

# *The Union Advisor*

**National Association  
of Letter Carriers  
Branch 324**

## **Are you worthy?**

I remember a phrase growing up that has stuck with me all of these years. To get respect, you must first give respect. Many these days expect they deserve respect simply because they exist. That is merely a desire and anyone who feels that way isn't worthy of your time and energy. This doesn't only apply between managers and carriers, but also among all employees we work with. I understand that it can be difficult at times to deal with all of the personality types we have as one of the largest employers in the country, but each of us needs to start somewhere and also take ownership for our own actions towards others.

We have had many changes over the past few months in many of our offices and it can be difficult dealing with change. The stress of the increased volume during the holidays, being short staffed combined with recent changes in offices can create a short fuse in attitudes. If there is an issue in the office, please contact your steward immediately. If you can't get in contact with your steward, please call me or text me. We are currently dealing with some issues in a couple of offices our branch represents and hopefully those are resolved rather quickly.

### **Richard Byrne, President**

NALC Dwight Palser  
Branch 324



You may not agree with the way someone is doing something, but remember your place. That doesn't give you the right to attack them verbally and/or physically. If needed, you can bring it to the attention of management but please always remember that you aren't their supervisor. We've had many 204B's that have stepped up to learn the job of a supervisor and it appears several of them have so much more to learn. While it might be fun to play supervisor for some people, it is always more important to learn your job and treat people with dignity and respect. There's no reason why anyone should belittle another employee on the workroom floor. If there are issues with an employee's performance, it should be dealt with in the office off the workroom floor and a steward should be in the room if the employee has invoked their Weingarten Rights. The union is currently working on getting outside resources to come into a few of our offices to help management understand their responsibilities when it comes to dignity and respect.

That being said, we can always use your help. While we know many of these situations involve a tangled web of situations with management but has also included relationships with carriers over the years. We will get down to the bottom of these issues. We've had many employees step up willing to write statements and that need will continue. The atmosphere at these offices needs to change and those responsible will be held accountable. Also keep your information to yourself. While you think you may be able to trust a few people at work, think again. I'm not saying you can't trust anyone, but I've personally seen carriers throw others under the bus when you think they are your "friends" on Facebook or other social media accounts. When you have something they want, they will walk all over you to get it or make you look bad in the situation. Again, be cautious on who you share you information with relating to your personal life. They may act like your friend at first, but be ready for anything.

**Keep your friends close and your enemies closer. - Sun Tzu**

The **Union Advisor** is published several times each year and article submissions must be submitted in electronic format to be included in an issue.

The Editor reserves the right to not print articles due to space limitations.

**NALC Branch 324**



## News from Washington

The 118th Congress was recently sworn into office and now the work continues to get all of the legislative agendas beneficial to letter carriers back on the table.

As some of already know, all legislative items in the 117th Congress can now be introduced again. They do not carry over into the new congress.

Here's a list of the members in the 118th Congress:

### **House of Representatives**

CD 1 Diana DeGette

CD 2 Joe Neguse

CD 3 Lauren Boebert

**CD 4 Ken Buck** **5626 19th Street, Suite A Greeley, CO 80634 970-702-2136**

CD 5 Doug Lamborn

CD 6 Jason Crow

CD 7 Brittany Pettersen

**CD 8 Yadira Caraveo** **1024 Longworth House Office Building Washington, DC (202) 225-5625**

### **U.S. Senate**

Senator Michael Bennet 1244 Speer Blvd Denver, CO 80204 303-455-7600

Senator John Hickenlooper 1961 Stout Street, Suite 12-300 Denver, CO 80294 303-244-1628

*Articles published in the Branch 324 Union Advisor are the views & opinions of the author and do not necessarily represent the views of Branch 324, the NALC, it's officers or the Postal Service. You may reprint the contents of this newsletter provided that you give appropriate credit.*



## Director of Safety and Health

# Conversion to career cleans the slate



**Manuel L.  
Peralta Jr.**

### Happy New Year!

In March and November of 2016 and in June of 2018, I addressed the subject of Counseling at Risk Employees (CARE) with a focus on holding management true to the commitments that it made to the union and the comments made within the body of the CARE training materials. If you are not familiar with that topic, I invite you to go to my Safety and Health web page ([nalc.org/workplace-issues/safety-and-health](http://nalc.org/workplace-issues/safety-and-health)) and review those columns, which are listed in the "Select an article" icon under my photo.

In my June 2022 column, "Improper use of information against you," I addressed the rules govern-

ing record keeping and misuse of discipline records to support further (and more severe) discipline against you. If you are not familiar with that, please review it, too.

### Can discipline issued to a CCA be used against that employee when the employee is converted to career?

The 2006 National Agreement was due to expire in November 2011. The NALC and the USPS bargained for months and reached an impasse. Our differences were put before Arbitrator Das, who, by authority of the Postal Reorganization Act of 1970, was empowered to create the terms of a national agreement after presentation of evidence from both the USPS and the NALC.

His January 2013 award created the city carrier assistant (CCA) category of employee. A very large segment of the letter carrier workforce of today began their employment with the USPS as CCAs.

In February 2013, the National Postal Mail Handlers Union (NPMHU) ended up with a similar category of employees in its craft through an award by Interest Arbitrator Fishgold. Seven years later, the USPS and the NPMHU arbitrated a dispute relating to the use of discipline issued to a mail handler assistant (MHA) after that employee had been converted to career.

Our postal contracts (NPMHU, NALC, APWU and NRLCA) provide for a mechanism to go before a neutral arbitrator when there is a dispute as to the interpretation of language in our agreements.

On June 2, 2020, the NPMHU and the USPS presented their disagreement. The selected arbitrator was none other than Arbitrator Das, who had created the CCA category.

In his award, Das identified the issue in dispute as follows:

The issue in this national level interpretive dispute is whether discipline issued to an employee while employed as a noncareer Mail Handler Assistant (MHA) may be considered or cited in determining whether to issue discipline to the employee after his or her conversion to full-time career status, or whether the noncareer employee's disciplinary record is eliminated and his or her record starts anew upon conversion and appointment to the career position.

The parties presented their cases and argued their positions in summaries. On Oct. 14, 2020, Arbitrator Das issued his decision ruling as follows:

As set forth in the above Findings, discipline issued to an employee while employed as a noncareer Mail Handler Assistant (MHA) may not be considered or cited in determining whether to issue discipline to the employee after his or her conversion to fulltime career status.

In my opinion, Arbitrator Das had the opportunity to reflect on his 2013 decision and its impact on pre-career employees.

In October 2020, a letter carrier was involved in an on-duty vehicle accident, which resulted in an investigation and issuance of a removal in November 2020. The removal made reference to discipline issued to the employee while serving as a CCA; however, the employee had been converted to career status in September 2020. This removal and the emergency suspension that went with it were grieved, processed through the grievance procedure and then presented to an arbitrator in October 2021, resulting in a favorable decision in February 2022.

The arbitrator's decision on the removal states:

The only previous disciplines in the record for grievant, however, were from the time he was a CCA. Under the Das National Award, cited above, those disciplines cannot be considered in deciding whether to discipline an employee after s/he has become a regular employee.

The current *Joint Contract Administration Manual (JCAM)*, at page 16-11, provides the language of Article 16, Section 10, Employee Discipline Records, which is followed on page 16-12 with the Discipline Procedures for a CCA. Most important is a standalone sentence found on page 16-13, which simply states:

Discipline issued to a CCA may not be considered or cited in determining whether to issue discipline to the CCA employee after his or her conversion to career status.

This standalone sentence should be better explained, however. It is a modified quote from the Oct. 14, 2020, Das award, as referenced earlier in this column. This rule is enforceable and should be used every time a career employee's CCA discipline is used to support discipline after the employee is converted to career.

**Keep an eye on each other and learn as much as you can about your contract, which protects you.**



## **Cross-craft assignments and non-traditional work**

The following are excerpts from related Step 4 settlements and a national arbitration award by National Arbitrator Richard Bloch. These provisions can be cited in all crossing craft grievances, regardless of whether grievances are a result of the APWU and the USPS agreeing to carry over job description elements from the old "special delivery messenger" position. June 6, 1992, Step 4 Settlement—M-01080. The issue in this grievance is whether the delivery of Priority and First Class Mail by Special Delivery messengers violates the terms and conditions of the National Agreement....

In the particular fact circumstances of this case, the work described, i.e., the delivery of First Class and Priority Mail on a route served by a Letter Carrier, is Letter Carrier work. The propriety of a Cross Craft assignment can only be determined by the application of Article 7 section 2. April 8, 1993, Step 4 Settlement—M-01125. The issues in this grievance are whether Management violated the National Agreement by assigning delivery of first class and priority mail to a Special Delivery Messenger....

We further agreed that the delivery of first class and priority mail on a route served by a letter carrier is letter carrier work. The propriety of a cross craft assignment can only be determined by the application of Article 7.2. March 3, 1994, Step 4 Settlement—M-01188. The issue in this grievance is whether Management violated the National Agreement by assigning delivery of first class and priority mail within the boundaries of established city delivery to Clerks and Special Delivery Messengers....

During our discussion we mutually agreed that the delivery of first class and priority mail on a route served by a letter carrier is letter carrier work. The propriety of a cross craft assignment can only be determined by the application of Article 7.2. Article 7, Section 2 of the National Agreement lists the circumstances in which management can assign work across craft lines. It has been ruled at the national level that there are only two circumstances where cross-craft assignments are proper: Article 7, Section 2.B (Insufficient Work) and Article 7, Section 2.C (Exceptional Workload Imbalance). In the national-level arbitration award C-04560, Arbitrator Richard Bloch found that Article 7, Sections 2.B and 2.C severely limit management's right to assign work across craft lines. In this decision, Bloch states in relevant part: Taken together, these provisions support the inference that Management's right to cross craft lines is substantially limited. The exceptions to the requirement of observing the boundaries arise in situations that are not only unusual but also reasonably unforeseeable. There is no reason to find that the parties intended to give Management discretion to schedule across craft lines merely to maximize efficient personnel usage; this is not what the parties have bargained.



That an assignment across craft lines might enable management to avoid overtime in another group for example, is not, by itself, a contractually sound reason. It must be shown that there was 'insufficient work' for the classification or, alternatively, that work was 'exceptionally heavy' in one occupational group and light, as well, in another. Inherent in these two provisions, as indicated above, is the assumption that the qualifying conditions are reasonably unforeseeable or somehow unavoidable. To be sure, management retains the right to schedule tasks to suit its need on a given day. But the right to do this may not fairly be equated with the opportunity to, in essence, create 'insufficient' work through intentionally inadequate staffing." Remember that efficiency (avoiding overtime pay) is not a valid reason to assign work across craft lines.

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**“Non-traditional work includes Sunday parcel delivery, grocery delivery, evening or early morning delivery, and any current or future products delivered or collected within city delivery territory.”**

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Stewards also should be aware of the non-traditional work the Memorandum of Understanding Re: Delivery and Collection of Competitive Products defines as city carrier craft work. The MOU can be found on page 171 of the National Agreement. It states, in relevant part: The collection and delivery of such products which are to be delivered in city delivery territory, whether during or outside of normal business days and hours, shall be assigned to the city letter carrier craft. The Postal Service will schedule available city letter carrier craft employees in order to comply with the previous sentence. However, the parties recognize that occasionally circumstances may arise where there are no city letter carrier craft employees available. In such circumstances, the Postal Service may assign other employees to deliver such products, but only if such assignment is necessary to meet delivery commitments to our customers. This non-traditional work includes Sunday parcel delivery, grocery delivery, evening or early morning delivery, and any current or future products delivered or collected within city delivery territory. Cross-craft assignments made to perform this work that violate the provisions of Article 7.2 should be grieved in the same manner as any other improper cross-craft assignment.



## Route Inspections


We have received confirmation that at this point the Greeley Main Office will be having route inspections starting February 11th, 2023. Understand the process and know there will be multiple consultations with carriers before any changes are approved. When we find out if more offices will be involved, we will also send out notifications to those offices. Do your route everyday as if you are being inspected.




M-01983

### Technology Integrated Alternate Route Evaluation and Adjustment Process 2022 – 2023

This jointly developed document provides the mutual understanding of the national parties on issues related to the Memorandum of Understanding, *Re: Technology Integrated Alternate Route Evaluation and Adjustment Process 2022-2023*. It is intended for use by the parties at all levels in properly applying the terms of the Technology Integrated Alternate Route Evaluation and Adjustment Process.

  
Thomas J. Blum  
Vice President, Labor Relations (A)  
Labor Relations  
United States Postal Service

  
Brian L. Renfro  
Executive Vice President  
National Association of Letter  
Carriers, AFL-CIO

Date 5/10/2022

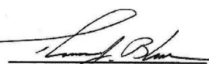
### MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES POSTAL SERVICE AND THE NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO

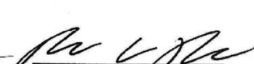
#### Re: Alternative Evaluation and Adjustment Processes

The National Association of Letter Carriers, AFL-CIO (NALC) and United States Postal Service have a mutual interest in exploring new and innovative methods for maintaining routes in proper adjustment throughout the year in an efficient and effective manner. To that end, the parties agree to the following for locally developed route evaluation and adjustment processes:

- The local parties may jointly submit a locally developed alternate route evaluation and adjustment process to the NALC National President and the Postal Service Vice President, Labor Relations.
- A submitted proposal must include a cover letter signed by the NALC Branch President and the Postal Service Installation Head and must provide a detailed explanation of the process.
- If the proposal is jointly agreed to by the national parties, the local parties will be notified regarding implementation.

This agreement expires on December 31, 2023, and is without prejudice to the position of either party in this or any other matter and may not be cited in any forum except to enforce its terms.

  
Thomas J. Blum  
Vice President, Labor Relations (A)  
United States Postal Service

  
Brian L. Renfro  
Executive Vice President  
National Association of Letter  
Carriers, AFL-CIO

Date: 5/10/2022

# Expect

*the unexpected*

The last 14 years I spent in the Coast Guard I worked search and rescue. When I began working as a letter carrier I believed the skills I had learned in search and rescue would not be used again. This was true until...

There was the three times I was one of the first on scene of car crashes. Once using the LLV to block traffic on 16th St until first responders arrived.

There was the time I witnessed someone breaking into a house. I went to a neighbors house and asked them to call 911. The man was caught by police.

Another time while doing a park and loop a woman was screaming in Glenmere Park. Her husband was choking and she panicked. I ran over and yelled for someone to call 911 and then did the Heimlich maneuver. It worked. The EMT's cleared him and he walked away on his own.

There was the time a student at UNC crashed his bicycle and was unconscious. I yelled for someone to call 911 and stayed with him until paramedics arrived.

There was a retired couple on my route named Terry and Nancy. Terry would meet me most days by his mailbox at the end of his driveway. One day Nancy was waiting for me as I drove up. She let me know Terry had passed away. About two weeks later I delivered Terry's ashes to Nancy. I knocked on her door and she answered, looked at me and burst into tears. I gave her a hug and helped her sit down. After she composed herself I continued with my route.

Of the 21 years of delivering mail these are the stories I recall the most. Yes, letter carriers deliver mail. But we are so much more than what is written in our job description. We are a larger and valuable part of the community we serve. Many of you have similar stories I'm sure. It is sometimes the unrecognized actions that have the greatest impact.

God bless,

Jim Rosenow



**RETIRED**  
**MAILMAN**

## **Urgent message regarding fraudulent PostalEase access**

USPS has confirmed that some Postal Service employees are unknowingly providing their usernames and passwords to criminal websites, while attempting to access PostalEase.

It is reported that employees are using Google and attempting to access PostalEase. Over several recent days, approximately 119 postal employees attempted accessing PostalEase using Google; however, Google's routers redirected their searches to third-party criminally run websites that mirror the look and access of PostalEase. Unfortunately, their logon credentials were hacked, and some accounts were compromised.

The USPS Corporate Information Security Office (CISO) is working with the Postal Inspection Service to facilitate notice to the impacted employees. Formal notification to all postal employees is forthcoming.

USPS reports that representations have been made at the district level confirming Postal Inspectors are contacting impacted employees, as well as employees who may have unknowingly been compromised, and requesting their EINs and passwords.

Postal Inspectors have not contacted postal employees and requested their EINs and/or passwords. Employees should never provide usernames and/or passwords to anyone.

USPS has informed NALC that PostalEase has not been breached by any third party. Employees accessing PostalEase via the official postal website have not experienced security breaches.

Specific banking industry standards require financial institutions to provide relief in certain situations. However, several third-party websites were criminal scams, and likely, some of the lost monies will not be returned. USPS does not have the total dollar loss currently available. USPS states liability for the hacking, bank account breaches and lost monies remains with Google.

Financially impacted employees should immediately contact the Eagan ASC Helpdesk at 866-974-2733. Staff members are available to assist.

If you become aware of any employee experiencing access issues to PostalEase, they should immediately contact 877-477-3273 to request assistance.

**Additionally, to assist USPS with identifying our affected members, NALC has created a section on the NALC Members Only portal of the NALC website that will allow affected individuals to identify themselves as victims of this scam. NALC members, after logging into the Members Only portal, will see in the upper right-hand portion of their Member Information page a check box with the words "Check here if you have been a victim of the fraudulent PostalEase Access" in red lettering.**

NALC will then provide this information to USPS to assist in identifying those who may have been affected.





If you have not signed up for ECOMP yet, now is the time.

**ECOMP**  
**U.S. Department of Labor**

<https://www.ecomp.dol.gov>



ECOMP is a website that provides federal agencies with an electronic system for recording workplace injuries and illnesses, and processing claims under the Federal Employees' Compensation Act (FECA).

You have a new OWCP Steward for the branch. Quinn Brong is a CCA at the Greeley Installation. His contact information is on page 11 of this newsletter.



### ECOMP Overview

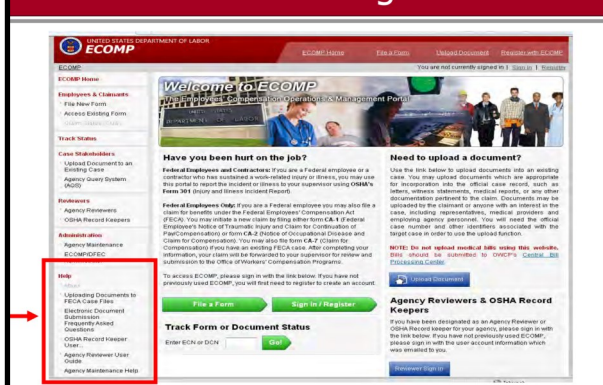
ECOMP is a web-based application accessible via the DOL public Internet site. Through this portal, federal workers and their employers may:

1. Electronically file OSHA 301s, CA-1s, CA-2s, CA-7s and CA-6s;
2. Track the exact status of any form or document submitted via ECOMP (e.g., Pending Supervisor Approval, with Agency Reviewer, Received by OWCP, etc.); and
3. Electronically upload and submit documents to DFEC's case files.

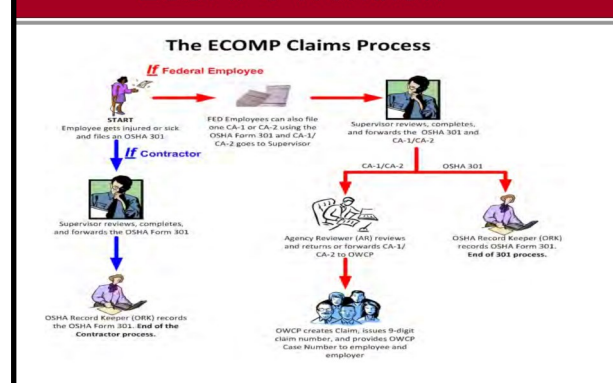
### ECOMP Advantages

- Provides a solution for filing forms electronically with no cost to users or employing agencies
- Supports the submission of attachments by employees, witnesses, supervisors, medical providers, etc.
- Publicly Accessible on the web, requiring no special downloads
- ECOMP will assist users in completing forms
- Ensured support for form or process changes, since OWCP manages the site.

### ECOMP Training Modules



### ECOMP's Workflow



## Branch 324 NON-MEMBERS

**WADE GARRETT - BRUSH**

**MELISSA MESA - EVANS**

**PAT HARR - GREELEY MAIN**

**BRANDON CONTRERAS - GREELEY MAIN**

**MATT SCHLEMER - GREELEY DOWNTOWN**



## THE REAL STORY ON LABOR UNIONS: WHY WE'RE IN A SURGE OF ORGANIZING

Despite this, workplace mobilization still increased exponentially last year:

**Between October 2021 and September 2022, there was a 53% rise in NLRB union elections!**



AFL-CIO  
AMERICA'S VOICES

More organizing, mobilizing, and working together to win elections both for pro-worker candidates and in union campaigns.

In 2022, 16 million workers in became union members—an increase of 273,000 from 2021!

**So why did overall density decline?**

More jobs became unionized, but nonunion jobs were added at a faster rate.

### WE SAW WINS AT:

Amazon. Apple stores. Universities. Medieval Times dinner theaters. Fire stations. Hospitals. Video game studios. Airlines. Theaters. Starbucks stores. Newspapers. & So much more.

**A majority of Americans would join a union right now if they could**

But corporations like Starbucks & Amazon continue to break the law & spend hundreds of millions of \$\$\$ to union-bust.

In 2022, unions also became more diverse: **The entire increase in unionization last year was entirely amongst workers of color.**

Of all major racial and ethnic groups, Black workers continue to have the highest unionization rates!

Despite broken labor laws and rampant union-busting, working people are undeterred in our pursuit of a union.



2022 taught us that you should never bet against America's workers. **Despite the odds, we'll organize until we win.**

## Steward Contact Information



### Greeley Main

#### Doug Ramirez -

ramirez@nalcbranch324.com  
970-396-7406

#### Melinda Keil (Alternate)

keil@nalcbranch324.com  
303-669-6446

#### Micah Washburn (Alternate)

washburn@nalcbranch324.com  
970-631-0911

### Greeley Installation

#### Richard Byrne (Alternate)

richardbyrne@nalcbranch324.com  
970-576-8507

### Greeley Downtown Station

#### Gaylan Olander -

olander@nalcbranch324.com  
970-381-4823

### Fort Morgan

#### Richard Byrne (Alternate)

richardbyrne@nalcbranch324.com  
970-576-8507

### Sterling Office

#### Paula Schmitt -

schmitt@nalcbranch324.com  
970-520-4684

#### Trisha Serrato (Alternate)

serrato@nalcbranch324.com  
970-571-3213

### OWCP Steward

#### Worker's Compensation

#### Quinn Brong

brong@nalcbranch324.com  
720-934-4706



We had the honor to present Hollis Stone with his 75 year NALC Membership Plaque and pin. Hollis attended the holiday dinner in Greeley, Colorado. It was only his second dinner he attended since he started as a city letter carrier.

Thank you Hollis for your dedication.

*(Left) Hollis Stone with Branch President Richard Byrne (Right)*



We also had the honor of presenting Conrad Ouellette with his 40 year NALC Membership pin. He is pictured to the left with his wife Carol.

Thank you Conrad for your dedication.

Thank you to Brett & Patty Truesdell for organizing the membership pins that were received. Many other members received their membership pins who were present at the holiday dinner. We are working on getting the remainder of the pins out to the members. We can't thank all of the members for their dedication to our branch and all they do behind the scenes.

*Thank you*



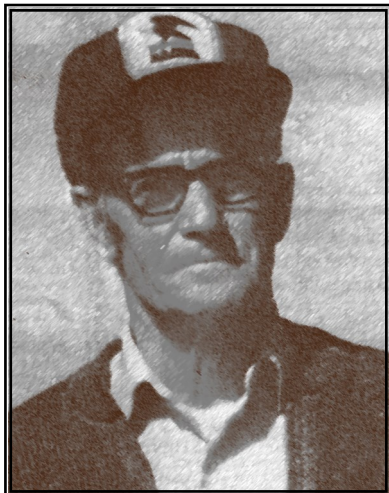


## The Union Advisor

NALC Branch 324

P.O. Box 324

Greeley, CO 80632



DWIGHT PALSER  
BRANCH 324

TO:



### NALC Branch 324 Officers & Stewards

#### Officers

**President** - Richard Byrne

**Vice President** - Gaylan Olander

**Treasurer** - Isaiah Nothem

**Secretary** - Micah Washburn

**Trustees** - John Thompson, Kent Hoffman,  
Melinda Keil

**Director of Retired Members** - Brett Truesdell

**Director of Health Benefits** - Vacant

**Director of Mutual Benefits** - Vacant

**Sergeant of Arms** - Quinn Brong

#### Stewards

**Doug Ramirez** - Greeley Main

**Gaylan Olander** - Greeley Downtown Station, Evans,  
Eaton

**Richard Byrne** - Fort Morgan & Brush

**Paula Schmitt** - Sterling Office

#### Alternate Stewards

**Sterling Office** - Trisha Serrato

**Greeley Installation** - Quinn Brong, Micah Washburn,

#### Letter Carrier Political Fund

By making a contribution to the Letter Carrier Political Fund, you are doing so voluntarily with the understanding that your contribution is not a condition of membership in the National Association of Letter Carriers or of employment by the Postal Service, nor is it part of union dues. You have a right to refuse to contribute without any reprisal. The Letter Carrier Political Fund will use the money it receives to contribute to candidates for federal office and undertake other political spending as permitted by law. Your selection shall remain in full force and effect until cancelled. Contributions to the Letter Carrier Political Fund are not deductible for federal income tax purposes. Federal law prohibits the Letter Carrier Political Fund from soliciting contributions from individuals who are not NALC members, executive and administrative staff or their families. Any contribution received from such an individual will be refunded to that contributor.