

National Association of Letter Carriers

Branch 782

E.A. Baker Union Update



ARVIN
DELANO
MOJAVE

AVENAL
EDWARDS AFB
RIDGECREST
TEHACHAPI

BAKERSFIELD
LAMONT
SHAFTER
TRONA

BORON
McFARLAND
TAFT
WASCO



CHARTERED FEBRUARY 25, 1901

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NOVEMBER 2009

at the
Mike:
During this year,
Letter Carriers
and Postal
management
have shown that
they are able to
work together
to insure the
survival of the
Postal Service.



The Modified Interim Alternate Route Adjustment Process (MIARAP) is an example of such collaboration. We are currently in the second phase of the process in which the adjustments that were made earlier in the year are reviewed. While the process is not perfect, it is such a dramatic shift away from the “us against them” mentality that previously existed during a lot of route inspections.

I want to take this opportunity to first thank all the Local Office Contacts (LOC's) who took on the responsibility of insuring all Carriers are given a chance for their input in the evaluation and adjustment of the routes. Secondly, I would also like to thank two of the District Team members. Laura Walters (oversees the other district teams) and area team member John Ortega. They both do an outstanding job trying to insure all the routes are evaluated to as close to eight hours as possible.

Unfortunately, they have—at times—taken some undeserved criticism from some of the Carriers.

While few Carriers enjoy having their routes changed every six months and losing territory from their routes which they have delivered for years, more Carriers are finally realizing that it is necessary (under the current decline in mail volume) to adjust routes not only quickly but at the same time in a fair manner.

All the Local and District team members will undoubtedly agree that evaluating and adjusting routes is not as easy as some Carriers seem to think.

Continued on next page...

It is very possible that in the future routes will be adjusted several times each year until the economy recovers. I hope the Union and the Post Office nationally agree to continue the MIARAP.

However, I would at the same time hope that there would be a better way of insuring that all the mail volume is recorded properly. I have found that a lot of times Carriers are not receiving the proper mail count for cased mail and as a result the route is not receiving the full amount of office time needed. Since a lot of the flat mail is already counted by the machines, it might be feasible to have Carriers actually count the rest of the cased mail for several weeks. This would not take a significant amount of time but would insure a more accurate evaluation of the office time.

I fully support the MIARAP and commend both John and Laura for doing an outstanding and often thankless job in representing the carriers. I would also like to thank Regional Business Agent Manny Peralta and District Manager Kerry Wolney for all their support of the process.

Recognition was also given to two members at last month's general meeting: Fred Acedo and Molly Biggar. Each, in their own way, have provided a valuable service to all of the members of Branch 782. Ensuring that the finances of this branch (paying all of the bills and monitoring our spending trends) is something which often goes without thanks. I want to make sure that Molly knows how much we appreciate all of her hard work. Additionally, S.A.N.E. (Special Assistant Newsletter Editor) Fred Acedo is unique in many respects. His cartoons are reprinted in many other NALC newsletters all over the country. All of us appreciate his talents!



I also want to thank Fred Acedo's wife, Toni. She figured out a way to get him to the meeting without letting him know that he would be getting this recognition.



I would like to end with a couple of quotes by the President of the United States to the AFL-CIO convention in September where he reminded the delegates "... whether we're in good economic times or bad, labor is not the problem-labor is part of the solution." and he also stated that "We'll grow our middle class by building a strong labor movement". Definitely a change from the policies that were in place before.

I hope to see everyone at the meeting on Tuesday, November 24th when we elect the delegates to the National convention to be held in Anaheim in August.

MIKE TOWERY
NALC Branch 782 President

Photographs by Branch 782 Photographer Anita Hoderman

Cooperation—The Flip Side of the Coin

Is the Postal Service as broke as they claim? In my heart I believe that without a doubt we are. But, when I look at the way Management continues to spend money like drunken sailors, it makes me wonder.

For over five years, we have been participating in the Customer Connect Program and—as I understand it—we have now brought in over \$800 million in revenue. You all know that no one has supported Customer Connect more than me until now. When the Branch asked you to generate leads you not only went out there and did it, but you did it better than any Branch in the district. Unfortunately, it saddens me to inform the membership I will no longer support or promote the Customer Connect program until some changes are made.

A Free Lunch

It appears that Management needs our help in generating revenue so they can continue to throw money down the drain. We have to listen to Management continually whine and cry about the economic hard times we as a company are facing, yet Management continues to waste money. We have heard Postmaster General Potter testify to Congress that things are so bad that we need to reduce the number of delivery days to five. We heard Mr. Potter say we would be out of money by the end of the year. This didn't stop the Sacramento District from holding their end-of-year celebration on October 1, 2009 up north for all level 20s and above. So not only did they get the day off to attend the meeting, but the District also paid for their lunch. I guess we had just enough money for their celebration, thanks to the revenue *you* generated.

Management in the Pacific Area also violated the rights of many of our injured employees when the inappropriately denied injured workers work, and now they are paying out grievance settlements for big bucks. In other parts of the country, Management has installed GPS devices on a trial basis in LLVs so a Manager can sit at his/her desk and determine if the LLV is moving or parked. The Customer Connect Team we had has now been combined with the sales department. It came as no surprise when most everyone on the new team came from the sales department. This left some members without a job though they had been on the team since the beginning.

Just Shut Up and Do What You Are Told

This type of behavior is a slap in the face to all of us. Management came to the NALC several years ago to forge a joint effort to generate new revenue. The behavior of current Management shows they do not respect the NALC. This is unacceptable to us. We have had problems in the program in just trying to get Management to understand the importance of working together for a common goal in order to keep the USPS viable in today's climate. While some of them fought us every step of the way, we were able to get the job done. Many of the Managers don't believe the NALC should have a say-so, we should just keep our mouths shut and do what they say. They want us to generate leads, but they don't want our input.

There has been a new Manager in this department for a few months now and she has never made any contact with the NALC to introduce herself, share her thoughts, or address any concerns we may have. This sends a clear and unwelcoming message to the NALC that we are truly partners in this effort.

The message I get is that we bring nothing to the table and we are not worthy of respect. In my opinion, Management has disrespected each and every one of us and this will not be tolerated



And now...

We have no money. Yet, Management continues to violate the Contract and pay money to settle grievances, spends thousands of dollars on the end of the year party, spends money on placing GPS devices in LLVs to track your every move as they continue to disrespect the NALC.

This is not a climate for a successful joint venture. At this juncture, I say let them generate the new revenue on their own. We all know they cannot succeed without us, so it's time to send the District a clear message: We will not participate in a program that generates new revenue so they can throw it away on parties and settling grievances that we should not have had to file.

I am so disappointed with these new changes and the disrespect shown to the NALC by Ms. Moberg-Plasch that I will not cooperate with this new team in any way until changes are made. I am asking you to do the same. In the past, you stepped up to the plate and immediately stop generating leads. We must make Management understand we will not be a party to this waste of Postal funds.

United we stand, divided we fall. Let's stand together and refuse to participate in Customer Connect.

Kenn Nunn, Branch 231 President

Minutes of the October 2009 General Meeting

The regular meeting of Br. 782 was called to order by President, Mike Towery, at 7:00 p.m. on the 27th day of October, 2009 at the branch office, Bakersfield. The flag salute was led by Sgt. At Arms, Jerry Patterson. All members of the Executive Board were present. The stewards were present from Arvin, Brundage, Camino Media, Delano, Downtown, E.B., Hillcrest, Lamont, Oildale, Shafter, South, Stockdale, Avenal and Taft. Also present was the Newsletter Editor, Basil Zuniga, Assistant Editor, Jason Munoz, S.A.N.E., Fred Acedo, Br. Photographer, Anita Holderman, OWCP Rep. Rick Gerdes and Frank Martinez of the Social and Recreation Committee. The minutes were accepted as read with no additions or corrections.

REPORTS OF STANDING AND SPECIAL COMMITTEES:
Teresa Ortega reported that the picnic is still a "long way away." It will be January before Molly can get a park and date reserved. Basil Zuniga reported that last month Camino Media did the folding of the Newsletter, next month will be Downtown Station.

UNFINISHED BUSINESS: Mike Towery asked that the motion from last month be read "Teresa Garcia made a motion that the branch donate \$1000.00 to the Bowl-a-thon. Five hundred to be used for food and the remaining \$500.00 to be used for prizes. Seconded by Jerry Patterson." An announcement was made that due to insufficient interest in the Bowl-a-thon the branch would not be participating this year. The motion was defeated.

GOOD OF THE ASSOCIATION: Diana Chavez reported that the Bill to allow FERS employees to have their sick leave credited toward retirement has passed both the House and Senate. One half of sick leave at retirement will be credited in 2010 and amount will increase until 100% will be credited in 2014. Mike Towery reported that the new JCAM has been sent to each office. Stewards should check with management to make sure the JCAM has been received. Mike went on to explain that a GPS equipped vehicle will be sent to each station and will rotate between routes. Mark Ramirez reported on the Health Benefit Plan, the NALC plan is \$44.57 for individuals, \$86.11 for family, biweekly. Blue Cross is \$57.53 for individual and \$132.83 for family, biweekly. The co-pay remains \$15.00 for 2010. He also reported that when a PPO facility is used the doctor will be paid the PPO rate if he does not belong to the plan. There are new rates for Rx. If the member uses Quest Lab there will be no charge. There is a 24/7 nurse Hotline. John Ortega reported that they are almost finished with the last round of adjustment. Next week they will begin the next round. Mike Towery informed the membership that nominated convention delegates,

Randy Courson, Molly Biggar, Bonita Lewis, Lynell Howell and Robert Campos will not appear on the ballot because an acceptance letter was not received within three days. Mike Towery present a plaque to Molly Biggar and Fred Acedo thanking them for all that they do for the Branch and how much he appreciates it.

FINANCIAL SECRETARY'S REPORT: Anita Holderman reported that \$19,428.64 was collected for September, \$13,454.64 was collected for October.

TREASURER'S REPORT: Molly Biggar reported:

Beginning Balance	\$69,959.44
Dues and Income	\$12,388.08
Interest Income	\$ 13.87
Total Balance	\$82,361.39
Expenses	\$12,673.69
Ending Balance	\$69,687.70

The 50/50 MDA Drawing was won by Devin Patterson.

The \$250.00 Drawing would have been won by Ed Stuler if he had been present.

There were 36 members present.

The meeting adjourned at 7:42.

Respectfully submitted,

KIM GERDES
Branch 782 Recording Secretary

October 2009 General Membership Meeting Drawing

\$300

There is one "catch"... You have to be present to win.

DOWNTOWN STATIONDale Pearce
Javier Cruz**SOUTH STATION***100% Union!!!***EAST BAKERSFIELD***100% Union!!!***HILLCREST**

A. White

BRUNDAGE

David Kinglee

DOLE COURT*100% Union!!!***STOCKDALE**Ron Huston
James Oh
G.S. Saran**CAMINO MEDIA**

F. Medina, Jr.

ARVIN*100% Union!!!***AVENAL***100% UNION!!!*

NON-MEMBER LIST

September 2009

BORON*100% Union!!!***CALIFORNIA CITY***100% Union!!!***DELANO**C. V. Quebral
L. A. Campos**EDWARDS***100% Union!!!***LAMONT***100% Union!!!***McFARLAND***100% Union!!!***MOJAVE***100% Union!!!***RIDGECREST**S. R. Pierce
H. G. Blanco
R. M. Noke
T. K. Miller**SHAFTER**L. M. New
M. D. Voights**TAFT**B. W. Krier
K. J. Hughes**TEHACHAPI**

V. L. Johnson

TRONAS. L. Walent
B. R. Dame
K. K. Treat**WASCO***100% Union!!!*

*Basil, 416 of the 439 craft employees in cities we serve
are NALC members! We have achieved a total of 94.7%.*

*Submitted by KIM GERDES
Branch 782 Recording Secretary*

Sick Leave Phase-In for FERS Employees

Federal Employee Retirement System (FERS) employees who want to get full credit for unused sick leave will have to wait until January 1, 2014 to retire. They can leave earlier than that, but if they do, they will only get partial credit toward retirement under the phase-in rules. The change, which will give FERS employees the same incentive to save sick leave that has long been enjoyed by Civil Service Retirees System (CSRS) employees, is part of the compromise in the recently passed Defense Authorization Bill.

Between 70 and 80 percent of all federal workers (mostly people hired after the mid-1980s) are under FERS. Congress set it up to succeed the old CSRS. CSRS was great for lifers, but fewer than 30 percent of all feds work long enough to be eligible for government retirement benefits. Congress set up FERS in the mid-1980s with a very generous 401k plan option and Social Security. Both of them are "portable" in the sense that they can be transferred to another job in the private sector.

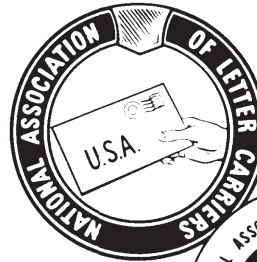
In going from CSRS to FERS, Congress made some tradeoffs. FERS workers get a tax-deferred government match of up to 5 percent to their Thrift Savings Plan. CSRS employees don't. FERS workers contribute less to the old CSRS fund but do pay and earn Social Security credits. CSRS employees get a full cost-of-living (COLA) each year, regardless of their age at retirement. FERS employees get a "diet-COLA" (1 percentage point less than the rise in inflation) and only after they reach age 62. Right now, that's a moot point since there will not be a January COLA for Federal retirees, military retirees or people who get Social Security benefits.

But the change for FERS isn't immediate. Here's a summary of the new FERS sick leave credit (courtesy of the Federal Managers Association): "FERS employees who retire after January 1, 2014 will receive full credit for their unused sick leave, placing them on par with their CSRS counterparts." It works like this: When you are otherwise eligible to retire, you can credit unused sick leave toward your service time. Adding one year of sick leave (2080 hours) will increase your annuity by about one percent.

2009 NALC HBP Info

NALC Health Benefit Plan	1-888-636-6252
*Hospital Pre-Certification	1-877-220-6252
*** Mental & Substance Precert.	1-877-468-1016
Drug Prescription Retail	1-800-933-6252
CareMark Hearing Impaired	1-800-238-1217
*** CareMark Specialty Pharmacy	1-800-237-2767
*** Durable Medical Eqpt.	1-888-636-6252
CareMark Specialty Pharmacy	1-800-237-2767
Durable Medical Equipment	1-888-636-6252
Nurse Assistant (24/7)	1-877-220-6252
CareMark Pharmacist	1-888-636-6252
Enhanced Eldercare Services (24/7)	1-877-468-1016
CIGNA PPO Dr's & Facilities	1-877-220-6252
***CIGNA Transplant Approval	1-800-668-9682
Quest Diagnostics (Lab Services)	1-877-220-6252
Quit Power (Smoking Cessation)	1-877-784-8797
CIGNA Health Rewards (Discounts)	1-800-870-3470
CIGNA Dental Discount Program	1-877-521-0244
**** Disease Management Program	1-800-227-3728
MEDICARE Managed Care Plan	1-800-633-4277
OPM Retirement Info Center	1-888-767-6738
Federal Information Center	1-800-688-9889
Social Security Administration Info	1-800-772-1213

* Failure to pre-certify will result in a \$500 reduction in benefits paid by the Plan. Must notify the Plan prior to hospital admission with doctor name and dates. ** Mail order drug prescription program long term (maintenance drugs) 60 day supply: \$8 generic, \$24 name brand; 90 day supply: \$12 generic, \$35 name brand. Retail Pharmacy, you pay 25% . MEDICARE 60 day supply: \$7 generic, \$20 name brand; 90 day supply: \$10 generic, \$30 name brand. Network Retail Pharmacy you pay 15% of the cost of the prescription. Prior approval required for some drugs. Must call the Plan. *** **Prior Approval Required.** **** Asthma and Diabetis.



**Branch 782
Health Benefit
Representative**



**Mark
Ramirez**
(661) 834-5011

NALC Health Benefit Plan
20547 Waverly Court
Ashburn, VA 20149

NALC Prescription Drug Program
P.O. Box 94467
Palatine, IL 60094-4467

NALC Drug Prescription Program
"Claims"
P.O. Box 521926
Phoenix, AZ 85012-2192

Optimum Health Behavioral Solutions
P.O. Box 30755
Salt Lake City, UT 84130-0755
Questions: 1-877-468-1016

Preferred Provider (PPO)
Cost: \$15.00
Co-pay per office visit

Preferred Provider (PPO)
Deductible
\$250 Individual
\$500 Self & Family
Per Calendar Year

Contact Information

Center for Disease Control	http://www.cdc.gov
National Library of Medicine	http://www.nlm.nih.gov
American Public Health Assoc.	http://www.alpha.org
American Cancer Society	http://www.cancer.org
American Heart Association	http://www.americanheart.org
American Lung Association	http://www.lunusa.org
Diabetes Foundation	http://www.diabetis.org
Muscular Dystrophy Association	http://www.mdausa.org
JAMA Asthma Information Center	http://www.ama.assn.org/special/asthma
Your Personal Health Record	http://www.nalc.org/depart/hbp
National Patient Safety	http://www.npsf.org

NALC Health Benefit Plan Open Season for 2010 November 9 through December 14, 2009

Another year is drawing to an end, and it is time to consider your health plan choice. The NALC has negotiated with OPM an excellent Health Benefit Package (HBP) for all Letter Carrier union members. Our premiums have increased slightly, but our Health Plan benefits have improved.

NALC Health Plan Director Tim O'Malley and his staff have provided members with a health benefit plan that all members can be proud to be a part of. Our surgical benefits are still excellent, and along with our out-patient coverage, they have improved.

Chiropractic coverage has also improved as has our accidental dental injury benefit. Our Disease Management Program, 24 hour nurse hotline, maternity care, enhanced eldercare, mental health and substance abuse programs are there 24/7.

Our PPO providers—through CIGNA—offer a weight loss program. There is also a smoking cessation program, “QuitPower”, which is FREE to our members.

Another change that our members will be pleased to have is our out-patient Accidental Injury Coverage. When you receive care within 72 hours of an injury and utilize a PPO facility for splinting, strain, fracture, or minor stitches, *and* the attending physician is non-PPO, our Plan will pay the physician at the PPO negotiated rate. This issue has been a problem in the past because patients have no control over the attending physician. Our Health Benefit Plan has taken this step to keep down unexpected costs, which cause problems to our members.

Also, for 2010, if we use QUEST Labs or LabCorp labs for covered lab services, we pay nothing! There is not even a co-payment!

Eye exams for covered diagnoses such as cataracts, diabetic retinopathy, and glaucoma are part of our plan. Our Plan participates with CIGNA, LIFESOURCE transplant network, for a transplant procedure. Members must pre-certify as with any in-patient hospital stay.

The NALC HBP has always provided discounts to our members who have Medicare.

Our Drug Prescription Program does have an increase in our co-pay for 2010. Members will pay \$8 for a 60-day supply of generic drugs and \$43 for a 90-day supply. New is an “NALC Select generic” for certain drugs which will only cost our members \$5. \$12 for a 60 day supply generic and \$65 for a 90 day name brand. Medicare members will pay \$7 for a 60 day supply generic, and \$37 for a name brand. For NALCSelect generic, with Medicare, \$4 for (only certain drugs) \$10 for a 90day supply generic, and \$55 for a 90-day supply of name brand.

All of our members can get their prescription drugs and refills at any CVS/Caremark retail store, at the same price as mail order.

New for 2010 will be the “Specialty Drugs”. These are the “bio-tech drugs” that must receive prior approval before ordering. Some of these drugs can cost thousands of dollars per prescription!

For a complete NALC HBP summary, visit the website at www.nalc.org/dept/hbp. To enroll in the NALC HBP, during Open Season: Use the Employee self-service kiosk and follow the instructions. If this is not available, call PostalEASE at 1-877-477-3273. If you have problems, contact Human Resources Shared Services Center (HRSSC) Option 5 at 1-877-477-3273. If you are a Retiree, you may also contact OPM’s Open Season Express Line at 1-800-332-9798 or log on to 222.gov.retire/fehb.

MARK RAMIREZ

NALC Branch 782 Health Benefit Plan/Mutual Benefit Plan Representative

NALC Health Benefit Premiums for 2010

**Active Duty Members
Bi-Weekly Charge**

**Annuitants & Survivors
Monthly Charge**

Self Only	\$44.57	Self Only	\$147.00
Self and Family	\$86.11	Self and Family	\$299.74

THE EXECUTIVE VICE PRESIDENT'S REPORT (kind of...)

At last month's branch meeting, we celebrated the retirement of three Letter Carriers that between them had over seventy years of service to the USPS. I use the word celebrated because all of us in attendance wished them well in their future endeavors.

At least two of them weren't celebrating. We listened as they detailed what can only be described as the hell they went through as injured employees in today's post office that finally resulted in them declaring "no mas" and calling it a career.

I am going to do something I have never done before. I am going to turn my "Report" over to one of those employees and I would ask that everyone that reads this article realizes that although personal and somewhat emotional, it is nonetheless factual and expresses better than I could hope to the harsh reality of life for some of our injured Brothers and Sisters in today's Postal Service.

Every office doesn't have negative stories like this, but there are far too many that do and far too many in upper management, and in the craft, that turn a blind eye. Unlike Johnny Cash, I won't wear black every day till it's fixed, but I will continue to write about it in the hopes that we can effect a change.

As always, STAY INFORMED!

Dave Barbuzzi
NALC Branch 25

I just completed a career of just under twenty-two years with the Postal Service. It seems odd to say "completed" because I feel as though I had many more years of productive service left in me and I certainly would have chosen to continue on had life at the Post Office not become unbearable.

I really am not quite certain why I write this letter, but I feel I owe it to myself and a few dear friends to express my experience over the last few years of my career. I was injured on duty several years ago when a private vehicle ran a red light and crashed into my LLV. My life hasn't been the same since.

At the time, the management and the Union at the Burlington Post Office recognized that there was still much work that I could perform, and they worked together, along with me, to come up with a job offer that would benefit the entire office, carriers, management, and me. I performed my duties happily and felt like I was contributing to a team at work. I truly loved my job.

It would serve no purpose for me to detail the facts or the speculation of exactly why things changed in the last year, but suffice it to say that things did change. I was no longer looked upon as an asset by Postal management. I was made to feel like a second-class citizen, having my schedule (both hours and days off) changed many times in my last months of employment. The Union filed a grievance, and prevailed on my behalf, and I am grateful for that. However, as I learned, sometimes management ignores Step B decisions, or arbitration awards. That was the case with my short-lived grievance victory and I ended up a 21 year veteran with a LOAM - 7PM schedule with an hour lunch break and Wednesday as a fixed n/s day.

I was horrified when presented with that job offer (leaving me alone in a building for over an hour) that didn't allow me to do the carrier work that I was capable of doing and I realized that I no longer had the will to fight for the simplest things like dignity and respect at work. I did not have the strength, mentally or physically, to fight through another grievance about this new job offer or any other issues that may have come up. I put in my papers and I retired.

During the last several months before I retired, I turned to the Union time and again for advice and help. When I spoke to my representatives, I could tell how frustrated and angry they were that they didn't have the authority to remove the tyrants and force the upper level managers to do the right thing. Instead, they had to function within the grievance procedure and hope that more employees would stand up for themselves so that the upper level managers would be forced to recognize the problems in some of the Post Offices.

Over the years, I have heard co-workers gripe when things are bad and sometimes I have heard them imply that the Union is no longer there or the Union can't do anything for anyone. I realize now as I end this letter why I felt compelled to write it in the first place. The point is if you have a scoundrel for a boss your only hope is the UNION!! Our Union fought the fight for me and is still fighting for your rights.

Sincerely,

Denise M. Mills, Branch 25

Health Care Reform

There has been much written in our Branch Paper as well as in the NALC *Postal Record* about Health Care.

Last night the House of Representatives passed Health Care Reform. The fate of any action is now in the hands of the Senate. As a result of this, I invite you to read NALC President Rolando's November 2009 Article on that subject. If you haven't already done so by the time you read this article. His Article can be found at <http://nalc.org/news/precord/PresMesPDF/pres1109.pdf>



Basil Zuniga asks a question at the microphone. (Photo by M Peralta)

He brings our focus to three key points as follows:

1) First, skyrocketing health care costs are damaging our standard of living. Our FEHBP premiums have doubled since 2000—rising two, three or four times faster than inflation.

2) Second, without real reform, our nation's economy and the fiscal stability of our national and state governments will be severely damaged.

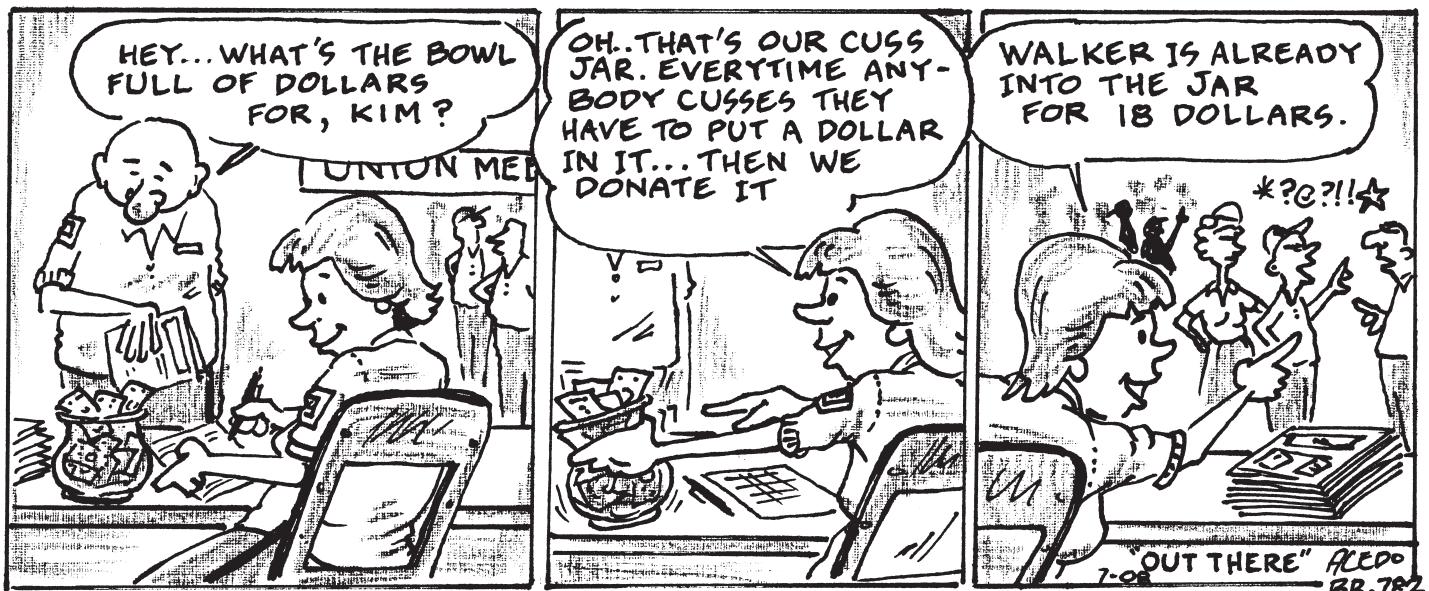
3) Third, the soaring cost of health care poses a major financial threat to the Postal Service and, therefore, to the security of our jobs.

In his closing comments, President Rolando reminds us of the following: "NALC is joining the AFL-CIO's national mobilization to shape the legislation as it moves ahead. Our key goals: universal coverage with a strong public insurance option, a broad employer mandate, and fair funding provisions that do not tax workers' health benefits. I hope every NALC member will join us to secure affordable health care for all Americans in a way that strengthens the Postal Service and secures our jobs.

This week many of us received an e-activist message which contained much of the above message from our President. Are you signed up as an e-activist? Do you want to receive important updates from our National President on any legislative news that may affect you? If so, go to the following address: <http://nalc.org> then scroll down to the bottom left of the page. Its simple and painless. It's your Union's way of connecting to you as fast as can be on matters of great importance.

It's your union working for you. Get involved. Stay in touch. Be Union.

PAM SMITH
93306 Shop Steward



from the editor-guy:

Recently, the Branch invested some money for me to go to NALC training in Northern California. This is an attempt to give some return on that investment. I invite you to take the time to read this.

As a non-Shop Steward, it is always fascinating to me to get more understanding on how demanding a job that Shop Stewards have undertaken. It is apparent to me that most Letter Carriers have little understanding of some of the basic things that go with the job of representing our members and ensuring Contract compliance.

Additionally, most of us fail to understand that—if done right—any grievance which is filed is approached from the standpoint that the case may go before an arbitrator. That arbitrator will demand that evidence which meets the burden of

proof has been established from the very initiation of the grievance.

The information which is presented to you is based on something developed by Jamie Lumm, NALC Regional Administrative Assistant. During the training, there was a lot of interaction with the instructor and many questions helped to refine the points which he made. With that said, let me present you with the topic: “Understanding the Burden of Proof”.

“One of the most difficult aspects of steward or branch officers’ role in the grievance-arbitration procedure is an understanding of the concept of burden of proof. Since the success or failure of nearly every grievance depends upon whether the burden of proof was met, an understanding of what it is and how to meet it is fundamental to grievance handling.

Whether we realize it or not, we all deal with this concept nearly every day of our lives. If you are stopped by a police officer

while driving your car, you are required by law to prove: who you are, that you have a valid driver’s license, that your vehicle is properly registered and insured and that you are not under the influence.

We also see this concept at work at airports. Before you are allowed to enter the boarding area, you are required to prove: who you are; that you are a ticketed passenger and that you are not carrying any unauthorized materials.

There are dozens of other ways you are required to prove certain things about yourself, from showing your card when you walk into Costco to entering a password when you sign on to your computer.

There are two factors in each of the examples that are important to recognize:

- 1) There is an agreement of understanding that you, not the other party, has the burden to establish certain facts and,
- 2) These facts are usually established by some form of written documentation.

Thus, the concept of having to prove certain facts by production of evidence is one with which most of us are familiar. But why do we have this burden? Why do we have to prove that we have a driver’s license and are insured rather than the police officer having to prove that we do not.

The answer is that we have a contract with the government. In simplistic terms, the contract states that the government will build and maintain the roads and the people agree to pay taxes and follow the rules of the road. One of the rules of the road is that if we are stopped, we must be ready to prove those facts about ourselves.

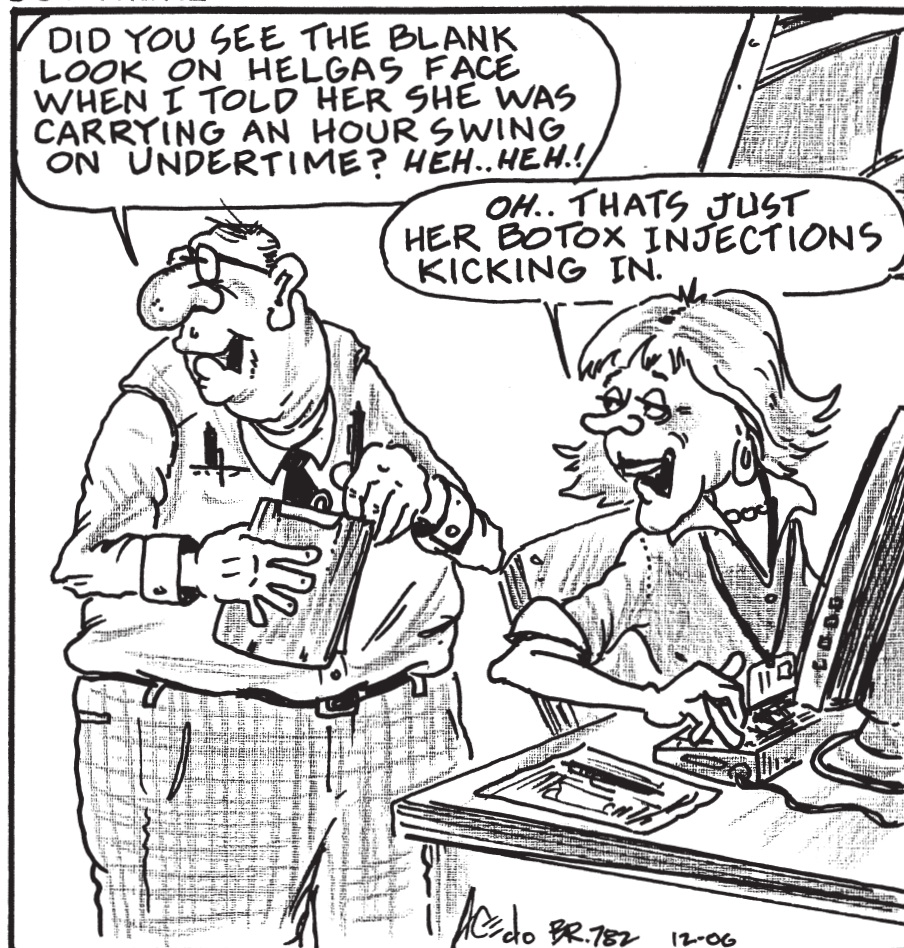
This same kind of *quid quo pro* exchange occurs in our employment life.

The employer agrees to provide us with a job and pay for our work.

We agree to show up for work and do the work. Obviously, there is more to it than that—but in essence every employer-employee relationship can be boiled down to that.

In a unionized workplace, there is a labor

OUT THERE



contract between the employer and the employees that sets out certain rules and procedures that each will follow concerning specific issues in their relationship, including what can be done if either party does not live up to its part of the agreement.

In our labor contract, Article 15 (Grievance Procedure) sets out the specific steps the union or an employee may use if it believes that management has violated its part of the agreement.

Article 16 (Discipline) describes what steps management may take if it believes that an employee has not lived up to his/her part of the agreement.

Normally, it is assumed that both parties are abiding by and living up to their obligations in the contract. However, if one party believes the other has violated the agreement, the burden falls upon the accuser to prove the allegation. Just as a person is innocent until proven guilty, the parties in a labor contract are assumed to be in compliance unless the other proves it is not so. This requirement to prove the other is in breach of the agreement is known as the Burden of Proof.

Arbitration of labor disputes has been conducted in its present form since World War II. Arbitrators Clarence Updegraff and Whitley McCoy in their early joint book released in 1946 said concerning the concept of evidentiary burdens, *This is so simply and logical a principle that no one, understanding it, would disagree*. They explained that *"the party holding the affirmative of an issue must produce sufficient evidence to prove the facts essential to his claim."*

Or, as Black's Law Dictionary puts it:

The necessity or duty of affirmatively proving a fact or facts in dispute between the parties in a cause. The obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court.

In other words, "Put up or shut up."

The phrase "Burden of Proof" is actually a combination of two different concepts that

develop in a case and should be kept in the minds of stewards as they investigate and prepare their cases.

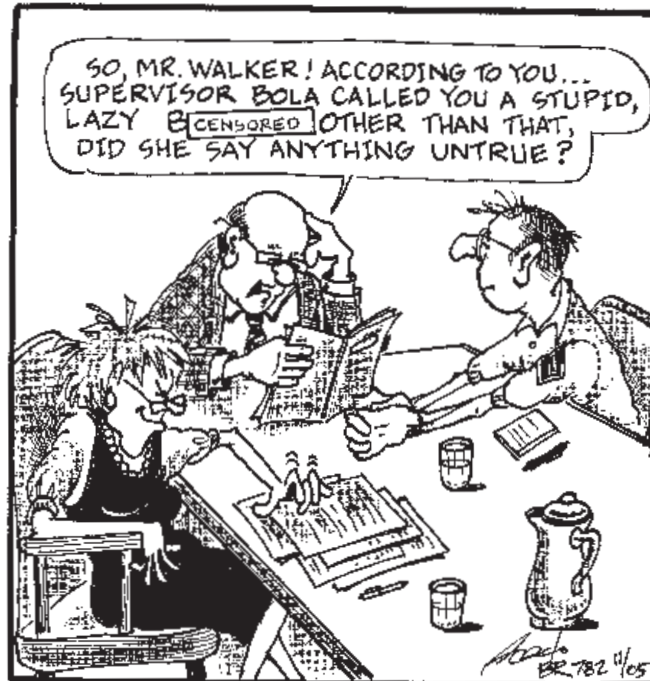
The first element is the **burden of persuasion**. This burden never shifts when the case is reviewed and is borne by the party initiating the action. In most cases, as the grieving party who is seeking relief or remedy under the Contract, the union has the ongoing burden of persuading the arbitrator that a contractual violation occurred.

The reason that the burden falls upon the union is that the National Agreement gives management the right to make many decisions affecting the wages, hours and conditions of employment of Letter Carriers. Article 3 describes these rights to include:

"Direct employees of the Employer in the performance of official duties; to hire, promote, transfer, assign, and retain employees in positions within the Postal Service and to suspend, demote, discharge, or take other disciplinary action against such employees; to maintain the efficiency of the operations entrusted to it; to determine the methods, means and personnel by which such operations are to be conducted; to prescribe a uniform dress to be worn by letter carriers and other designated employees; and to take whatever actions may be necessary to carry out its mission in emergency situations, i.e. an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature."

However, these rights are not absolute. Article 3 specifically states that these rights are **"subject to the provisions of**

OUT THERE



this Agreement" and must be **"consistent with applicable laws and regulations."**

Article 15 describes the procedure by which the union may seek relief if they believe management has not lived up to the provisions of the agreement. Thus, as the party claiming a violation of the Contract, the union has the affirmative burden of persuasion to establish the contract violation as fact."

Hopefully, this has given you some idea of the nature of the training provided to NALC stewards in this *one* class. Much more was addressed: Prima Facie Case, Types of Proof—Oral Testimony, Expert Testimony, Documentary Evidence, Rules of Evidence, Weight and Credibility of Witnesses, Direct Evidence, Circumstantial Evidence, Hearsay Evidence, Quantum or Standards of Proof, Preponderance of Evidence, Clear and Convincing Evidence, Directive Language and Permissive Language; Defining Past Practices (Clarity, Consistency, Longevity, Repetition, Acceptability, Underlying Circumstances), Just Cause Principle (Is there a rule? Is the rule a reasonable rule? Is the rule consistently and equitably enforced?)

And you thought being a Shop Steward was such an easy job, right?

From the East Side

Mike,

We had a Halloween Party with 1st, 2nd, and 3rd gift prizes going to costume contest.

1st place was \$20 gift certificate to Edwards Theaters

2nd place was \$10 gift card to Subway

3rd Place was \$10 gift card to Starbucks

We also had Make-A-Wish foundation come and give us a presentation.



Good for the News Letter?

David Long, A/Manager
East Bakersfield Post Office
Bakersfield, CA 93305
(661) 327-8960

We had the Potluck in conjunction with kicking off our CFC campaign here at EB. I hope you can publish these in the Union log. Can we challenge the other stations to out give their performance from last year?



Halloween at Brundage



Shurie Amick and Mabel Bullis prepare for another day at work!

I just wanted to share with everyone how much I had fun being a “CLOWN” this year. This was the second year I was a clown the only difference was this year I didn’t make a little child cry. Yay! A lot of adult customers came out and greeted me while



on my route (not that it being “check” day made a determining fact, hahaha).

I am a T-6, oddly enough, I had did the same route for both my Halloween days. This year I had more adults entertained and one actually said he thought that it was “Attack of the Killer Clowns”. Should I take offense to that? Hmmm. I hope everyone enjoyed their Trick or Treat night.

Mabel Bullis, Brundage Steward

In a White House ceremony on Tuesday October 27th, President Obama signed the “2010 National Defense Authorization Act”

The Act contains several retirement changes.

§ Credit for sick leave in the computation of FERS annuities is effective at 50% immediately and 100% in 2014.

§ Provision allowing former federal employees under the FERS who withdrew their contributions to the retirement trust fund, thereby waiving retirement credit for those years of service, to redeposit their earlier contributions, plus interest, upon reemployment with the federal government is effective immediately.

§ A change in CSRS part-time computation (going to a single deemed high-3) is effective immediately.

§ A change of the ending date for periods of service under CSRS that can be redeposited by actuarial reduction (instead of for separations prior to 10/1/90 it will be for separations prior to 3/1/91) is effective immediately.

§ The less-than-full-time dual comp reemployed annuitant provision authorizes federal agencies to reemploy retired

federal employees under certain limited conditions, without offset of an employees’ annuity against their salary is available for agencies to use effective immediately.

§ Provisions phasing out cost of living allowances for federal employees working in Hawaii, Alaska, and other non-foreign U.S. territories, and phasing in locality comparability pay in place of the allowance affecting retirement take effect next year.

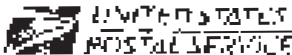
§ The provisions allowing certain previously non-creditable D.C. Government employment to be creditable for title but not annuity computation are effective immediately.

I commend everyone for the great job done in contacting your Representatives for getting this Act signed.

In Unionism,

DIANA CHAVEZ
Legislative Liaison

DISTRICT MANAGER
SIERRA COASTAL CUSTOMER SERVICE & CALLS



November 11, 2009

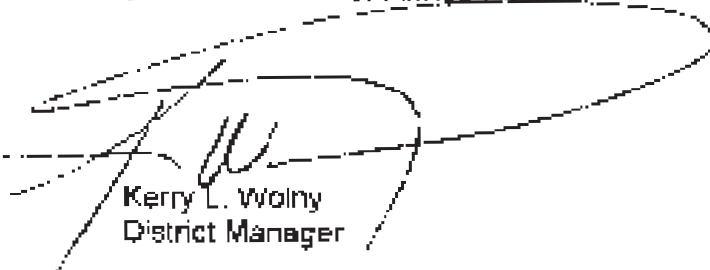
MEMORANDUM FOR: VETERANS

America's veterans answered the call when asked to protect our Nation from some of the most brutal and ruthless tyrants—terrorists, and militaries the world has ever known. From the fields and forests of war-torn Europe to the jungles of Southeast Asia, from the deserts of Iraq to the mountains of Afghanistan, brave patriots have protected our Nation's ideals, rescued millions from tyranny, and helped spread freedom around the globe. They stood tall in the face of grave danger and enabled our Nation to become the greatest force for freedom in human history. Members of the Army, Navy, Air Force, Marines, and Coast Guard have answered a high calling to serve and have helped secure America at every turn.

These brave men and women made the ultimate sacrifice for our benefit. On Veterans Day, we remember these heroes for their valor, their loyalty, and their dedication. Their selfless sacrifices continue to inspire us today as we work to advance peace and extend freedom around the world. Our country is forever indebted to our veterans for their quiet courage and exemplary service. We also remember and honor those who laid down their lives in freedom's defense.

Because we treasure the peace and freedom we have, the employees of the Sierra Coastal Performance Cluster and I would like to thank each and every Veteran, both past and present, for admirably fighting for and maintaining our freedoms.

Please accept this Letter of Gratitude and Appreciation for your dedication and commitment to our Armed Forces.



Kerry L. Wolny
District Manager

Brundage Gives Thanks for our Veterans!!!

I just wanted to let every Veteran, past and present, know how much we appreciate what they have done for us.

I was not born in America. I came over from Burma, which is now called Myanmar, population over 49 million people. My family was given an opportunity to have a better life and we were sponsored by a church in Milton Freewater, Oregon. I came to the United States when I was only 3 years old.

My country is military ruled. When the Cyclone hit last year, tens of thousands of people were killed and more were affected by the aftermath, Myanmar's Military rule did not let the United States assist with aid because they did not want American troops "invading" their country. They only let a few humanitarians in to assist with giving clean water, food, clothes, etc. and even with that help, the humanitarians needed VISA's to get into that country to make sure the the military didn't take the supplies, that was allowed, before giving it to the people. That is the kind of treatment some countries have their people live in.



(l-r) Casius Cooper and David Kinglee

Not only by the grace of GOD and by this country that I have what I have today but also we must not forget the Veterans that helped make it possible. To me, it is true as they say that the United States of America is a land of many opportunities. When a disaster hits our country, we have the American Red Cross and many other agencies to aid in the recovery process. We are very fortunate to be able to live in a country such as ours.

Thank you, Brundage Station's Cassius Hooper and David Kinglee and all the other Veteran's in the Postal Service.

MABEL BULLIS, Brundage Shop Steward

We Love our Vets!!!

On Tuesday, Nov. 10th, we had a stand-up to recognize the veterans at South Station. Neil Kramer, David Bridges, Ramon Herrera & Basil Zuniga were acknowledged for their service to our country. Thomas Herrera, and Bradley Webb, also veterans, were enjoying a day off.

These Letter Carriers served in different branches of the armed forces. A letter of recognition was read by manager Robert Nicholas and a cake was shared and enjoyed by all. It is wonderful, that in this country, we can celebrate our veterans and thank them for their service in keeping us "FREE". I hope each office did the same in saying "thank you".

Neil Kramer—Sargent in Army 82nd. Airborne Div. He was a deep sea diver and served in Iraq in Desert Storm. He served 8 years + reserve time.

Thomas Herrera—E-5 rank - 7th Armored Div. , 1st. Air Cavalry in Vietnam. He served 2 years.



(l-r) "Tommie" Herrera and Brad Webb



(l-r) David Bridges, Neil Kramer, Ramon Hererra and Basil zuniga

Bradley Webb—Master Sargent in Airforce. 22nd Air-Lift Squad. C-5 Flight Engineer. He erved 22+ years in California and Japan.

David Bridges—Lance Corporal in Marines. Air wingers support. He served 4 years in Hawaii and Japan

Ramon Herrera—Served in the U.S. Army.

Basil Zuniga—While in the Coast Guard for five and-a-half years, served aboard a ship out of Seattle and was later a boot camp instructor and Drug and Alcohol Education Specialist.

ANITA HOLDERMAN
And Proud of our Vets!!!

Frankly Speaking...

Basil, I received this e-mail today and thought it might make a great article for the newsletter.

Frank Thomasy
Retired Letter Carrier
Former Branch 782 President

Oh heck, yea!

A physics teacher in high school, once told the students that while one grasshopper on the railroad tracks wouldn't slow a train very much, a billion of them would. With that thought in mind, read the following—obviously written by a good American. (I think this lady's on the right track. Let's all get behind her!)

Check this out...

I was in Lowes the other day, and just for the heck of it I was looking at the hose attachments. They were all made in China. The next day I was in Ace Hardware, and just for the heck of it I checked the hose attachments there. They were made in USA. Got me thinking. Start looking.

In our current economic situation, every little thing we buy, or do, affects someone else - maybe even their job. My grandson likes Hershey's candy. I just noticed that it is marked 'made in Mexico' now. I choose not to buy it any more.

My favorite toothpaste, Colgate, is also 'made in Mexico' now. I've switched to Crest. You have to read the labels on everything.

This past weekend I was at Kroger. (Can be true for any store.) I needed 60W light bulbs, and Bounce

dryer sheets. I was in the light bulb aisle, and right next to the GE brand I normally buy, was an off brand labeled, "Everyday Value." I picked up both types of bulbs and compared the stats - they were the same, except for the price. The GE bulbs were more money than the Everyday Value brand.....but the thing that surprised me the most, was the fact that GE was 'made in MEXICO' and the Everyday Value brand was 'made in (you got it) the USA', in a company in Cleveland, Ohio.

So throw out the myth that you cannot find the products you use every day..... made right here!!!!!!!

On I went to another aisle. Those Bounce Dryer Sheets I needed—yep, you guessed it! Bounce cost more money. *And...* it's made in Canada. The Everyday Value brand was less money. *And...* 'MADE IN THE USA'! Bye-bye Bounce! I did laundry yesterday, and the dryer sheets performed just like the Bounce Free I've been using for years—and at almost half the price!

My challenge to you is this. Start reading the labels when you shop for everyday things, and see what you can find that is made in the USA. The job you save may be your own, or your neighbors!

If you accept the challenge, pass this on to others in your address book, so we can all start buying American.....one light bulb at a time! Stop buying from overseas companies and other countries!

We should have awakened a decade ago. Longer than that! Over 30 years ago it was already happening. Let's get with the program and help our fellow Americans keep their jobs, and create even more jobs, right here in the U. S. A.

Brundage Biggest Loser: Couples!!!

Alright, it is time to start making things official. I have been letting people know about the new Brundage Biggest Loser: Couples Edition for several months now and few have inquired about it. I need people to start contacting me to get this competition rolling. This will be the last opportunity to inform people in time because December's Newsletter might be too late. Please call me and get signed up for this life changing event starting January 2, 2010.

The Rules:

- 1) Buy in is \$25 per person, \$50 per team.
- 2) One of the team members must be a postal employee, the other can be anyone (Husband, wife, brother, sister, son, daughter, friend, colleague, motivator, a "BOB" or "JILLIAN".....or a JUDY in my case).
- 3) Weigh-in days: Saturday, January 2, 2010 - Everyone has to be weighed on that day or shortly after; Monday, February 1, 2010 - Second weigh-in date; Monday, March 1, 2010 - Third weigh-in date; and Wednesday, March 31, 2010 - Final Weigh-in Date.
- 4) Everyone must weigh-in on Final Weigh-in Date.

The Honor System: No miracle diet pills, no surgery, no craziness! Hard work, determination, EXERCISE!!!! Please keep it healthy, don't kill yourself over a few dollars. Please consult your doctor if you are planning on losing a massive amount or if you are healthy enough to endure any rigorous exercise you plan on doing.

Glen Ryder at Dole Court brought up an idea to help alleviate some stress. Instead of traveling to Brundage to weigh-in, each station who is participating should have an "honorable" station leader to get the weigh-ins and report it back to me. Each station will have to acquire a scale and that is the scale you will use during the rest of the competition. You can't weigh-in at Brundage one time and Stockdale the next time.

Other competitors that are not postal employees must also get weighed-in on those dates listed above. If they live closer to Brundage but their partner works at Stockdale, they can use Brundage scale but they must use Brundage scale for the duration of the competition.

These "remote" weigh-in locations (locations other than Brundage Station) are subject to participation levels of your station. If that sounds good then let me know.

I've had people talk about getting their kids as partners, their spouses, etc., to help motivate each other to live healthier. Money is always a good motivator but you need someone who is willing to commit the time and energy to get both of you to a great start for the year.

I've been trying to keep these competitions fair for everyone and most of all...entertaining. Please remember that you MUST weigh-in on those days. It keeps the honest people honest and it promotes a good healthy competition. For example, if I know that Yvonne Esquivel and her husband lost 5% the first month, then my partner and I are going to work harder to get at least a 10% weight loss the next

month to try and keep ahead of them. Get it? By allowing everyone to see the results of our fellow team members you get to know where you stand in the competition.

For those of you who do not know from past competitions, if you fail to weigh-in on the final day, you are disqualified and your money is forfeited. You may weigh-in prior to the final day but not after.

Now for the icing on the cake: the PRIZE MONEY. It's been circulating that I should have team winners for the first and second month to win some money and then for the finale there will be a 1st and 2nd team winners of 75% and 25%. It's hard for me to be the determining factor on that with no one's opinions or not knowing about how many people are actually going to participate. With fewer participants we can just do 75/25 but with a large amount we can make monthly prizes. It's not MY competition, it's everyone's (majority rules). Please, let me know your thoughts on this and sign up with me at least by the beginning of December. All monies/teams MUST be submitted before the competition begins. For now, let's see how many participants there will be and then we can decide as a group how to award the winnings.

Mabel Bullis
Brundage Bulldogs
661-496-5679

OUT THERE



"OUT THERE"

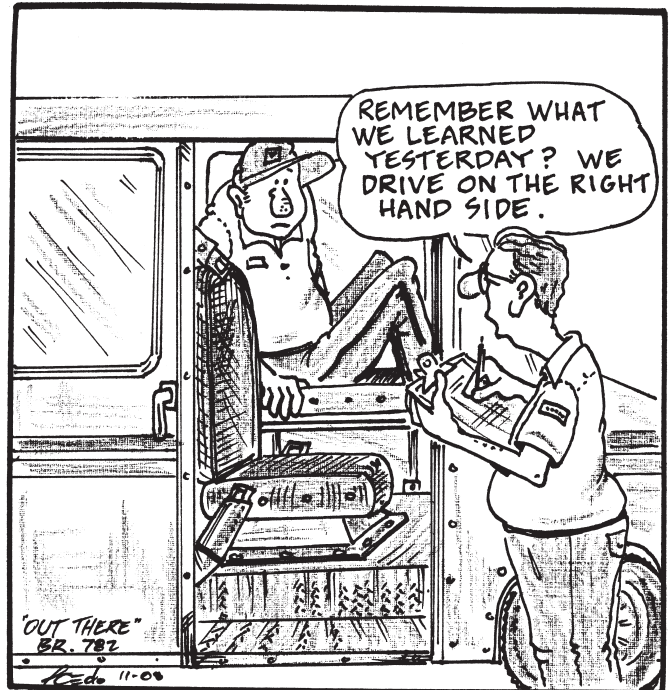
OUT THERE



HAVE AN IDEA
FOR FRED???*

FRED ACEDO
BR. 782 S.A.N.E.
P.O. BOX 6532
BAKERSFIELD, CA
93386-6532

OUT THERE





Branch Officers

E.A. BAKER UNION UPDATE is published monthly by Merged Branch 782 of the National Association of Letter Carriers, AFL-CIO.

The opinions expressed in this publication are those of the writer and are not necessarily those of the publication staff or of the Officers of the Branch.

The information contained in this publication is true and complete to our best knowledge. All recommendations, on equipment and procedures are made without guarantees on the part of the authors or of the organization. Because the quality of equipment, services and methods are beyond our control, the organization and its publication authors disclaim all liability incurred in connection with use of this information.

Information in this publication may not be used for illegal purposes.

We invite all members to contribute articles for publication. Copy, if possible, should be double-spaced (but doesn't have to be) but **MUST** be signed by the contributor.

The Editor retains the right to edit, delete, or reject the article for the good of the Branch (and even this is subject to persuasion).

In the hope that material contained herein may be of benefit to the goals of the National Association of Letter Carriers, permission is hereby granted to other NALC Branches to copy or use material and/or cartoons promulgated in this publication with our best wishes...but remember to cite/give us some credit.

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Lamont (93241)	Darryl Holderman (661) 589-1683
McFarland (93250)	Robert Campos (661) 805-1034
Shafter (93263)	Norma Hamer (661) 619-1465
Taft (93268)	Mike Meza (805) 625-4541
Alternate	Debra McClain
Wasco (93280)	Mabel Lyons (661) 900-8892
Downtown Station (93301)	Kim Gerdes (661) 834-2059
South Station (93304)	Darryl Holderman (661) 589-1683
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Brundage Station (93307)	Mabel Bullis (661) 496-5679
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Dole Court (93308)	Mike Towery (661) 862-8033
Dole Court Alternate	Teresa Ortega (661) 201-3086
Stockdale Station (93309)	Randy Courson (661) 345-0256
Stockdale Station (93309)	John Ortega (661) 809-8140
Camino Media (93311/13)	Mike Meza (805) 625-4541
Camino Media Alternate	Gina Garcia (661) 809-8016
Mojave (93501)	Vacant
California City (93504)	Paula Hogg (760) 373-8963
Edwards AF Base (93526)	Larry Beem (661) 949-2280
Tehachapi (93561)	Mary Morphis (661) 822-6614
Trona (93562)	Vacant
Boron (93516)	Paula Hogg (760) 373-8963
Ridgecrest (93555)	Lynnell Howell (760) 371-1039

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ADDRESS SERVICE REQUESTED

**General Meeting
Tuesday
November 24, 2009
7:00 p.m.**

Branch 782 Office
2628 F Street
Bakersfield, California

TIME-VALUE MAIL—PLEASE EXPEDITE

**OFFICIAL NOTICE OF ELECTION
OF
NALC "GOLDEN EMPIRE"
BRANCH 782
DELEGATES TO THE
2010 NATIONAL CONVENTION**

The election will be conducted by secret ballot at the regular meeting on November 24, 2009 at 7:00 P.M. at the Branch 782 Union Office, 2628 "F" Street, Bakersfield, California.

Any member who, for any reason, will be unable to vote on November 24, 2009, may obtain absentee ballots by submitting a signed written request to the Election Committee, Golden Empire Branch 782, 2628 "F" Street, Bakersfield, California 93301-1816, at least two weeks before the election. Absentee ballots must be returned to the election Committee by November 23.

Write-in votes are not permitted.

ELIGIBILITY FOR BRANCH FUNDS

Of the delegates from the Bakersfield local area selected to the National Convention, the requirements of eligibility for Convention funds will be; attendance at (10) of the twelve (12) regular General Meetings just prior to the National Convention.

Of the delegates selected from the outlying Associate Offices (excess of thirty miles from Bakersfield), the requirements of eligibility for convention funds shall be: attendance at least two (2) meetings (any combination of regular General Meetings and/or Quarterly Area Meetings) in the twelve months just prior to the State and National Conventions