

ACTIVIST

NALC

A NEWSLETTER FOR BRANCH LEADERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS
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Safety and health: Repetitive stress injuries

When a letter carrier has a serious accident at work, generally everybody knows about it. A trip, a fall, going over backwards on an icy walk, an immediate and obvious back injury from picking up something heavy—these events send up red flags. Right away, the carrier feels intense pain, and there's no doubt that an injury has occurred.

Sometimes, however, there may be no specific accident or traumatic incident, but carriers gradually begin to feel pain in their arms, hands, back, legs or other parts of their bodies. Fingers go numb, arms and hands feel as if they are on fire—and yet there was no single moment when the carrier can remember a specific accident, a trip, fall or obvious muscle strain. These types of injuries, which can be more subtle in onset, can be no less devastating than sudden and traumatic accidents that result in broken bones. Known as **repetitive stress injuries** or **cumulative**

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Tools that may help in resolving conflict

For thousands of years, people have been studying conflict—why it happens, how to prevent it, and perhaps most important, how to resolve conflict nonviolently. In recent years, American labor unions have tried out different forms of conflict and dispute resolution that supplement traditional collective bargaining and grievance arbitration.

Articles in the *NALC Activist* from time to time have looked at different forms of conflict resolution (for

example, “Proactive skills for a stronger union,” Winter 1992; “Working proactively with management,” Spring 1992; and “Mending fences: Leadership strategies to unify the branch,” Spring 1996). In this article, NALC branch leaders reflect on how such tools can be useful not only in dealing with management but also in resolving problems within the branch. Although formal programs are not widely used, a range of infor-

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Repetitive Stress

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trauma disorders, this class of injury accounts for more than 60 percent of all occupational illnesses, according to figures compiled by the Bureau of Labor Statistics.

NALC stewards and local officers undoubtedly see and help many letter carriers who have suffered such injuries. However, because the pain and trauma associated with such conditions cannot be traced to a single definitive incident, Postal Service managers may be more resistant to acknowledging claims of such injuries. Letter carriers themselves may also be hesitant to admit that

“Symptoms can range from mild aching to sharp, crippling pain.”

they are suffering from repetitive stress, perhaps thinking that the pain and numbness they experience is “just part of the job,” or perhaps an inevitable result of growing older.

For these reasons, NALC local representatives need to learn all they can about such injuries—how they happen, how they can be prevented, and what to do when carriers believe they have a repetitive stress injury. The information in this article should provide a broad base of necessary information, including the **causes of repetitive stress injuries, factors at**

work that increase the risk of such injuries, types of injuries, how to avoid such injuries, and advice on filing OWCP claims for repetitive stress injuries. As will be seen, however, details about how to address the job conditions resulting in these injuries, as well as nuts-and-bolts instructions on handling repetitive injury claims, may require help from additional experts, including the branch compensation specialist and the National Business Agent’s office. (Branch leaders should note that the NALC has no obligation to assist non-members with OWCP problems.)

RSI: What is it?

A short definition of repetitive stress injury contains two key elements. First, it is actual **damage** to body tissues, including muscles, tendons, spinal discs, blood vessels and nerves. Second, the injury is the result of **repeated physical stresses**. These factors distinguish RSI from other kinds of body aches and pains. People who feel the beginning of RSI may believe they have stretched a muscle that is causing minor discomfort. Not true: RSI actually damages tissues and can take a substantial amount of time to heal. The other element, of repeated stress over a period of time, is also key. It is not unusual that the repeated movement itself may not be painful at first—but constant repetitions, especially without taking any breaks, begin to result in pain.

Because of the unique demands of the letter carrier’s job, RSI can affect almost any part of a carrier’s body. Wrists, hands and forearms are vulnerable because of the repetitive motions of casing mail. However, the back, legs and shoulders can also be affected as the carrier constantly lifts heavy objects or walks with a heavy satchel.

The symptoms can range from mild aching to sharp, crippling pain. Symptoms often begin during periods of activity, then disappear during periods of rest. As the symptoms get worse, they begin to interfere with usual work activities. Severe pain, limited mobility, loss of sensation, or muscle weakness make it impossible to perform key job tasks. The condition can affect off-the-job activities as well; the pain can also cause sleep disturbances and mood changes.

It can be difficult to diagnose exactly what kind of RSI may be occurring. Because repeated stress can cause multiple kinds of damage, the problem may appear to be in either the muscles, tendons, ligaments or nerves. As all these body parts are connected, more than one system may be affected. The RSI may even involve damage to all these parts. The most commonly recognized RSI is carpal tunnel syndrome, which is caused by too much pressure on the “median” nerve that runs through the wrist. Symptoms include numbness,

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tingling, an aching sensation, and pain in the hand, often felt during sleep.

However, damage to other parts of the hand, wrist or arm can result in the same set of symptoms. For example, tendinitis, or inflamed tendons, and tenosynovitis, the swelling of the sheath that covers the tendons can also cause pain, swelling and weakness in the hand, elbow or shoulder.

Additional conditions that can be caused by repetitive stress include “tennis elbow,” or epicondylitis, which occurs when tendons in the elbow become inflamed. Pain, swelling and weakness in the elbow are symptoms. If shoulder tendons are damaged, rotator cuff tendinitis may result, with pain and limited movement of the shoulder. Bursitis is also considered a repetitive stress injury, and occurs when the “bursa” membrane around the bones in a joint (like the elbow or shoulder) becomes irritated or inflamed. Finally, a wide range of conditions can affect the back, including strained muscles, torn ligaments and herniated or ruptured discs.

What causes RSI

The first and most important step in resolving RSI conditions is to recognize the specific working conditions that put letter carriers at high risk for these injuries. The Department of Labor has identified eight factors that put workers at risk for having such injuries. These factors are:

- **High repetition**—performing the same motion over and over.
- **Excessive force**—needing to use excessive physical effort to get the job done, whether it’s pulling, pounding or pushing. The more effort, the harder your body works.
- **Awkward posture**—having to bend or twist any part of your body as you perform work.
- **Static loading**—staying in the same position for too long, which causes muscles to contract.
- **Direct pressure**—when the body comes in continued contact with a hard surface or edge.
- **Vibration**—experienced when workers must stand on or hold vibrating objects, tools or equipment.
- **Extremes of heat and cold**—when people get cold, their feelings are numbed, blood flow slows, and strength and balance are affected. Working in extreme heat can accelerate fatigue, leading to injury.
- **Poor work organization**—when people have to work to a set pace, cannot take adequate breaks, and face multiple, stressful deadlines.

Reading over this list, NALC stewards and local officers undoubtedly recognize factors that letter carriers

USPS

BY THE NUMBERS

USPS Operations—AP11-2000	Number	Chg from SPLY*
Total mail volume year-to-date (YTD) (Billions of pieces)	175.2	2.7%
Mail volume by class (YTD in billions)		
<i>First-Class</i>	87.7	1.2%
<i>Priority Mail</i>	1.1	3.0%
<i>Express</i>	0.1	2.8%
<i>Periodicals</i>	8.7	-1.4%
<i>Standard A (bulk mail)</i>	75.6	5.0%
<i>Standard B (parcels/printed material)</i>	0.9	5.5%
<i>International</i>	0.9	-3.6%
Daily DPS letter mail volume on city routes (pieces)	188.0 mil.	16.9%
<i>Percent of total letter mail</i>	72.2%	
Daily delivery points	132.0 mil.	0.7%
<i>Percent city</i>	74.5%	—
<i>Percent rural</i>	25.5%	—
City carrier routes	167,829	-0.3%
Rural carrier routes	66,933	3.8%
Net Income (\$millions)	\$436.0	-46.9%
<i>Total Revenue</i>	\$54,727.2	3.0%
<i>Total Expense</i>	\$54,291.2	3.8%
Employment/Wages—AP11-2000		
City carrier employment	241,163	-1.0%
<i>Percent union members</i>	91.9%	—
<i>Percent career employees</i>	99.8%	—
City carrier casual/TE employment		
<i>Casuals</i>	6,266	18.6%
<i>Percent of bargaining unit</i>	2.6%	—
<i>Transitionals</i>	561	-39.0%
<i>Percent of bargaining unit</i>	0.2%	—
City carrier per delivery supervisor	17.3	-8.9%
Career USPS employment	788,166	-1.5%
City carrier avg. straight-time wage \$18.33/hour		6.3%
City carrier overtime ratio (OT hrs/total work hours)	13.5%	—
<i>Ratio SPLY</i>	12.5%	—

*SPLY = Same Period Last Year

This information compiled by the NALC Research Department from USPS Reports.

face in their day-to-day jobs. The key to keeping such conditions from leading automatically to RSI is to **make all carriers aware** of the dangers inherent in such job elements.

“First and foremost, it’s an educational process,” says Ann Moore, executive vice president of San Diego, CA Branch 70. Moore and other NALC branch leaders have prepared training programs on RSI that they presented at regional training seminars. Moore also tracks these kinds of injuries as part of her branch duties. RSIs, which are filed as CA-2 injuries for compensation, have been mounting steadily, she says. “In the whole year of 1998, I only saw four cases of RSI,” she says. “Then in 1999, by the first part of May, there were almost 100 cases reported in our region.”

Moore believes that a number of elements of letter carriers’ jobs make them particularly susceptible to RSI. “In casing, there’s that pinch grip you have to make on each piece of mail as you push it into a small space,” she

says. “If you try to keep up a nonstop pace, your fingers and wrists can really be affected.” Delivering mail involves a whole range of high-risk motions, she notes, from bending and lifting to turning and twisting. “Plus if you’re carrying a satchel, you’ve got a 35-pound-plus weight on your shoulder all day, and that puts your knees and ankles under stress.”

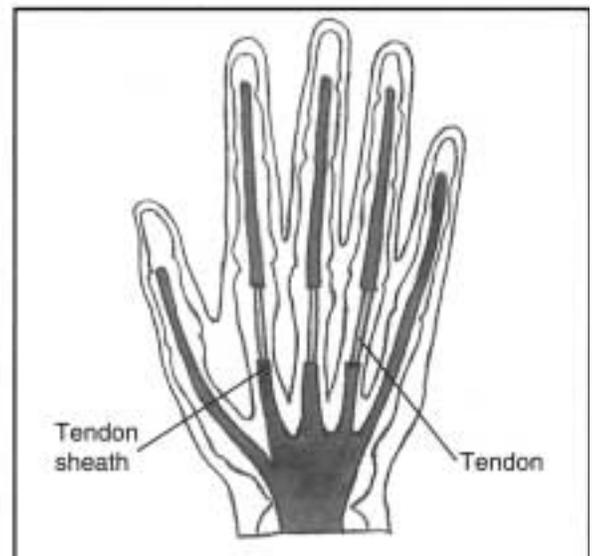
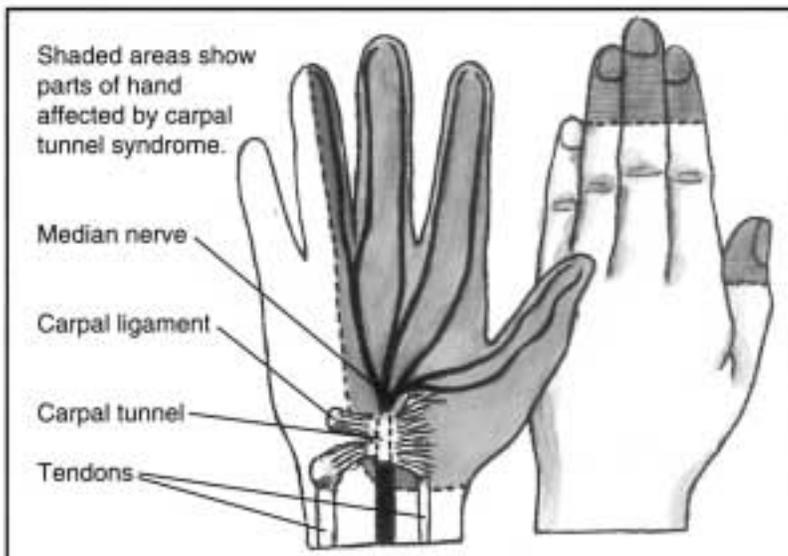
Although Moore constantly advises carriers about the risks of RSI, she says that many people shrug off her warnings. “Especially if someone is really athletic, they’ll think they can just work through it, you know, that the pain is normal and it’ll go away.” The problem, however, is that with RSI the pain will not go away until the damaged tissues are given a chance to rest and repair themselves. People who are reluctant to report an RSI can eventually find themselves in pain constantly—even when they are not working. If left untreated, RSIs can cause permanent damage and disability. “I ask some of these people, what if you were never able

to lift a baby again, or play with your children,” Moore says. “That gets them thinking that maybe they should do something.”

Help in filing claims

Early treatment for RSI is critical. There’s a widely held myth that by the time you develop pain in any of these areas, particularly the back, it’s too late to take any preventative steps. This is wrong—people developing any kind of pain should always pay attention to this “early warning system” and try to find some way to reduce stress on their bodies. Changing position as frequently as possible while performing a repetitive task is one recommended strategy. Even stopping work for just a few seconds to stretch and flex muscles can help ward off stress.

If pain persists for a week, it’s likely that a repetitive stress injury could be the cause. Worker-developed programs to combat RSI recommend that people should report



Frequent bending of the wrist causes tendons to put pressure on the nerve that passes through the carpal tunnel. Symptoms of carpal tunnel syndrome include pain, numbness, and tingling in the thumb and first three fingers.

pain on the job at that point—and certainly not wait until pain is severe or actually disabling. If RSI can be detected early, medical evaluation and treatment might be able to ward off permanent injury.

When reporting suspected repetitive stress injuries that may be work-related, carriers should file OWCP's Form CA-2, "Federal Employees' Notice of Occupational Disease and Claim for Compensation." In addition to the Form CA-2, carriers should prepare a detailed, signed statement describing the factual conditions of employment believed to be the cause of the RSI. This statement is submitted with the Form CA-2 and is used by OWCP to evaluate the claim. Carriers should also keep a copy of the statement as it will help them explain their injuries to their physicians.

The statement should describe the job tasks and the postures and positions used in performing each task and show the amount of time spent in performing each task. It is important that carriers make this statement as detailed as possible. As part of the claim process, carriers must obtain a medical report from a physician that will support the carrier's statement. Whenever possible, injured carriers should see a physician who is knowledgeable about repetitive stress injuries. In some areas, there are physicians who specialize in occupational injuries. It may also be necessary to obtain a referral to a board-certified neurologist, as RSIs often involve some degree of nerve damage.

When visiting their doctors, injured carriers should be prepared to explain their job in detail. The doctor should read the carrier's statement as outlined above and ideally include a copy of that statement with his or her report. It is recommended that physicians include in their

report a reference to the carrier's statement and acknowledgement that the physician has read and understood the carrier's statement. As with other medical reports in support of an OWCP claim, the physician's statement should include a definitive opinion about how the carrier's conditions of employment caused the

“Whenever possible, carriers should see a physician who is knowledgeable about RSI.”

RSI. The opinion should be supported by medical reasons that are as specific as possible.

Continued support

Unfortunately, filing the CA-2 is very rarely the end of the matter for either the carrier or the NALC representative. In these cases, in which members are experiencing continual pain and uncertainty about the debilitating effects of their occupational injury, the NALC representative plays a critical role in following up on all steps of the process. These representatives should plan to work closely with injured carriers to ensure that all

paperwork is completed, that the necessary tests and laboratory results are sent in, and that any obstacles raised are met and overcome. In addition, the NALC representative should work with management to ensure that injured carriers receive appropriate consideration based on the degree of their disability. Many times carriers with RSI are able to perform some work, as long as it is not of the repetitive nature that caused their injuries in the first place. Ascertaining and obtaining appropriate light duty assignments should be carefully monitored by NALC representatives.

The good news about RSI is that if it is caught early enough, effective treatment is possible and need not be invasive, as is surgery. Carriers can expect to fully recover and the effects need not be disabling or permanent. However, it is critical that NALC representatives take all necessary steps to explain the nature of RSIs to the carriers they represent. The need to pay attention to developing symptoms is key, and reports of such injuries should be filed early—as noted above, if the symptoms persist for a week.

NALC representatives should also be prepared to offer emotional support and understanding. Many times people who suffer from RSI do not look injured—there is no obvious cast or bandage to explain the carrier's disability. Yet the pain is very real. Educating all carriers about the causes and effects of RSI can help those who are affected. Also, it might easily happen that other carriers will begin to realize that their symptoms, also, may be the result of RSI.

The workplace can and should be a comfortable environment for all letter carriers. With care and appropriate action, NALC representatives can ensure that people at risk of injury will receive the help they need to avoid permanent disability. ■

The best advice: Do the right thing

Most NALC stewards have seen it: that panicky, deer-in-the-headlights look that letter carriers get when they hear that a manager is going out on their route with them. And the look becomes even more glazed when the manager in question has a nasty reputation for making carriers' lives miserable.

That's the situation that confronted steward Steve Devereaux of Eugene, Oregon Branch 916. But Devereaux has a not-so-secret weapon to use in such situations. He does his job—just exactly as the contract specifies.

In an article published in the Oregon

State Association newsletter, Devereaux recounts the story of his encounter with the meanest manager in Oregon. And his experience packs a punch for stewards and carriers throughout the country. (See the box below for an excerpt from the article.)

As Devereaux explains it, when news came that a certain supervisor had been assigned to his facility, fear and trembling filled the office. "This guy was so mean, he had issued four letters of warning on Christmas Eve!" Devereaux says. "Everybody said he was heartless, and on top of that, he had no sense of humor." To

Devereaux, who has a highly developed comic view of the world, such a person became the ultimate challenge.

"As the steward, you want to put yourself out there to be the target," he says. "All the other carriers will watch you to see how you set the tone, how you deal with a guy like that."

Knowing your stuff

It wasn't long before Devereaux and the supervisor come head-to-head. On the supervisor's very first day, he questioned Devereaux's estimates of how long it would take to

Steve Devereaux: Being a good union carrier

...So what did D___ [the new supervisor] mean by "good union carrier?" I can't say exactly but I have an idea. I think he means that...I carry my route the same way every day and by the rules. I think (I hope) the same can be said of every shop steward in Oregon. I know that not every letter carrier in Oregon does, although they should.

How do I know this? As a shop steward I see discipline of all kinds being issued. Almost without exception it is for a "failure to follow instructions" for violating some rule. More often than not it is for violating a safety rule. You didn't set your handbrake. You didn't curb your wheels. You drove with mail in your hands. You didn't do this, you didn't do that. And on and on...I'm not saying you deserve discipline for seemingly minor violations of the rules. I'm saying you are giving manage-

ment an excuse to issue discipline to you. It doesn't matter that you worked hard that day. You just didn't follow the rules and you got caught.

I often hear carriers say, "It will take me longer to deliver my route if I follow every rule they want me to. They won't give me the time for that." Well, of course they won't "give" you the time. You have to "take" the time...You should consistently carry your route the same way day in and day out...as if the supervisor were riding with you every day. I can't think of any better advice.

Don't panic

Management is harassing letter carriers daily in an attempt to make them go faster and many times they will harass and intimidate a carrier so much that the carrier will feel compelled to break a rule to meet their

(management's) expectations. What do they get for their extra, discretionary effort? Maybe a hearty pat on the back. But get caught breaking a rule in the process and they will likely get discipline and even more harassment or, worse yet, have an accident and maybe hurt themselves or someone else and get discipline to boot.

I simply refuse to allow management to harass or intimidate me into breaking the rules just to go faster. I refuse to help them discipline me. I know that many, if not all, of the rules will cause me to go slower. I don't care. By golly, I'm gonna follow their rules. I don't panic when...any manager wants to go with me on the street, in fact, I welcome it. Not only does it help to establish my credibility but it also lessens the amount of harassment I get.

Would you say that the steward is the least harassed carrier in the office?

case and deliver his route. Devereaux remained calm and pointed out that his estimates were reasonable. If the supervisor had doubts, he could come along with Devereaux that very day and check things out.

“When you keep your cool and you really know what you’re talking about, people tend to back down,” Devereaux says. He had a hunch the supervisor was trying to provoke him, but Devereaux refused to play that game. “I always try to take the higher ground when I’m dealing with management—not to get involved in spitting contests, so to speak.”

The next day a carrier showed Devereaux a street observation form that the supervisor had filled out while observing that carrier. It had 25 items, each followed by a citation

from a USPS manual. There were a few exceptions, including one item which read, “Walking at normal pace (compare to prior street observation),” and was accompanied by a piece of paper on which the supervisor had apparently calculated paces per minute. The carrier was worried because he had never seen a form for paces per minute before—and neither had Devereaux. Clocking onto steward time, Devereaux tracked down the supervisor and asked him about paces per minute. “The acceptable rate is 120 paces per minute,” the supervisor stated. Then he added that carriers should not be walking at a snail’s pace, and actually got up and demonstrated the way a snail walks. As Devereaux writes, “He did such a good job that for a second I thought I

noticed a slime trail on the linoleum.”

Although Devereaux enjoyed the demo, he ended up telling the supervisor that if he ever attempted to use paces per minute as a standard of performance, Devereaux would immediately file a grievance. The supervisor responded, “I can use paces per minute if I want to. Do you have that book with you, you know, the one that’s named after a tree?” Oh, the *ELM*, Devereaux realized—the *Employee and Labor Relations Manual*. And Devereaux stated firmly that nowhere in the *ELM* or any other manual was there a requirement for a standard pace for walking. “If you like, I can give you some grievance case history that will support what I’m saying.” The supervisor responded, “Oh, I know that.”

I would and it’s not because the supervisor is afraid of them. It’s because the steward knows the rules (probably better than the supervisor) and they

I don’t want to help any manager get bonuses if I have to break rules to do it.

abide by them. This is not an easy path to follow. It takes effort and concentration because, as we all know, it is harder to work strictly by the rules. It can be done but to do this you have to know the rules....

I don’t know about you but I am not interested in living up to management’s “expectations” for me. I only expect to show up for work on time every day and to work as hard as I can within their rules. Paces per minute? I know it can be used as an observation but I also know there is no standard walking pace. I didn’t worry about my street time expanding from five and a half to six hours because it was easily justified by unexpected circumstances. Heck, D__ was with me and he even said I did a good job and I was a good carrier. Why? Because I (say it with me) followed the rules. He had nothing to gripe about...

Sadly, what he will do is hassle a carrier who isn’t as knowledgeable and he’ll make their lives miserable while they try to meet some arbitrary expectation. He’ll find a carrier who will believe him when he says, “You will case at 15 minutes per foot and walk at 120 paces per minute to meet my expectations for you.” And that

carrier, thinking his/her job is on the line, will bust his/her butt while most likely working outside the rules to try and meet D__’s expectations and be miserable for ever more.

Even sadder is the fact that by not knowing their rights, and the rules, that carrier is not only helping D__ make his/her own life miserable but is also helping D__ get his bonus.

If your supervisor says, “You will case at 15 minutes a foot,” you say, “I’ll do my best.” If they say, “You will maintain your demonstrated paces per minute,” you say, “I’ll do my best.” Then do your best. But do so within the rules and with your rights intact. Personally, I don’t want to help D__ or anybody else get their bonus if I have to break (or bend) the rules to do it. That just puts me at risk of discipline and why would anybody want to do that?

(Reprinted in part from The Satchel, the newsletter of the Oregon State Association, with permission from Steve Devereaux) ■

Out on the street

The day came, about a week later, when the supervisor announced that he would be riding with Devereaux to establish his time of travel and to identify any safety hazards on his route. In his article, Devereaux describes that day from start to finish. At commitment time, Devereaux estimated his street time would be five and a half hours. As a result of some traffic problems and other unexpected delays, he came in at six hours.

“Did [the supervisor] rant and rave about expanding my street time?” Devereaux wrote. “No. He said I did a good job. He said I was a ‘good union carrier.’”

Talking about his experience, Devereaux points out that he carried his route that day the same as he carries it every day. “You put in your best effort, you know your rights, you know the contract and the rules and

You put in your best effort, and you know your rights.

you do what you’re supposed to do,” he says. Although his street time expanded, there were good reasons for the expansion, and he made sure the supervisor was aware of every variation. “If he hadn’t been with me, and I had to explain myself when I got back to the office, I knew exactly



NALC steward Steve Devereaux of Eugene, OR Branch 916 has a secret weapon: He works by the rules.

what I would say,” Devereaux writes.

Too often, carriers cave into management pressure when they are being observed, he notes. Or they create pressure for themselves by thinking they have to speed up in order to keep their jobs. “If you have a manager telling you that you need to case or walk at a certain speed or else your job is on the line, you need to know that the manager is lying,” he says. “In too many offices, standard operating procedure is to intimidate the heck out of letter carriers. You’ve got to know your rights and know that you are always doing the right thing.”

Devereaux admits that carriers may not always know what the manuals say. “That’s when the steward needs to step in,” he says. “Try to find out from carriers what is being said to them by management. Could be that a lot of people simply don’t want to fight back, especially on a daily basis. They may think it’s easier to just give management what it wants—and they end up racing through their routes out of fear.”

If stewards suspect that carriers are working under intimidation, it becomes the steward’s job to confront management about what is being said to carriers. “The steward should be able to handle discussions about expectations and what the manuals and contract say,” Devereaux notes. “For example, every steward should know there is no standard for casing.”

Educating carriers about their rights should be an ongoing process, he says. “At every branch meeting we talk about what grievances are on the table, without using names, so people will get to know the kinds of things that can happen. Carriers need to recognize contract violations and bring those actions to the steward’s attention.”

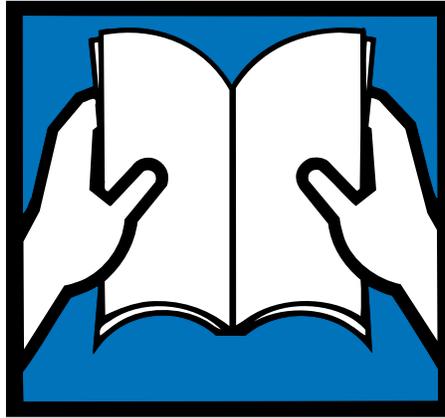
Devereaux, who has been a letter carrier for 23 years, believes that his steward skills are sharp because he spent some time in management himself. “I was a 204b for a while in California, just because of the money,” he says. “But some of the things I saw really bothered me, and I

When carriers get letters of demand

Fans of the game *Monopoly* may remember the card that read, “Bank error in your favor: Collect \$200.” It seemed to make sense somehow. When a giant institution makes a mistake and gives you too much money, why shouldn’t you keep the windfall? Real life doesn’t work that way, however, so when the Postal Service discovers that letter carriers have been mistakenly overpaid, the carrier gets a letter of demand to repay the money.

Although letters of demand have been around for a long time, recently a flood of such letters have been mailed as a result of USPS errors concerning cash payments made to letter carriers as a result of the Fleischli Award settling the 1998-2001 *National Agreement*. Carriers receiving these letters may be confused and anxious, and NALC stewards and branch officers need to know how to advise these carriers.

As several recent arbitration awards illustrate, the Postal Service must be able to support its assertion that a letter carrier was erroneously overpaid. Most important, **the letter of**



demand must contain detailed evidence supporting the assertion that overpayment was made. Arbitrators have generally held that letters stating only that a certain amount was overpaid and must be repaid by the employee are in violation of the *National Agreement*. And even if a letter of demand seems to contain an adequate explanation of the debt, it is nevertheless sound practice to grieve any letter of demand. The act of filing a grievance stops the collection process and gives the union and the employee time to examine all evidence proffered by the Postal Service concerning the alleged debt.

Background

There are a number of circumstances that may trigger letters of demand from the Postal Service. The arbitration awards cited in this article upheld grievances concerning overpayments made to carriers as a result of the promotion pay anomaly that affected many carriers who moved between Steps 5 and 6 under the terms of the 1984 *National Agreement*. That anomaly has been explained in two stories in the *NALC Activist*—in the Summer 1994 and Fall 1996 issues—and is quite complex. However, the arbitrator’s statements in these awards also applies to all other situations in which the Postal Service issues a letter of demand.

As noted above, the Postal Service made mistakes in generating the cash payments triggered by the Fleischli Award and has traced those overpayments and begun mailing letters of demand asking carriers to repay amounts ranging from \$10 to \$725.

If carriers do not contest the letter
continued on page 10

Right thing

continued from page 8

had heartburn every day.” He ended up moving to Oregon to reduce living costs, and went back to the rank and file. He’s been a steward for the past eight years, and also serves as branch secretary and the chairman of the Oregon state executive board.

“You know, I’ve been a solid union supporter for a long time,” he says. “But you have to stay aware of how the other side thinks.” Because of his

time in management, Devereaux believes he can more easily put himself in a supervisor’s shoes. “That’s a useful talent,” he says. “Not only can you figure out what they’re likely to say during grievance meetings, but you can also get a sense of what their own needs are. And when you can look like you have an interest in management’s concerns, you can usually get a lot farther in your negotiations.” He also listens to conservative talk-radio programs. “You’ve got to know where those people are coming

from—and I have a good time arguing back to the guys on the radio.”

Above all, Devereaux says, it’s important to develop a sense of humor. As is evident from his writing, he has a quick wit and the ability to see the ridiculous side of even the crankiest manager. “When you can laugh at something, right away you reduce your fear of it,” he says.

His advice to stewards is pretty basic, he admits. “Know what’s right, do the right thing, and find a way to laugh at all of it at least once a day.”

by filing a grievance, the Postal Service will deduct the amount of the overpayment from these carriers' paychecks, either in one lump sum or in installments. In many cases the Postal Service may have made errors in recalculating the amount to be repaid, or failed to provide sufficient evidence in the letter of demand. In any case, carriers and their NALC representatives need to be aware of the proper procedures for protecting carriers from erroneous demands for repayment. In the following case (C-20126), Arbitrator Eaton clarified important points about letters of demand. In this instance, the alleged overpayment arose from the promotion pay anomaly; however, the arbitrator's reasoning applies to all USPS letters of demand.

The facts

The case concerned a letter carrier who in March 1999 received a USPS letter of demand for \$5,677. An invoice attached to the letter stated that the claim was a "payroll related debt" and that it was assessed "per Memorandum of Understanding NALC dated June 28, 1995 salary overpayment." (M-01355) No further explanation was provided for the claim, which the NALC grieved. The grievance proceeded to Step 3. During the handling of the grievance at earlier steps the Postal Service did not provide any additional documentation concerning the claim.

The union claimed that the letter violated Article 28 of the *National Agreement*, which reads, "The parties agree that continued public confidence in the Postal Service requires the proper care and handling of the USPS property, postal funds and the mails. In advance of any money demand upon an employee for any reason, the

employee must be informed in writing and the demand must include the reasons therefore."

The NALC advocate argued that the contract clearly states that management must provide a reason for such claims, and despite repeated union requests, management failed to provide any reason. The Postal Service finally sent a document to the grievant titled, "Payroll History Journal," but provided no additional explanation. The amount stated in the letter of demand did not appear anywhere in the Payroll History Journal.

During the arbitration hearing, the Postal Service brought out witnesses and additional documentation in an attempt to explain how the total amount had been calculated. The union advocate pointed out that introduction of new evidence at Step 3 was improper. In any case, the Postal Service's witness stated that she had not completed her calculations and could not, in fact, offer any explanation of the overpayment. The witness admitted that she was confused and frustrated by the Payroll History Journal, which, she said, contained a number of errors. The union advocate concluded by stating, "How can the Service expect the grievant to understand how she may have been overpaid if their own witness can't?"

The Postal Service advocate agreed that the language in Article 28 states that the employee must be informed in writing of the overpayment and that the demand must include the reasons. However, management claimed that the statement, "payroll related debt" was an adequate reason. The USPS advocate argued that if the union wanted more specific language included in letters of demand, the union should negotiate for that language and not try to win it through arbitration.

The arbitrator rules

Arbitrator Eaton acknowledged that the language in Article 28 does not cite any specific requirements concerning how the "reasons" must be stated. Nevertheless, the arbitrator believed that the definition of the word, "reason," indicates that "some articulate and understandable explanation is required," the arbitrator wrote.

The arbitrator also noted that the Postal Service's witness was unable to clarify the reasons for overpayment, and that even if the witness could have explained the matter, such new evidence is not admissible at the arbitration hearing. In any case, the arbitrator wrote, "There has been no clearly articulated statement by the Postal Service to the grievant, in writing or otherwise, as to precisely what the basis of the claim is."

The arbitrator also reviewed several cases that had been cited by the union to support its argument that the "reason" in the letter of demand must be more detailed than the statement, "payroll related debt." In an award dated April 10, 1999 (C-19368), Arbitrator Parent stated, "A reasonable person would expect that when the employer advises an employee that she/he has been overpaid a certain amount, some sort of explanation or calculations would be provided to substantiate the claim and not simply a reason such as, 'You have been overpaid in the amount of _____, therefore please advise us how you plan to repay the amount'—which, in effect, is what was provided the grievant in the instant case. Over-payment may be the reason for the request for reimbursement, but in this arbitrator's opinion, absent some sort of simple explanation as to how the claimant arrived at the requested reimbursement figure, the intent of the language of Article 28 has not been satisfied."

Therefore, Arbitrator Eaton determined that, as in the case heard by Arbitrator Parent, the Postal Service had offered as “reason” only a “conclusory statement that the grievant had been overpaid, with no supporting rationale whatsoever.” Accordingly, Arbitrator Eaton upheld the grievance, ordered that the letter of demand be rescinded, and that stated that neither the Postal Service nor the grievant could pursue any further claims in the matter. Likewise, Arbitrator Parent also sustained the grievance in C-19368.

Lesson for stewards

From the above decision, it is fairly obvious that management has

a contractual obligation to provide an **adequate** reason for issuing the letter of demand. A statement such as “overpayment of salary” is not considered adequate. Arbitrators have ruled that the reason must actually include **explanations** or **calculations** showing how the amount claimed as overpayment was determined. These reasons must be included in the initial letter of demand; if they are not, the letter is in violation of the contract.

Stewards should note that filing a grievance for a letter of demand is generally good practice. In addition, carriers receiving a letter of demand should also file Form 3074, *Request for Waiver of Claim from Erroneous Payment of Pay*. Details about filing

for a waiver appear in the *Employee and Labor Relations Manual (ELM)* in Section 437. Stewards should note that a waiver can be filed by **former as well as current employees**, and that the act of filing for a waiver does not constitute an admission by the carrier that the alleged debt is justified. As a result of new language negotiated in the 1994 *National Agreement*, the Postal Service must cease and desist from any attempts to collect money from a carrier until all grievances concerning the matter are resolved. It is not the grievant’s responsibility to prove that the money is *not* owed. Rather, the Postal Service must prove that there are adequate reasons for the debt. ■

Conflict resolution

continued from page 1

mal techniques is available that can help stewards and branch leaders who strongly desire to improve working conditions for the carriers they represent.

A central concept in these conflict resolution efforts is **improving communication**. Another common theme is learning how to **reframe problems** so that both sides can see potential gains rather than losses. Effective branch leaders have also learned that **focusing on strengths** can help defuse tension both within the branch and with management. However, most likely the ideas suggested in this article represent only a small sample of approaches to conflict resolution at work in today’s NALC.

Keep it simple

Sometimes the most effective approaches are those that already seem obvious. However, many times

people tend to ignore the obvious, thinking that their problems are so overwhelming that small and simple

Even a slight change in attitude or approach can have positive results.

techniques cannot possibly help. But research on conflict resolution has proved that even a slight change in attitude or approach can have unexpected, positive results.

For example, it’s hard to deny the importance of good communication

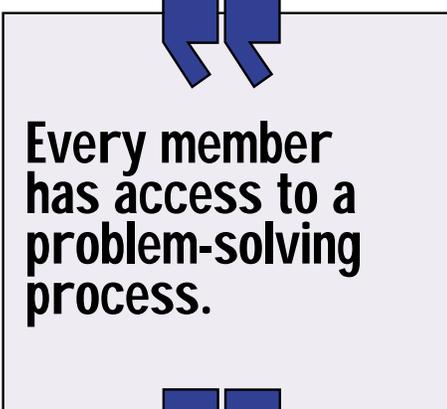
between all union members and also between branch leaders and management. In many cases, however, communication lines may be broken or bogged down. That’s why Pat Byrne, president of Lynn, Massachusetts Branch 7, continually reminds stewards and other officers to keep talking to members. Interestingly, Byrne has learned that one of the most conflict-laden and stressful situations for branch leaders—the grievance process—can actually become a useful tool for defusing internal tensions and building solidarity.

“Many times a letter carrier who files a grievance is initially tremendously passionate about what has happened,” he says. “They have lots of energy and interest in the whole process—feelings that are shared by the steward.” But as the grievance process continues, and especially as it moves to higher steps, the grievant can begin to feel shut out and isolated.

“You’ve got to keep everyone informed about what’s happening,” Byrne says. “If there’s a vacuum for months and months—nobody seems to

know what's happening—and then you get some kind of watered-down decision from an arbitrator that's sprung on the grievant with no warning—that person turns into a life-long enemy of the union.” In contrast, if the steward or other branch leaders maintain regular contact with the grievant—and particularly if they share their own insights about what is likely to happen—grievants feel more connected. Ongoing communication in this case helps defuse tension and stress for all participants and creates a climate in which the decision—whatever it may be—can be viewed more neutrally.

Other branch leaders who have confronted and resolved strong conflict within the branch also stress the



Every member has access to a problem-solving process.

need to keep talking, no matter what. When Tom McPartland took over as president of Salt Lake City, Utah Branch 111, branch leadership lacked solidarity and members seemed generally disconnected from the union. McPartland decided to meet these issues head-on.

“We had a retreat for branch leaders where we all got together away from work to get to know each other,” he remembers. “We talked about ground rules for operating the branch and discussed how to gain commitment from our members.”

Participants acted out role plays and took part in other structured activities that pointed out why communication gaps occur and how to prevent them. With new awareness of the importance of building connections within the branch, all officers and members of Branch 111's executive board helped shape a **vision statement** that inspired and directed all members. “It took us quite a while,” says McPartland, “but we finally crafted three sentences that seemed to capture the essence of our commitment. That statement reads,

Branch 111 will achieve solidarity through strength. Our strength will be the result of empowering our leaders and members through education, training and involvement. We recognize our obligations as we embrace the principles of integrity, open communication and unity.

“It may sound strange, but working on that statement really forged bonds of cohesion within the branch,” McPartland says. “Now as we decide on actions to take as a branch and strategies to adopt, we check everything against the vision statement.” As a result of concentrated work and improved communication, branch leaders developed a new administrative structure for the branch, creating three teams to handle branch administration, contract administration and finances. Within that structure, every member has access to a problem-solving process that facilitates the discussion and resolution of problems in an atmosphere of mutual trust and understanding.

Different perspectives

At the same time as these changes were being implemented, leaders in Branch 111 were revisiting the basics of conflict resolution proposed by Stephen Covey, author of *The Seven Habits of Highly Effective People*. “What we really took to heart was the

idea that every dispute can be reframed in such a way that a win-win resolution is possible,” McPartland says.

The key, as Covey explains, is to allow unexpected possibilities to surface. “Seek first to understand, then to be understood,” he writes. “When we really deeply understand each other, we open the door to creative solutions and third alternatives. Our differences are no longer stumbling blocks to communication and progress.”

As Idaho Falls, Idaho Branch 1364 president Rich Bowman sees it, concentrating on winning at any cost can be destructive both in the short-term and over the long haul. “Instead, it's important to ask, ‘What are my interests in this issue? What do I really want to happen?’” he explains. The truth is that branch leaders exist to serve the membership. And how well do members fare in an atmosphere of constant contention and conflict?

“Too often we end up spending our time focused on the opposition,” he says. “And that could be management, or even other factions in the branch. By spending all that energy on maintaining hostilities, branch leaders cut off possibilities for growth and improvement.”

When Bowman begins to work with two people who are in conflict, he sits down with each person and asks about their goals. If the dispute is between two union members, he tries to help the parties see not only their personal goals, but also the long-term goals of the union. “People usually will admit that they have a stake in the union's survival,” he says. “Even branch leaders who seem to be only committed to getting re-elected will come to see that the best way to reach that goal is to work to achieve the needs of other people.” It can be tough to get people to admit they may have common interests, he

says. “Most times people don’t want to talk about their own stake in the conflict—instead they want to focus on what’s wrong with the other person, why they are so obstinate and hard to deal with.”

Bowman has also discovered that many people seem to enjoy conflict for its own sake. This personal style can be found in many managers as well as branch members. “These people just love to argue,” he says. “And generally they plan their confrontations well in advance, they gather their forces and mount a really coordinated attack. When it’s a manager, often the letter carrier or steward will feel just overwhelmed by the force of the attack and the persistence of the manager.”

The best tactic to deal with such people, Bowman has found, is to simply listen to what the confrontational person has to say. “Really and truly listening to these people can many times disarm them completely,” he says. Again, as Stephen Covey recommends, you are seeking first to understand—then be understood. “Some people simply have to express themselves emotionally,” Bowman says. “And generally when they do that, people shut them out—they just see the anger or whatever and turn off.” Instead, Bowman recommends listening for the issues. “In all that emotional camouflage, these people will generally have a pertinent issue that needs to be addressed,” he says. “Managers who get all fired up about requests for auxiliary assistance, for example, usually have real problems of their own, someone who gives them a hard time—and you need to understand what those problems are before you can begin to reach a mutually agreeable solution.”

Bowman believes that in many cases, conflict can be resolved if one side is committed to listen, to understand, and then to reframe the prob-

lem to reflect both sides’ interests. However, he also readily admits that there are issues, especially concerning contract administration, in which the only proper tactic is to stay within a win-lose framework. “There’s no way we’re going to compromise our contractual rights,” he says. “And in those cases, the grievance-arbitration process is the way to go.”

Accentuate the positive

There may be ways, however, to maintain the integrity of the contract while still working on alternative methods to defuse conflict. In the state of Montana, NALC local leaders and Postal Service managers have been trying a new approach, known as **appreciative inquiry** (AI), that seems to help improve relationships on the workroom floor.

“The basic point is to help everyone understand exactly what is going on,” says Montana State Association president Michael Crogan, who is co-chair of the steering committee for the Montana Human Resource Improvement Process. That committee was created more than five years ago when union leaders and managers in Montana realized that more attention needed to be paid to the effects of conflict and tension between postal employees and managers. The committee first set up a line of communication so that any person could call in with concerns about conflict on the workroom floor. In response to such calls, members of the committee visit the site and begin the AI process.

AI approached the whole issue of conflict from what might be seen as the opposite direction. Instead of looking at the problem and what caused it, AI provides tools for discovering **what is right**—what is actually working—and how to build on such positive interactions to overcome

the perceived conflict or problem.

The method was developed in the mid-1980s by David Cooperrider, a professor of organizational behavior at Case Western Reserve University in Cleveland, Ohio. Cooperrider and his colleagues believe that when people focus on what’s wrong—the problems and how to solve them—a pattern develops of placing blame and generating defensiveness. People focus on the past—what has failed and what caused the failure. Energy is derailed into elaborating on deficits rather than strengths. So instead of looking at problems, the AI team uses a specific process to find positive images to facilitate change. Cooperrider calls this process “the Four Ds”: Discover, Dream, Design and Destiny.

In Montana, the discovery process begins when a team selected by the Improvement Process steering committee visits the postal facility at which problems have been reported. “Instead of asking for more details about what’s wrong, team members get people together to talk about what’s right and focus on what people enjoy, what they value, and what they would like to see happen,” explains Montana State Association president Michael Crogan.

The questioning process itself can begin to improve the atmosphere, Crogan says, by helping people move away from blaming each other. Sample questions might include, “What do you value most about yourself, your job, the union, the Postal Service?” and “What is making a positive difference in the quality of your work life?”

Questions can also begin to raise hopes, leading to the next stage, **Dreaming**—also known as “envisioning results” or the “What might be?” inquiry. The process for implementing the Dream stage is generally to bring people together and share

the results of Discovery. The Dream stage could begin with one of the intervention team members telling all participants: “Let’s assume that tonight we all fall asleep and wake up five years from now. When you wake up, the Postal Service has become exactly the organization you would like it to be. What do you see that is different and how do you know that it is different?”

Croghan explains, “Although the Dream stage sounds as if it would be hard to bring about, you generally can help people think of small changes, small projects that can begin the process.” Sometimes the suggestion might be as simple as stating that in the “dream” organization, information is routinely and regularly shared.

The third stage in the AI process, in fact, requires just such a dialogue between all involved parties. In this stage, **Design**, the focus is how to bring the dream ideas to life.

The final stage of AI, **Destiny**, is perhaps the vaguest phase. Also known as the “sustaining” phase or the “How to empower, learn and adjust” part of the process, Destiny is a concept that is largely left to the participants to define for themselves.

Cooperrider believes that the momentum for change and long-term sustainability increases more rapidly when the participants begin to apply the process on their own throughout the organization.

In Montana’s Improvement Process, therefore, Destiny becomes a concept that can vary from location to location. “Sometimes the intervention team will help leaders become change agents who have the power to look for ways to make a difference,” Croghan says. “The ways themselves—what the change agents actually do—may be left open-ended, for the parties to discuss as part of the ongoing process.”

Not the only way

Although Appreciative Inquiry has proved itself to be a powerful tool, Michael Croghan explains that the traditional grievance-arbitration process also remains viable. “Sometimes the best way to approach a certain situation is through filing a grievance,” he says. Often, however, problems at a station run deeper than the fact that management may be violating the contract.

“The reasons behind grievances are important,” Croghan notes. “And sometimes, even as the grievance process works itself out, the techniques of Appreciative Inquiry can help uncover those reasons.”

As Croghan sees it, “The fact that we can use a method like Appreciative Inquiry doesn’t mean that we’ve completely conquered our differences,” he says. “But the tool is definitely helping us sustain a real desire and commitment to get along better.”

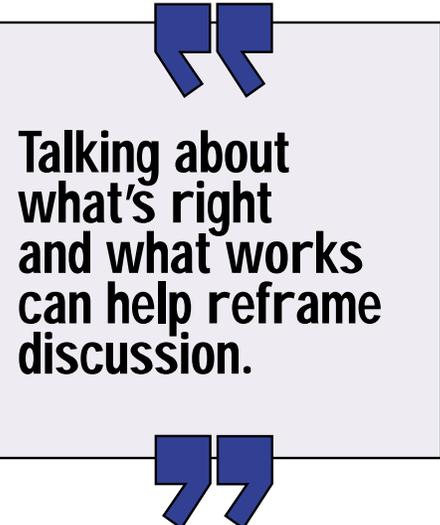
AI and other techniques at use in Montana are also constantly evolving, Croghan says. “We have to keep looking at what we do, keep evaluating what works. But over time, the positive approach seems to be helping us build stronger, more productive relationships.”

With AI, **improved communication** happens through meetings and discussions facilitated by joint teams. In other settings, branch leaders themselves, in the absence of any joint efforts, can begin the process of improving communications, as Pat Byrne of Lynn, Massachusetts notes. Sometimes even the issues that seem most divisive—such as grievances—can be used to help pull people together.

And as Salt Lake City Branch 111 president Tom McPartland has learned, getting people together to focus on common goals—and formal-

izing those goals in vision statements, can also provide the strong communication base needed to implement change. The key is putting conscious attention into strengthening communication, as both note.

Another element shared by AI and other conflict resolution techniques



Talking about what’s right and what works can help reframe discussion.

is the effort to **reframe the issue**. As other branch leaders have noted, when people in conflict can begin to talk about their interests rather than their need to win, more possibilities become available. Rich Bowman of Idaho Falls, Idaho knows that focusing on common interests can be a way to move people toward win-win solutions. Another way to reframe conflict is to **focus on what works**—as AI does—and through that process help people see that more options are available.

To sum up, each of the above ideas can be powerful ways to open up discussion and attain insight into problems. As Rich Bowman notes, “We can continue to fight, and we’re very good at that. But when we look at the future, we can see that changes are coming. We need to find ways to meet our needs, uphold our rights, and not get bloodied in the process.” ■

Stewards: Do these problems sound familiar?

No matter how experienced you become as a steward, there will always be problems and misunderstandings between you and the letter carriers you represent. New employees frequently don't know what kind of authority a steward has, or how labor-management relationships work. Veteran workers may have developed their own way of doing things, or see their relationship with the steward as somehow special and worthy of some rule-bending or preferential treatment.

You've got enough problems dealing with management. You certainly don't need extra headaches coming from your own folks.

Here's a look at some of the more typical problems encountered by stewards, along with possible causes for the problems and some potential solutions. Maybe you'll find something here that can end up making your life a whole lot easier.

Members bring far too many problems to you and expect them to be handled as legitimate grievances. If this happens to you, maybe it's because you don't know how to say "No" in a fair and convincing way. And perhaps you don't know where you could send the member for the help that's really needed, which could be a community services agency or other organization. A solution here would be more training for you, either formal programs offered by the union, or informal discussions with more experienced stewards on how to screen legitimate grievances from gripes, personal problems and the like. For what it's worth, the more time you put in as a steward, the more confidence you'll have in your judgments.

Members won't tell you about problems, or sign grievances when they do. They feel intimidated by management. The basic problem here may be a lack of feeling of solidarity and confidence in the union. Again, the solution calls for hard work on your part—but it will pay off. You need to educate members about the union's rights and powers and help members stand up for each other under the union's banner. If you encounter a reluctant grievant, for example, you might suggest that person speak with other members who have worked with the union to resolve a workplace problem.

Members expect you to take sides against other members in disputes. This problem may come up when dealing with overtime issues or in other situations when it appears that one member's gain results in another member's loss. The problem here is a basic misunderstanding of the purpose of the union and your role as steward. This could flow from a lot of things, including, unfortunately, earlier experiences in which a steward may in fact have taken sides or played favorites. What you have to do here is be consistent. Set examples of fairness and evenhanded treatment. Don't let one worker's emotions or anger allow you to be manipulated into becoming an advocate for an individual rather than the procedures outlined in the contract.

Co-workers fail to give you full information on grievances. One possible cause of this problem is that you may not be really clear on how to identify the information you need, or you may need more training in conducting interviews or investigations. The solution is straightfor-

ward: Go after the training you need, and never hesitate to ask for help from more experienced branch officers or other stewards.

Members deal with you as a friend—and expect representation on that basis, regardless of the issue. This problem is likely to come up, paradoxically, as a result of your own success. Many times stewards are elected because they are popular and have a lot of friends. Or it could happen that a steward was elected because he or she just didn't know how to say "No" to the job. What needs to happen is to gain a clear understanding of your moral and legal responsibility to represent all your co-workers fairly and equally. You have to fight for the rights of all, friends or not. And you have to learn how to turn down requests from friends for "special" treatment.

Members view stewards as just being out to help themselves. Well, maybe in a past experience with a steward, members found that to be true...especially in situations where management was particularly dominating and manipulative. What you have to do now is put your best foot forward and do your job. If you can help your co-workers win justice, even on small issues, they'll see that you're serving everyone's interest, not your own. As you are able to assist more co-workers, even in small ways, you will win confidence in your abilities as a leader for the entire workplace.

Adapted, with permission and thanks, from Steward Update, a newsletter for stewards published six times a year by Union Communication Services, 1633 Connecticut Avenue NW, Suite 300, Washington, DC 20008. ■

Regional Training Seminars

Listed below are regional training and educational seminars scheduled to begin before February 1, 2001.

For more information, contact your national business agent.

Atlanta Region (Florida, Georgia, North Carolina and South Carolina)

October 27-28, North Carolina State Association State Training Seminar, Best Western, Burlington, NC.

November 4-5, South Carolina State Association State Training Seminar, Sea Mist Hotel, Myrtle Beach, SC.

November 17-19, Florida State Association State Training Seminar, Royal Plaza Hotel, Orlando, FL.

National Business Agent Matthew Rose, (954) 964-2116.

Cincinnati Region (Ohio, Upstate New York)

September 17-18, Regional Training Seminar, Columbus, OH.

National Business Agent Bill Cooke, (518) 382-1538.

Boston Region (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont)

November 18-20, Region 14 Regional Seminar, Mystic Hilton, Mystic, CT.

National Business Agent John Casciano, (617) 363-9299.

Dallas Region (New Mexico, Texas)

October 8-9, Region 10 Fall Training School and Rap Session, Holiday Inn Park Plaza, Lubbock, TX.

National Business Agent Gene Goodwin, (972) 594-6252.

Denver Region (Arizona, Arkansas, Colorado, Oklahoma and Wyoming)

September 30-October 1, Regional Rap Session, Clarion Resort on the

Lake, Hot Springs, AR.

National Business Agent Gil Barela, (719) 595-9762.

KIM Region (Indiana, Kentucky and Michigan)

October 8-9, Indiana State Training Seminar, Adams Mark Hotel, Indianapolis, IN.

October 14-15, Kentucky State Training Seminar, Commonwealth Hilton Hotel, Covington, KY.

National Business Agent Ron Brown, (248) 589-1779.

Minneapolis Region (Minnesota, North Dakota, South Dakota and Wisconsin)

October 1-4, Minnesota State Association Convention, Brainerd, MN.

October 27-29, North Dakota State Association Fall Training Seminar.

November 3-5, Wisconsin State Association Fall Training Seminar.

National Business Agent Barry Weiner, (612) 378-3035.

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