



The Beast of Burden



Issue 1-10

NALC Branch 290

Jan/Feb 2010

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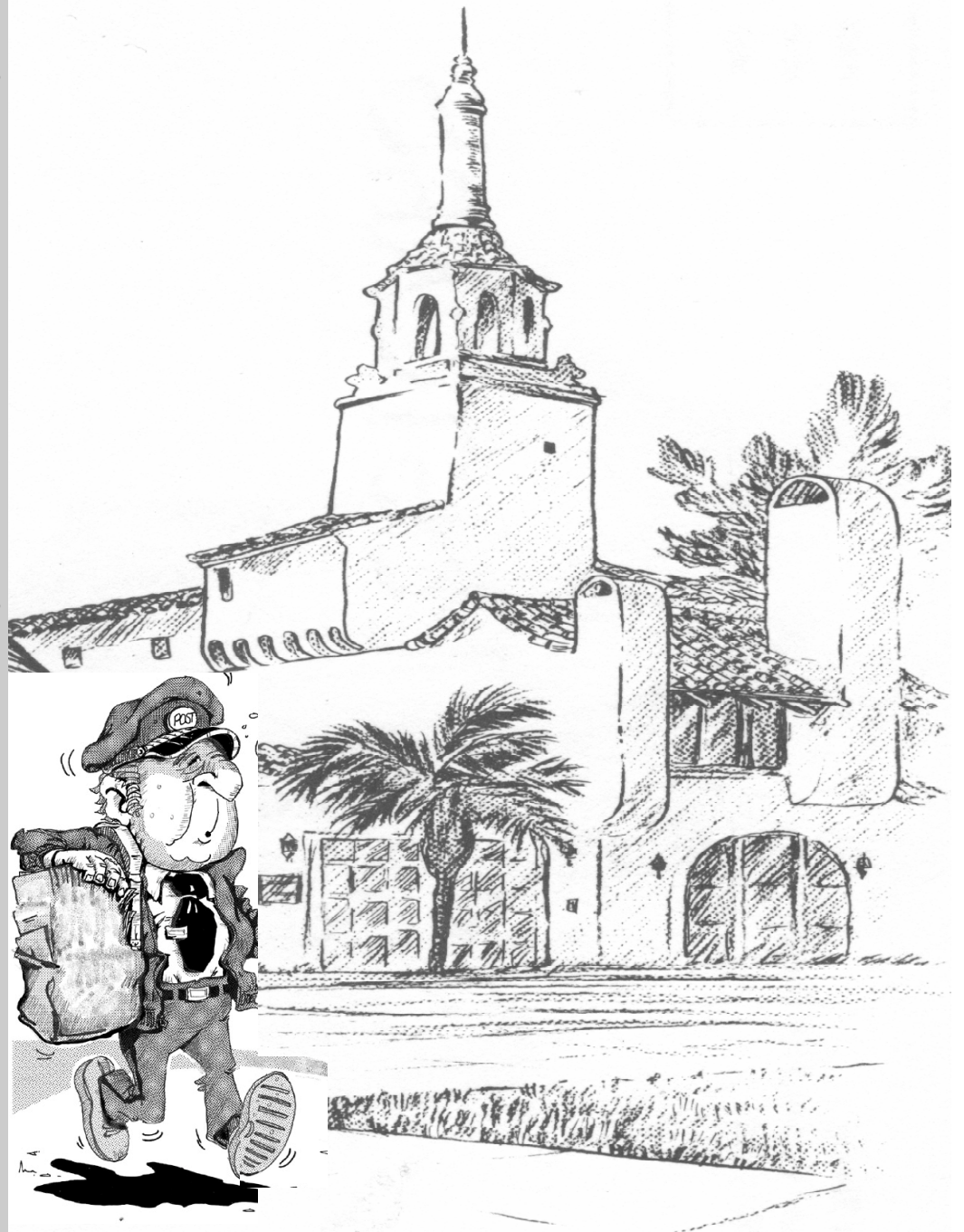
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“ARLINGTON FOX THEATER” STATE & VICTORIA



What Ails the U.S. Mails? Just Listen.

Airmail letter, properly zip-coded and addressed to Washington, D.C., requires nine days to make its leisurely way across the country from Seattle. A first-class letter goes from Columbia, SC, to Louisville, KY, a distance of 499 miles, in four days. It has thus traveled an average of five miles an hour -- considerably slower than the Pony Express of a century ago. An airmail letter, sent from New York to Boston, is routinely forwarded to a nearby suburb because the recipient has moved (after properly advising the Post Office). It arrives a month and a day after it was mailed.

These are some of the things that came to light when Life conducted its own nationwide test of the U.S. postal service. The results solidly buttress what many of the best observers (among them two Postmaster General) have long been saying: that the mail system is perilously close to collapse. What happened in Chi-



cago three years ago, when the postal system broke down and dammed up 10 million pieces of mail for three weeks may soon become commonplace.

There is no dispute about what the problems are. The vast postal system is both undermanaged and mismanaged. ("No one really runs the Post Office," says Postmaster General Winton L. Blount). Pay is bad -- a maximum of \$8,442 for 85% of all postal workers (it took 21 years to reach that level) and opportunities for advancement are so slim that 60% retire in the same grade in which they entered. The Post Office's mail handling methods are hopelessly outdated

(most mail is still processed as it was a century ago) and its buildings are antiquated. The main post office in Richmond, for example, was built three years before the Civil War.

Nor are things getting any better. Mail volume, currently 82 billion pieces a year, will swell to 116 billion by 1980 -- far more than anyone can possibly hope to cope with the by present shoe-leather and pigeonhole methods. Three years ago, Postmaster General Lawrence O'Brien told a Congressional subcommittee, "Frankly, your Post Office Department is in a race with catastrophe." Unless something drastic is done quickly, it will not be at all surprising if catastrophe turns out to be the undisputed winner any day now.

♦This excerpt from Life magazine, 11/28/69, was reprinted from Arden W Stabs column "Retirement & Other Things As I See Them" in the July issue of the Zenith Branch News - Branch 114.

THE BEAST OF BURDEN EDITOR...Neal Couey

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We invite all members to contribute material for possible publication. All submissions must be signed and delivered by the date of the union meeting of the month for publica-

tion. Union meetings are held on the first Monday of the month. Names will be withheld if requested. Editor reserves the right to determine whether material submitted shall be printed for reasons of good taste, legality, or for the good of the branch.

The Beast of Burden is free to members in good standing.

Presidents Report

Dear Brothers and Sisters,

Branch 290's Annual Dinner Dance was a successful evening with over 150 members and guests attending at the Timbers restaurant in Goleta. Special guests, National Business Agent Manny Peralta and CSALC President John Beaumont were invited to present Donald J. Gullette with a 50 year union membership card and pin. A letter of congratulations from NALC President Frederick Rolando was also presented. Don has been one of our most dedicated members. He has served as president, and was instrumental in the mergers of Goleta, and Carpinteria with Branch 290. He has also served as shop steward and trustee and is currently our health benefits officer. Thank you, Don, for all your years of service to our branch, and we congratulate you on this special occasion of having attained 50 years of membership.

President's Award

Additionally, it was an honor for me to present the 2009 President's award to Scott Pickering. Scott went above and beyond in performing the duties as food drive coordinator for 2009. Dealing with the

Jesuita fire and missing food drive cards during the National Food Drive last May did not deter Scott in his efforts to accomplish a successful food drive for the communities of Santa Barbara and Goleta. Scott is also a strong voice in the workplace who will challenge management decisions that impact negatively on either his coworkers or his customers.

Finally, I wish to thank Joyce McCue, Melinda Flinchum and Joe Pensabene for their hard work in making this year's dinner dance a success.

MIARAP = Your Street Time

Once again, reviews and adjustments are being made in the Sierra Coastal district. Adjustments at the Carpinteria and East Beach stations have gone fairly smoothly, but there are still problems being worked on at the San Roque and Goleta post offices. There have been no loss of routes but some routes are receiving either minor additions or reductions to be adjusted to eight hours.

The bottom line is to protect your

street time by delivering your route properly and taking your authorized lunch and street break. Otherwise, the data used in reviewing your route will not be a true reflection of your street time. MIARAP uses the street times of the regular on the route when making its calculations. You, the regular, will determine what amount of time is needed to deliver your route. Don't short-change yourself by doing street functions on office time. Always clock to the street before loading your vehicle and don't clock in until after unloading. When FSS takes away the majority of your flat volume, you will lose much of your office time. The only time you will have left will be your street time.

Street Time is Your Time

The time to properly do your job safely and to provide our customers the service that they expect. You are not required to skip your lunch, break, or comfort stops in order to achieve any unrealistic goals or fictitious numbers

Protect your Street Time!
In Solidarity,

Mike Coyle

Announced GPS Sites

Pacific Area

Los Angeles 100
Santa Ana 100
Sierra Coastal 100

Bay Valley 50
Sacramento 50
San Diego 50
San Francisco 50

The shrinking post office

The U.S. Postal Service loses more money every year. Is there a future for 'snail mail'?

What shape is the Postal Service in?

It's hurting. With more and more personal and business communication being conducted via e-mail and social-networking sites, mail volume peaked at 213 billion pieces in 2006 and has been declining ever since. The recession has only made a difficult situation worse. Mail volume declined by 25.6 billion pieces this year, or almost 13 percent—more than double any decline in the history of an institution founded before the American Revolution and first led by Benjamin Franklin. Volume is projected to fall by another 11 billion pieces next year. "Simply put," says Postmaster General John Potter, "the Postal Service is in acute financial crisis."

How much money is it losing?

Losses this year alone totaled \$3.8 billion, and by the end of next year, total agency debt is expected to reach \$13 billion. The Postal Service's fiscal straits would be even more dire if not for a 2 cent hike on the first-class stamp this year and \$6 billion in cost reductions. The quasi-governmental agency has cut 260 million work hours in the past decade and even eliminated 200,000 of its iconic blue mailboxes. But with \$80 billion in annual expenses, cuts haven't kept pace with the decline in revenue. "The business model, quite frankly, is broken," says USPS Chief Financial Officer Joseph Corbett.

Why are expenses so high?

Labor, mostly. The Postal Service,



the nation's second-largest employer after the federal government itself, employs 630,000 full-time workers with generous benefits packages, as well as tens of thousands of contract and part-time employees. Compensation and benefits account for 80 percent of expenses, compared with about 50 percent at FedEx and UPS. In addition, the Postal Service runs a vast infrastructure of 32,000 post offices and thousands of other retail and processing centers—more outlets than Starbucks, McDonald's, and Wal-Mart combined. Indeed, it has enough capacity to handle a 100 percent increase in mail. "The Postal Service urgently needs to restructure," says Phillip Herr, a government analyst. It's trying. The agency offered early retirement to 150,000 employees this year, but only a fraction accepted. It also targeted 700 post offices for closure, but closing offices has proved to be nearly impossible.

Why can't it close post offices?

Politics. Although the Postal Service earned a measure of independence in 1971, when it was made a financially self-sustaining agency, many operational changes, including branch clo-

tures, require congressional approval. There are 2,000 post offices that serve fewer than 100 customers each, and the USPS would love to shut them down. But each office is located in someone's congressional district. "Congress puts up roadblocks whenever the Postal Service even mentions that it might be time to close or consolidate some facilities," says Delaware Sen. Tom Carper. The agency also could save as much as \$3.5 billion a year by eliminating Saturday mail delivery, but that, too, would require the approval of reluctant politicians. "People depend on regular mail delivery and would be greatly inconvenienced by missing a day's delivery," says Rep. Jose Serrano of New York, who chairs a subcommittee that oversees the USPS. With even modest adjustments being politically fraught, prospects for far-reaching reforms, such as those enacted in other countries, seem even more remote.

What kind of reforms?

Germany's Deutsche Post has been completely privatized, as has mail delivery in Japan. Some foreign postal services have improved their financial standing by offering additional services; Poste Italiane sells insurance and other financial services, for instance, while Japan Post operates a savings bank. In the U.S., some post offices have started selling greeting cards in an effort to raise revenue. But the Postal Service is forbidden from offering banking and insurance services, and given the political clout of those two industries, it's

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doubtful that will change. As for privatization, many policy-makers fear that if mail delivery were freed of any government role, rural and poor areas would be neglected and millions of Americans would lose a lifeline.

So does the Postal Service have a future?

Clearly, something has to give. The Postal Service will have to accelerate its painful downsizing, and complete privatization can't be ruled out. The fact is, with e-mail now ubiquitous, Americans simply don't need the Postal Service as much as they once did, and it often seems that most of what arrives in the mail every day is junk

anyway. That sense has been confirmed by a Seattle company that has carved out an unusual niche: It e-mails scanned images of unopened envelopes to its customers, who then decide which ones to open and which to have shredded. Customers shred 90 percent of their mail without reading it. Such indifference to the vast majority of mail leaves postal officials anxious about the future and desperate for solutions. "Urge the public to mail a letter to a loved one and do it weekly," says William Burris, president of the American Postal Workers Union. "That would help."

A demoralized force

In the 1980s and '90s, a series of shootings by postal workers launched the phrase "going postal." Since then, management has been keenly sensitive about worker morale, which by

many accounts has taken a beating in recent months. With a long-term hiring freeze in place, employees have seen hours reduced, delivery routes consolidated, and their efficiency meticulously monitored by a management desperate to cut labor costs. "Many of our carriers hate coming into work," says Robert McLennan, a union leader in Buffalo. Postal workers are "frenzied with worry," says Tom Mullahey, a postal worker in Jersey City. "You have different rumors every day. It's like a roller coaster." The Postal Service said such reactions are not surprising, considering the circumstances. "The stress and tension are out there," says Postal Service spokeswoman Karen Mazurkiewicz. "Everyone is under a magnifying glass."

Source: The Week
December 4, 2009

GARCIA, RANDOLPH (RANDY) L

Randy left his earthly life suddenly February 10th, 2010 of heart failure.

Randy was born on December 3, 1960 in Santa Barbara and lived his entire life here. A graduate of Santa Barbara High School and part time student at Santa Barbara City College he loved history, sports and the outdoors. His love of family was demonstrated by his many outings with numerous family members.

Randy worked as a mail carrier for the Santa Barbara main Post Office for twenty years and really loved his time as a carrier for downtown Santa Barbara.

He is survived by his beloved daughter Melody Garcia, loving father Lou Garcia, cherished sisters Teri Benart- Abrahamzon, Sylvia Drake, Linda Garcia-Arnold and Barbara Thomson. There are numerous friends and relatives from all corners of the world that touched Randy's life and whose life he blessed. His zest for life will be sorely missed.

Friends and family are invited to attend vigil services at Welch- Ryce-Haider, 15 East Sola Street on Thursday February 18th from 5pm to 8pm. A memorial funeral Mass will be held on Friday February 19th, 2010 at 1pm at Holy Cross Catholic Church, interment will follow at Santa Barbara Cemetery.

In lieu of flowers, donations may be made to the Autism Society in honor of Randy's daughter Melody Garcia



Retirement Planning

Income for Life

February 19, 2010

The topic of withdrawing funds from the Thrift Savings Plan is always a subject of great interest at my pre-retirement seminar presentations. The March issue of Money magazine, contains a short article claiming that one of the best ways to ensure your retirement savings last is to buy an immediate annuity, which provides a monthly payment for life.

So what options does a federal retiree have with a TSP annuity?

What Is a TSP Annuity?

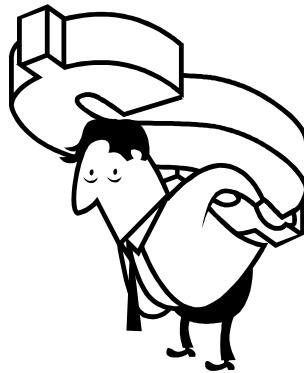
The options to withdraw your investment from the TSP after you retire include taking a lump-sum payment, electing a series of monthly payments and purchasing an annuity. Keep in mind you can do a combination of all three options. For example, you can choose to receive 30 percent of your balance as a lump sum (you can transfer some or all of it to an IRA); 30 percent as a series of monthly payments (either a set dollar amount or payments computed based on your life expectancy); and the remaining 40 percent can be used to purchase an annuity.

The lump-sum option to transfer some or all your TSP funds to an IRA and the series of payments option both require you to continue to manage the balance in your investment to receive payments. Once purchased, the annuity provides a steady stream of income for life. To read more about the TSP withdrawal options, click [here](#).

Whether you use some or all your plan investments to purchase a life annuity, this choice boils down to removing money from your TSP account and allowing the TSP to purchase a life annuity for you from Met-

Life Insurance Co. MetLife has been the provider for the TSP annuity program since it began in January 1988; the insurance company has assets of more than \$120 billion, with more than 320 million individual annuity contracts and group pension certificates in force. In exchange for your money, MetLife pledges to send you a check every month for the rest of your life.

The advantage of this option is you'll have no more worries about the stock market and no fear of running out of money. Ironically, those are the two reasons why many people don't pursue this option because they think they can make more money by keeping their funds invested and diversified. And looking at a lump sum of \$250,000 or more, it is tempting to think that it would be hard to spend that much money over your remaining lifetime.



How Does It Work?

- The insurance company will compute your monthly payment based on the answers to the following questions:
- How much money are you using to purchase the annuity?
- How old are you (how long do they expect you to live)?
- Which features do you want the annuity to have? A cash refund to protect your principal in case you die early? A 10-year certain option that

pays the monthly benefit whether you are alive or not? A survivor benefit option that will pay either 100 percent of the monthly payment over two lifetimes, or one that will pay 100 percent while you and your beneficiary are alive and then 50 percent to the survivor? Increasing payments to offset inflation?

- The current interest rate index, which is a fixed rate used to calculate your monthly payment. For TSP annuities purchased in February, the rate is 3.75 percent. Since 2006, this rate has been as high as 5.75 percent and as low as 2.63 percent. Once purchased, this rate is fixed for the life of the annuity.

Let's look at some examples. The following case studies were calculated using the annuity calculator on the TSP Web site.

- Henry recently retired and purchased a single life annuity at age 60 using \$250,000. He chose to receive increasing payments to help offset inflation. That decision will allow his annuity payments to increase as much as 3 percent, depending on the actual rate of inflation. In the event he dies unexpectedly, he also added a cash refund so his beneficiary can receive the amount of his original investment should he not live long enough to recover his investment through his monthly payments. Henry's initial monthly payment using the 3.75 percent interest rate index will be \$900 per month. If he receives a 3 percent increase annually, his payment

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will increase to \$1,174 per month in 10 years. If Henry waited until age 65 to purchase this same annuity (using the same amount of money), his monthly payment would be \$1,030 per month and would jump to \$1,344 after 10 years.

- Harriet purchased a joint life annuity with 100 percent payment to the survivor (her husband). She and her husband are both 70 years old. She also added the cash refund feature in the event she and her husband die before the \$250,000 is recovered in monthly payments. Harriet chose a level payment since she reasoned that her monthly Federal Employees Retirement System benefit and her Social Security retirement benefit both receive an annual cost-of-living adjustment. She also used \$250,000 to purchase this annuity at the current 3.75 percent interest rate index. Her monthly payment will be \$1,478 per month, which will remain the same during both her and her husband's life times, regardless of whether one or both of them are still living. At this rate, Harriet and her husband will receive \$250,000 worth of payments after 14 years. If they live past age 84, they will continue to receive the monthly payment of \$1,478 each month. I checked with MetLife and found out that at age 70, Harriet has a life expectancy of 85, while her husband's life expectancy is 83. It seems as though if they live ac-

ording to these expectations, they will simply break even. Based on Social Security's periodic life tables, at least one of them has a 50 percent chance of living beyond age 88 and a 25 percent chance of living past age 92. I used this calculator for the projection.

Advantages

The advantages of purchasing a TSP annuity include:

- Receiving a lifetime income without fear of running out of money.
- If the interest rate index is high, you will lock in this rate for the life of the annuity. In the 1980s, interest rates on fixed annuities were as high as 18 percent.
- You can add features to the annuity at the time of purchase to protect your principal and allow an increase to offset inflation.
- An annuity simplifies your efforts to manage your retirement income.

Disadvantages

The disadvantages of purchasing an annuity include:

- Once purchased, you cannot make changes to the annuity.

- Income from the annuity is taxable. You cannot halt annuity payments if you return to work or receive other income.
- There could be little or no money left for your beneficiaries.

You already have at least two annuities -- your federal retirement benefit and Social Security retirement. Do you really need a third source of monthly income to meet your expenses, or would you rather have a lump sum of money available to meet unexpected expenses that crop up periodically?

If you don't add the inflation option, your income can erode in value over time.

You will be unable to withdraw funds to meet unexpected needs.

Tammy Flanagan is the senior benefits director for the National Institute of Transition Planning Inc., which conducts federal retirement planning workshops and seminars. She has spent 25 years helping federal employees take charge of their retirement by understanding their benefits.



Planning now will keep you from being blown away when retirement comes!

1964	Don Waits	Shelley Deutsch
Tim Donovan	1987	Frank Kennedy
1977	Earle Croft	Theo Marcus
Pete Maglio	Harold Harrah	Judy McBade
Henry Miller	Arthur Mark	Robert Morse
Al Steinert	Charles Preston	Frank Smith
1978	Dick Tull	1991
Levi Bullock	1988	Ed Gilkeson
1980	Kenneth Clink	Bob Hughes
Bob Marcin	Cy Ferguson	Clarence Larson
1982	Richard Lansky	Ted Lux
Don Lee	Joe Latini	John Mangan
C. Stonebumer	Robert McGinnity	Ed Oberman
1983	Clarence Reese	John Shostek
Willard Sainsbury	Joe Rouard	
1984	Jack Ruiz	
Jim Durham	1989	1992
Pat Freeman	James Farrell	George Biker
1985	Dick Harris	1993
Joe Allard	Frank Smith	Fred Boynton
Chet Lepak	1990	Mark Gleeson
Tom McClellan	Bernard Copeland	Al Marcus
1986	Ted Cota	Walt White

†In Memoriam

1994	1998	2006
Henry Espinoza	Vince Simpson	Steve Swartz
Art Holdsworth	1999	2007
1995	Bill Blades	Jerry Savard
Bert Bidgood	John Blake-Lobb	2008
1996	Ery Engelson	Mike Carey
Bob Figone	Earl Keithky	Ogden Monks
Max Lutsch	Keith Kendall	William Troup
Jack McKenney	2000	2009
James Mee	John Hernandez	Bill Lillard
Clayton Normand	Lawrence Martin	2010
Alphonse Ramirez	John Neilson	Randy Garcia
Jane Roanhaus	2001	
Merril Rowe	George Anderson	
	Art Busboom	
	Harold Kagay	
	Tadeo Kanetomo	
1997	Joe Stoeffels	
Preston Broom		
Jerry Hays	2005	
Bill Jahnke	Ted Clements	
Al Rogers	Thomas Gibson	
Joe Sullivan	Frank Noriega	

Letter Carriers of Branch 290

Controlling the Grievance By Denny Belden

Every steward faces the problem of controlling his/her grievance through the grievance process. Rest assured that a Steward can, and should, maintain control of THEIR grievance throughout all the steps of the process. I am going to explain in detail how you can attain control, and keep Management off balance, while holding their feet to the fire.

What I hate to hear from any Steward is; "They aren't giving me the time or information I requested. I've had to extend and extend. What am I supposed to do?" Wah, wah, wah.

I'm going to show you how to eliminate all this "woe is me" Steward anxiety. By using the tools, provided to you by the contract and the National level Step 4 decisions and pre-Arbs, you should not be whining anymore! You will learn how to control management with the proper execution of the Information Request, the Informal A meetings, and Formal A meetings.

Do you know you have the advantage in the Grievance Process? I'm about to tell you how to utilize that advantage, and put management to the disadvantage. Sounds fun, huh? Let's move on....

When you first learn of a grievable situation, such as a carrier telling you he thinks there was an overtime violation, or if you see a violation of the contract, the first action you must do is the Information Request.

The Information Request "Submission"

Here is a simple action that every Steward must do to begin the grievance process, however, this can also be one of the most important. Asking for information must have a purpose. You cannot go on a "fishing expedition".

Document! Document! Document!

This mantra should be followed by every Steward, and the Steward must continually remind their fellow employees of the same thing. How many times has a carrier claimed harassment at your station? The first thing out of my mouth is did you document all the harassment? Times, dates, and who said what? Usually the answer is no. I tell them, "One incident of the supervisor raising his voice does not constitute harassment." However, documented instances of the same supervisor doing this over and over to one carrier, supported by times and dates written by the grievant, and best of all, witness statements by carriers around the grievant, will support a charge of harassment. So remember:

Document! Document! Document!

As a Steward, this is the most important part of your duties, to obtain good documentation and to place that documentation in the case file.

If an overtime violation may have occurred, you must ask for all the information that would confirm, initially, if a violation occurred. The majority of grievances are Article 8 and Article 16 issues. Each are handled the same, however, completely different documents are asked for.

The main thing is the Request for Information itself. It should have the date submitted (time submitted is also good to have listed on the form, who the request is being submitted to, a detailed list of documents being asked for (specify by PS Form number if known) and dates of documents asked for (such as the "Employee Everything Report for all carriers for 8/2/09").

The request should have a place where the Supervisor can initial or sign receipt of such a request, and also a place to date it. If they do not like to fill the date in, fill it out for them before they sign. If they refuse to sign or initial the

form, do not get angry, just write the statement "Refused to sign" in the line where they are supposed to sign, or near it, over or under, the signing line (or in the Comments section shown below). Date the request and time and make a copy on the copy so he may have the COPY, not the original. Use your own form for the request. Why? Because I always tell them it is my form, my request, and it is not a Post Office form, it is a Union form and document, and I maintain control of the original. They can have the copy.

Below is language from a sample information request. This language is key to controlling the information requested.

"I would like to begin this investigation / Informal A / Formal A on _____, 20__ at _____ hour am / pm. However, if that is not possible, please enter the date and time I may begin on _____, at _____ hour am / pm.

This request was presented to Supervisor _____ on _____, 20__ at _____ hour am / pm.

Comments: _____

Supervisor's
Name _____ Initials/
signature _____ Date _____"

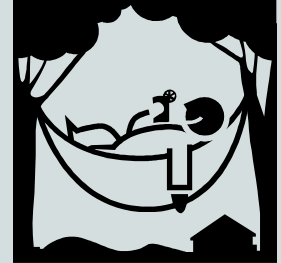
You offer the supervisor a time you would like to receive the information. There is no reason why a TACS report cannot be given the same day. They only have to pull it up on the computer and hit print. How hard is that? By entering the date you would like to receive the information, and if they sign it, without filling out the optional time, then they have agreed to give you the information by the time YOU indicated on the form.

(Continued on page 12)

Can You Afford to Retire?

What will life be like without that paystub

- * Less money to spend
- * Increased Health Insurance premiums
- Reduced Social Security deductions
- Reduced Medicare payments
- Reduced Union Dues
- Reduced Retirement contribution
- Reduced Income Taxes
- Reduced commuting expenses
- Reduced TSP contributions
- Reduced Stress
- More time to spend with family and friends



Can You Afford not to Retire?

Spend Less and Learn to Live More



Controlling the Grievance

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The information request should include the estimated time you think it will take to investigate the grievance.

“A reasonable amount of time is requested to review, interview and discuss the problem. I anticipate it will require approximately _____ Additional time may be requested.

It is necessary to interview the following: _____.”

Enter the time you reasonably think it will take to process the information. Do not try and ask for an unreasonable amount of time to take advantage of your position. This damages your credibility as a Steward and you must always try to conduct your job with credibility and integrity. You will find many supervisors who will allow you to do your job if you maintain credibility. If you appear to be wasting time or they see you are not doing what you asked time for, they will feel taken advantage of and your credibility will go out the window. But, there are also others, who will give you hard time no matter what.

If you asked for two hours and are done in one hour, do not just waste time. Let the supervisor know you are done ahead of schedule and return to work. This will let the supervisor know that you are not just burning their clock. If you have an additional grievance(s) that you can work on, let the supervisor know that you finished early on the requested grievance and you wish to work on an additional grievance(s). Stay credible and do the job with integrity.

Applicable Step 4 Decision language is listed below for “reasonable time” to investigate grievances

M-00671 Step 4 October 20, 1976,
NCS-2655

The determination regarding how much time is considered reasonable is

dependent upon the issue involved and the amount of data required for investigation proposes.

M-00606 Step 4 August 29, 1975,
NBS-5391

When a steward makes a specific problem known to management and requests permission to conduct an investigation in order to determine whether to file a grievance, a reasonable amount of time for this purpose shall not be unreasonably denied.

With this information now entered on your request, you have just begun asserting Control of the Grievance.

Information Request

“The Follow Up”

Now, that you have submitted the request, got the signature, or indicated “Supv Refused to Sign” on the form, and left a copy of the form with the supervisor, you now wait for the date and time requested to receive your information.

If the time you wanted in the request states 9:00 am, and if at 9:01 you have not received any information, they are in violation of the request, even if they did not sign it. You gave them the chance to sign and provided them a copy, they have been notified.

Approach the supervisor and ask if he has the information you requested. If he says no, immediately ask for an Informal A meeting for a violation of Steward’s Rights, Article 17.3 & 31.3 and the Section 8 of National Labor Relations Act. Submit a request, right then and there, for the meeting and time to fill out the paperwork, including time to fill out the complaint for violation of the NLRB.

You have just thrown the supervisor off balance. If he tells you he now will get you the information, still give him a copy of the Steward Violations Informal A meeting request, with the date and time you wish to meet. They

have already violated the request... do not let him get away with it! Otherwise, management will continue to stall unless you put the hammer down. Managers are creatures of habit.

9:00 am does not mean 9:01, 9:05 or any click past 9:00 am! He has had it in writing since the day you gave a copy to him. He cannot tell you he cannot tell time or lost track of it, because you know what he would do if a carrier is one click late or forgets to call. They may also blame the union on costing the USPS millions of dollars with grievances! I always find it strange management doesn’t think their action and ignorance doesn’t cost the USPS a dime. Of course, they would blame it on the Union for filing too many grievances! How could I forget?!....but I digress...

If the supervisor refuses to sign the Information Request again, note on the form again, “Supv Refused to Sign”, leave him the copy and let him know this helps your case for the NLRB complaint and Steward’s Rights Violations. I guarantee you he will immediately be talking to someone about your filing a Labor Charge against him and will probably be told to get you the information, pronto! Even management knows which floor Supervisors are the “front line of idiots “ that they put in charge!

Now, as many have found out, some supervisors won’t call anyone proclaim they are the boss and that you have do as they say. So, follow their instructions, however, if anything he/she instructs you to do violates the contract, file the grievance. Nothing shuts up a supervisor better than to advance a grievance to the Formal A level that lets the Management Rep know who the idiot on his team is that is full of himself with power, and empty in his head on contractual knowledge. A good management rep will settle the grievance quickly.

(Continued on page 13)

(Continued from page 12)

At this point, they have already violated the information request and your rights as a Steward. Have the PS Form 8190 ready for the Steward Rights Violation, and have them sign the form as a resolve for that grievance. Have them sign they "will cease and desist violation of Steward's Rights, Article 17.3 & 31.3". This establishes that they have violated your rights, are aware of it, and will not do it again. That's what a cease and desist indicates. It's important to have this in writing first. It establishes a "foundation" to build further violations upon.

Be sure that anytime you file a Steward's Rights Violation, you indicate somewhere in your contentions, that this grievance being filed is a "Companion Grievance to Br #-----". Also, indicate in the initial grievance that a companion grievance had been filed due to management not providing the requested documentation and for violating 17.3 and 31.3, in those contentions. The DRT (Dispute Resolution Team) should know when they get one case file, it references the other. This way they do not render a decision without that important information.

If the Steward Rights grievance was settled, by receiving the information, put that in your contentions along with the grievance PS Form 8190 and the resolve. This way the Formal A representative, and the DRT, will know the companion grievance was settled and will not be looking to hold the initial grievance waiting for the outcome of the other.

I have bargained in "good faith" with management on some issues, and have given them a few cease and desists on a repetitive issue. Especially if supervisors have changed and they are trying to do good, but are just incapable or incompetent (ya think?). After a few "good faith" efforts I move it up to the next level.

Providing "good faith" efforts is a plus in forwarding the file. You can claim

that a cease and desist was violated and the Union, in "good faith", kept trying to allow them to get it right, but they were just incapable of this simple task. So now a grievance must be moved forward to the Formal A. All informal A settlements are non-precedent setting decisions and just settle that particular issue for the grievance. The Formal A settlement may state it is precedent setting, and a Steward should try and get that language agreed to by management. This only sets precedent for your particular station and not the installation, but that is what you are concerned about anyway. Sending the case file to the DRT, and you receive a favorable decision sets precedent for all the Installation. JCAM language is provided below:

15.2.b Informal A During the Informal Step A discussion the supervisor and the steward (unless the grievant represents him/herself) have the authority to resolve the grievance. Both parties must use the JCAM as their guide to the contract. A resolution at this informal stage does not establish a precedent. (JCAM pg 15-3)

15.2.e Formal Step A Decision. The parties must make the Formal Step A decision and complete the Joint Step A Grievance Form on the day of the meeting, unless they agree to extend the time limit. Copies of the completed form must be sent to the steward and supervisor who failed to resolve the dispute at Informal Step A. Resolutions and withdrawals at Step A do not establish a precedent unless the parties specifically agree otherwise. If the grievance is resolved, copies of the resolution must be sent to the steward and supervisor who discussed the grievance at Informal Step A. (JCAM pg 15-6)

15.2.c A Step B decision establishes precedent only in the installation from which the grievance arose. For this purpose, precedent means that the decision is relied upon in dealing with subsequent similar cases to avoid the repetition of disputes on similar issues that have been previously decided in that installation. (JCAM pg 15-8)

If the supervisor still has not given you the requested information, put in the resolve (steward rights violation) that the 14 time limit for filing will not begin until they provide you with the information. This does a couple of things. You now have placed control on the grievance time limits (if you don't need the time, don't use it, move it to the next level) and you have placed the supervisor on notice that no matter what his actions are, you will control the grievance, and management will lose any issue of timeliness. This also does not stress you out trying to get a grievance done when he provided you the information the day before it is due. You are maintaining control of the process by utilizing your rights under the contract.

But, I digress. Let's get back to the follow up. If they provide the information requested, be sure that you had put the time you need to investigate on the form. Once signed, they have agreed to allow you to investigate the grievance at that time and date. Once that time has arrived, you do not need to ask permission to go clock over to Steward time and investigate the information. You have it in writing that you are allowed time, at this particular date and time. If Management then throws a tizzy saying you did not ask them for permission for Steward Time. Calmly present the idiot with the form showing he, in fact, did grant you the time, and it is in writing.

Usually, the idiot will claim "needs of the service" and dictates you will not be granted your Union time today. Now you present them again with a Stewards Rights violation and NLRB complaint. You use the written time granted on the information request to support your charge. That supervisor is also responsible to tell you when that time is rescheduled for, and you must mutually agree. If it is a bad time for you, say so. The decision for the Union time must mutually be agreed to!

Applicable Step 4 Decision language, which you should use in your grievance

Controlling the Grievance

ance if you are not granted time to investigate your grievance:

M-00125 Step 4 November 13, 1978, NCC-12200

If management must delay an employee's request for a steward, management should inform the employee involved of the reasons for the delay and should also inform the employee of when time should be available.

M-00332 Step 4, April 5, 1973, NS-2777

It is the responsibility of the Union and the responsibility of Management to arrive at a mutual decision as to when the steward would be allowed, subject to business conditions, an opportunity to investigate and adjust grievances.

M-00127 Step 4 November 22, 1978, NCC-16045

If management must delay a steward from investigating or continuing to investigate a grievance, management should inform the steward involved of the reasons for the delay and should also inform the steward of when time should be available. Likewise, the steward has an obligation to request additional time and to state reasons why this additional time is needed.

Many supervisors are not allowing Stewards time to investigate grievances since they would be going into

overtime.

M-01143 APWU Step 4 November 20, 1979, A8-W-0280

As we mutually agreed, a steward's request to investigate a grievance should not be denied solely because the steward is in an overtime status.

M-01144 APWU Step 4 August 1, 1985, H1C-3F-C 43497

The issue in this grievance is whether management violated the National Agreement by denying the grievant additional time to process grievances when overtime was called. During our discussion, we mutually agreed to settle this case based upon the following understanding:

1. Requests for additional time to process grievances should be dealt with on an individual basis and shall not be unreasonably denied.

2. Management will not delay (sic) a union steward time to perform union duties based solely on the fact that the employee is in overtime status.

Once the supervisor has violated your Steward Rights, don't just rely on your information request to completely win your case. Then interview the offending supervisor.

"Are you familiar with YOUR contract, specifically Articles 17 and 31?"

Are you aware YOUR National Agreement with the NALC provides that information and time are to be

provided to the Union when properly requested? And if you weren't aware, you are now.

Are you aware you are violating the National Labor Relations Act, Section 8, by not providing me the information and/or time to investigate a possible grievance? And if you weren't informed, you are now.

The Dispute Resolution Process provides any issue of dispute is to be resolved at the lowest level. By not providing me the time and/or information, are you aware you are not even allowing me to determine if a grievance exists? And if you are not informed, you are now.

Why wasn't time and/or information provided, as requested and acknowledged, by Management on the information request? (Show them their signature or initials and date, or the "Refused to Sign" and date.)

When did you know that you would not be able to provide me the Union time you signed for on the information request?

When did you come to me, to inform me that Union time was not available for the time you signed for, so that we could mutually reschedule the time for my Union time? (M-00125, M-00332, M-00127)

When will I be granted time to investigate this grievance?

I have read back to you all your answers after each question I asked you. Are there any statements I recited back to you that are in error?

Then all the answers are correct?

Would you initial here that these are your answers? (See if they will sign, this will take away any doubt that this was not their answers)

Denny Belden
Orlando FL Br. 1091



*Giovanni
and*

Natalia

Campanella

12-29-2009

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Jack Azar	17	Everett Stinehart	5
John Maier	19	Bob Bloodworth	9
Kaoru Honda	19	Bruce Orpeza	9
Eric Holmberg	19	Paul Requejo	12
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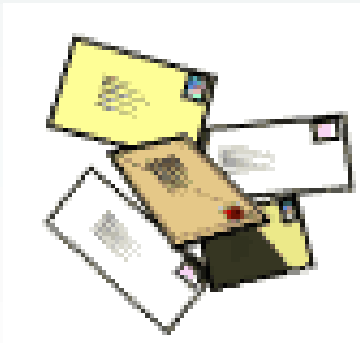
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