and a proper remedy for the situation.

NALC has created and distributed to the 15 national business agents a guide explaining how PET works, and some advice to NALC activists to properly grieve management's misuse of the program. If you haven't already received this guide from your NBA, contact his or her office for a copy. ■

New organizing protocol

A few years ago NALC produced an organizing presentation to be used for all newly hired city letter carriers. This was done to ensure all new carriers received the same information about the NALC and their job with the Postal Service. This presentation is updated as necessary and is distributed through the offices of the national business agents (NBAs).

As NBAs now receive a list of new carriers prior to orientation, our organizing effort can be tracked from orientation, through the carrier academy, and then to the individual branch. The NBA or designated RAA places the names provided by the Postal Service on a spreadsheet for this purpose.

After each class the NALC organizers report their results to the NBA's office and send it the signed 1187s they collected. The NBA or designated RAA records the results on the spreadsheet, including the organizer name and date and location of the class. The NBA's office will report to the branches any letter carrier who did not sign up during orientation or the carrier academy.

The signed 1187s are scanned and placed on the NALC network so they can be viewed by the membership department at HQ. The NBA's office then sends the hard copies of the 1187 to HRSSC, NALC HQ, the branch and the member.

In addition to sending new members their copy of the 1187, the NBA's office will also send the new member a welcome packet including a letter from President Rolando and the NBA, a copy of the *National Agreement*, a copy of the *NALC Constitution* and a T-shirt. The welcome letters explain, among other things, that the new members' branch has been notified that they have received the membership packet, and upon conversion a branch representative will assist them in transition by discussing information on the enrolment process, coverage and benefits of the NALC Health Benefit Plan pursuant to Article 17.6.

If a new carrier is hired in your office that has not joined the NALC, it is up to you to educate and give them the opportunity to sign up. The same is true for any existing non-members you may

have. If you are successful, send the signed copy of the 1187 to your NBA's office for processing as explained above. Any 1187s that are received in the membership department at headquarters will be processed there with a copy sent to the NBA's office so the new member will receive a welcome kit.

For more information on the new standard training program for city letter carriers (Carrier Academy) and NALC HBP orientation upon conversion to career see the last issue of the *NALC Activist*, Vol. 29, No.3 2016 Issue Three.

Update your branch's *Activist* mailing list.

Send any additions, deletions, or corrections to dysart@nalc.org, or mail to Nancy Dysart, 100 Indiana Ave. NW, Washington DC 20001.



Install the free NALC Member App for your iPhone or Android smartphone

As technology increases our ability to communicate, NALC must stay ahead of the curve. We've now taken the next step with the NALC Member App for iPhone and Android smartphones. The app was developed with the needs of letter carriers in mind.

The app's features include:

- Workplace resources, including the National Agreement, JCAM, MRS and CCA resources
- Instantaneous NALC news with personalized push notifications and social media access
- Interactive Non-Scheduled Days calendar
- Much more
- Legislative tools, including bill tracker, individualized congressional representatives and PAC information

Go to the App Store or Google Play and search for "NALC Member App" to install for free

Training Seminars & State Conventions

Listed below are all training sessions, educational seminars, or state conventions currently scheduled. All dates are 2017. For more information on any event, please contact the appropriate business agent.

Region 1 - NBA Bryant Almario 909.443.7450
California, Hawaii, Nevada, Guam

May 4-6 NBA Training and State Convention;
Circus Circus, Reno NV

May 18-20 NBA Training and California State
Convention; Anaheim Sheraton, Anaheim CA

Region 2 - NBA Paul Price 360.892.6545
Alaska, Utah, Idaho, Montana, Oregon,
Washington

April 24-29 Idaho Steward College and State
Convention; Shilo Inn, Nampa ID

May 1-4 Montana Steward College; Holiday Inn
Missoula Downtown, Missoula MT

May 5-May 7 Montana State Convention; Holiday
Inn Missoula Downtown, Missoula MT

May 19-21 Washington State Convention; Red
Lion Hotel, Pasco WA

November 5-10 Regional Assembly; Sunriver
Resort, Sunriver OR

Region 3 - NBA Michael Caref 630.743.5320
Illinois

June 15 Steward Training; Marriott Hotel and
Conference Center, Normal IL

June 15-16 Convention Workshops for Delegates;
Marriott Hotel and Conference Center,
Normal IL

October 1 Region 3 Rap Session; Region 3 HQ,
Lisle IL

October 2-3 Steward & Activist Retreat; NIU
Meeting & Conference Center, Naperville, IL

Region 4 - NBA Roger Bledsoe 501.760.6566
Arizona, Arkansas, Colorado, Oklahoma, Wyo-
ming

June 9-10 Arkansas State Training; Hilton Garden
Inn, Fayetteville AR

Region 4 (continued)

September 14-16 Region 4 Rap Session; Holiday
Inn Conference Center, Sheridan WY

Region 5 - NBA Mike Birkett, 314.985.8040
Missouri, Iowa, Nebraska, Kansas

April 27-29 Kansas State Convention; Prairie Band
Casino & Resort, Mayetta KS

April 30-May 2 Iowa State Convention; Stoney
Creek Inn, Sioux City IA

June 2-4 Missouri State Training; Tan-Tar-A Resort,
Osage Beach MO

October 15-16 Iowa State Fall Training; Radisson,
Coralville IA

October 21-22 Nebraska Fall Training; Location
TBA

Region 6 - NBA Patrick Carroll 586.997.9917
Kentucky, Indiana, Michigan

May 21-23 Michigan State Convention; Motor City
Casino Hotel, Detroit MI

June 10-12 Kentucky State Convention; Crown
Plaza Hotel, Louisville KY

October 7-9 KIM Region Training Seminar; Motor
City Casino Hotel, Detroit MI

Region 7 - NBA Chris Wittenburg 612.378.3035
Minnesota, North Dakota, South Dakota, Wisconsin

April 24-28 Region 7 Training; Radison Roseville,
Roseville MN

May 20-21 Wisconsin State Training; Hotel TBA,
Green Bay WI

September 8-9 South Dakota State Training;
Dakota Event Center, Aberdeen SD

October 1-4 Minnesota State Convention; Craguns
Resort, Brainer MN

Region 8 - NBA Pete Moss 256.828.8205
Alabama, Louisiana, Mississippi, Tennessee
April 23-26 Mississippi State Convention; Hotel TBA,
Biloxi MS
June 22-25 Alabama State Convention;
Renaissance Hotel & Spa, Montgomery AL

Region 9 - NBA Kenneth Gibbs 954.964.2116
Florida, Georgia, North Carolina, South Carolina
May 18-20 South Carolina State Convention &
Training; Embassy Suites, Greenville SC
June 3-4 Georgia State Training; Callaway Gardens
Park, Pine Mountain GA
June 16-17 North Carolina State Convention; Omni
Charlotte Hotel, Charlotte NC
August 3-5 Florida State Convention; Double Tree,
Orlando FL
August 18-20 Region 9 Rap Session; Embassy Suites
at Greensboro Airport, Greensboro NC
November 4 South Carolina Training; Branch 233
Union Hall, Columbia SC

Region 10 - NBA Kathy Baldwin 281.540.5627
New Mexico, Texas
June 9-10 New Mexico State Convention; Embassy
Suites, Albuquerque NM
June 14-16 Texas State Convention; International
Center for Trade Convention Center, Eagle Pass
TX

Region 11 - NBA Daniel Toth 440.282.4340
Upstate New York, Ohio
May 17-19 NYSALC Congressional Meetings; Wash-
ington DC
June 25-27 New York State Convention; Sheraton at
the Falls, Niagara Falls NY
July 21-23 Ohio State Convention; Hilton Akron/
Fairlawn Akron OH
September 16-18 Training Assembly; Hotel TBA,
Niagara Falls NY

Region 12 - NBA Dave Napadano 215.824.4826
Pennsylvania, South and Central New Jersey
September 24-26 New Jersey State Convention;
Caesar's Atlantic City, Atlantic City NJ

Region 13 - NBA Vada Preston 757.934.1013
Delaware, Maryland, Virginia, West Virginia,
Washington DC
May 4-5 West Virginia Steward Training;
Pullman Plaza, Huntington WV
May 5-6 West Virginia State Convention;
Pullman Plaza, Huntington WV
May 21-23 Branch/State Officers Training and
Regional Rap Session; Rocky Gap,
Flintstone, MD
June 1-3 Virginia State Convention; Doubletree
by Hilton, Williamsburg VA
September 24 OWCP Regional Training;
Location TBD
October 8 Delaware State Convention; Clarion
Hotel, The Belle, New Castle DE
October 8-10 MD/DC State Convention; Prince
Royale Oceanfront Hotel, Ocean City MD

Region 14 - NBA John Casciano 617.363.9299
Connecticut, Maine, Massachusetts, New
Hampshire, Rhode Island, Vermont
May 6-7 Maine State Convention; Hilton
Gardens Inn, Portland ME
May 7 Rhode Island State Convention; Biltmore
Hotel, Providence RI
May 19-21 Massachusetts State Convention;
Hilton Double Tree, Hyannis MA
June 2-4 New Hampshire State Convention;
Attitash Grand Summit Hotel, Bartlett NH
December 4 Retirement Training Branches 32 &
109; American Legion Hall, Shelton CT

Region 15 - NBA Larry Cirelli 212.868.0284
Northern New Jersey, New York, SW
Connecticut, Puerto Rico, Virgin Islands
May 17-19 New York State Association
Congressional Meetings; Washington DC
June 25-27 New York State Association Biennial
Convention; Hotel TBA, Niagara Falls NY
September 24-26 New Jersey State Convention;
Caesar's Atlantic City, Atlantic City NJ

ACTIVIST

NALC

A NEWSLETTER FOR BRANCH LEADERS
 NATIONAL ASSOCIATION OF LETTER CARRIERS
 100 Indiana Ave. NW
 Washington DC 20001



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USPS *BY THE NUMBERS*

Operations

<u>FY 2017 Q1</u>	<u>Number</u>	<u>Change from SPLY*</u>
Total mail volume (Millions of pieces)	41,602	-0.7%
Mail volume by class (millions)		
<i>First-Class</i>	15,880	-3.3%
<i>Periodicals</i>	1,370	-6.6%
<i>Standard (bulk mail)</i>	22,355	1.3%
<i>Shipping & Packages</i>	1,448	-10.0%
<i>International</i>	285	-4.7%

Finances

<u>FY 2017 Q1 (millions)</u>	<u>Number</u>	<u>Change from SPLY*</u>
<i>Operating Revenue</i>	\$19,192	-0.8%
<i>Operating Expenses</i>	\$17,716	-6.8%
<i>Controllable Operating Income</i>	\$522	
<i>Retiree health benefits</i>	\$969	
<i>Workers' Comp adjustments</i>	-\$1,123	
<i>Net operating income</i>	\$1,438	

Employment

<u>2017 - PP5</u>	<u>Number</u>	<u>Change from SPLY*</u>
City carrier career employment	170,443	1.1%
<i>Full Time</i>	169,463	1.2%
<i>PT Regular</i>	490	-7.0%
<i>PTF</i>	490	-30.7%
City Carrier Assistant 1	35,294	9.5%
City Carrier Assistant 2	7,098	2.7%
City carriers per delivery supervisor	15.3	
Career USPS employment	508,578	2.0%
Non-career USPS employment	137,544	3.2%

*SPLY=Same Period Last Year