

ACTIVIST

NALC

A NEWSLETTER FOR BRANCH LEADERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS
VOL. 22, NO.1
March 2009

Who are we?

The demographics of the NALC

Americans love their letter carriers. Delivering to every home and business six days a week, letter carriers become familiar faces in the neighborhood and are often the only contact the American people have with the federal government. Over the years, we get to know our customers and they get to know us. But how well do we know ourselves?

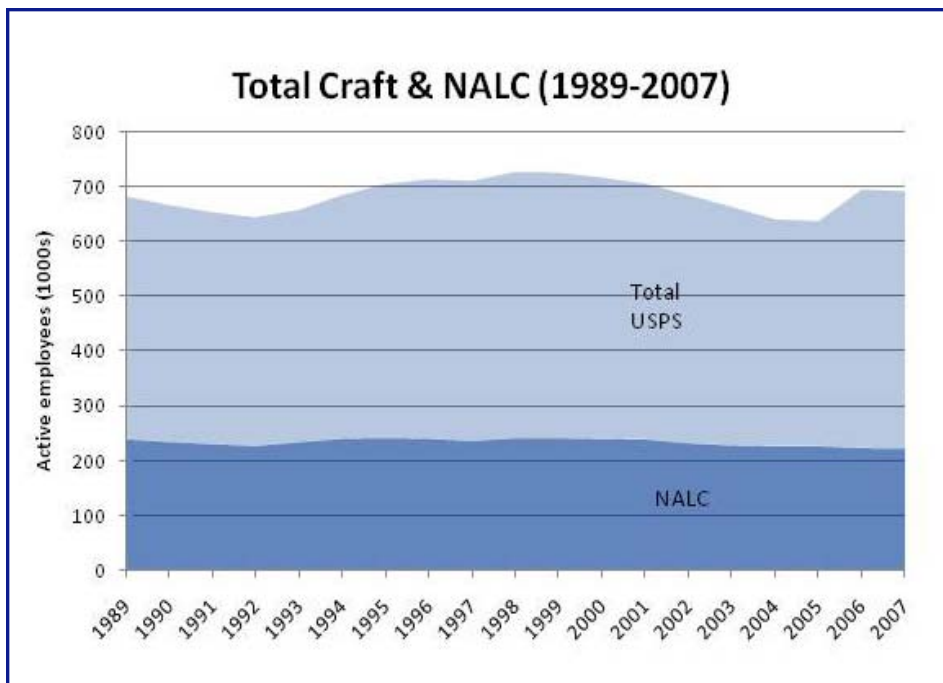
While we may know the people we work with every day fairly well, ours is one of the nation's largest unions and the NALC has members of every background. On the surface, a branch or station in Des Moines may not look like one in New York or Honolulu. What's more, your branch today probably looks a lot different than it did thirty years ago. In this article, we'll look at the demographics of

the NALC from a national perspective and examine the trends in our changing membership. Data from 2007, the most recent full year available, is used.

Size of the craft

It's no secret that even as more delivery points are added each year, the Postal Service has been shrinking. In just ten years, the size of the letter carrier craft has shrunk by almost six percent.

(Continued on page 12)



INSIDE

- Managing Your Branch Building 2**
- TEs and Workers Compensation 4**
- The Successful Grievance File 5**
- FMLA and Military Family Leave 14**

Managing your branch building

Keeping up with the details

This is the second part of the article, "Is Now the Right time . . . To Buy a Branch Building?" from the November 2008 issue of the Activist. That article discussed buying a branch building. This month, we turn to the question of managing your building. Just as in part one, this article is not designed to provide professional advice.

The stewardship of branch property takes the same dogged commitment to details as does a successful grievance. Details can be—and likely are—the difference between winning and losing a grievance. Details of building stewardship can be—and likely are—the difference between having an efficient and well run building or a source of worry, expense, unnecessary anxiety and conflict.

What are the details? Let's break them down into four areas:

- Handling the finances,
- Keeping up with physical maintenance,
- Running the property as a business, and
- Directing the building administration.

Financial Details

It may seem obvious, but the first and foremost financial detail is paying the bills on time. And owning a building of whatever size brings many additional expenses. Whether the mortgage, insurance, taxes, utilities or phone are due on the 1st or the 14th, the branch must recognize the time frame involved in paying bills, and stay current with its fiduciary obligations.

Regular payment of all the bills associated with the branch building must be worked into the branch by-law requirements for review, approval and payment of any branch expense.

Some states will not allow an unincorporated entity to hold title to real estate. If that is the case in your state, the branch will have to be incorporated in order to own a building.

One of the most important financial details in maintaining a branch property is accurately reporting income and expenditures as they relate to the building. To do this, you will probably need the assistance of a tax, or tax/accounting professional. Finding a knowledgeable and reputable advisor is as important as a good plumber, and just as necessary. And speaking of plumbers . . .

Physical Maintenance

As some of you know from first-hand experience, when the plumbing breaks and water is gushing everywhere—it's an emergency! When your car temperature gauge goes into the red, steam's coming out from under the hood and upon inspection you find a broken belt—it's an emergency!

The key to avoiding most of these emergencies is preventive maintenance. Your building has two main parts, the seen and the unseen. The seen is made up of the exterior and interior walls and roof, the doors, windows and foundation, the floors, the ceiling, basement and grounds. The building's infrastruc-

ture is the unseen: the plumbing and electrical systems, the heating/cooling units, the studs, beams and crawlspace.

Most of us are not trained trade craftsmen, but that shouldn't stop us from noticing problems with our buildings which may need repair. Good maintenance starts with paying attention. Chipped and peeling paint always needs attention. Paint not only has a cosmetic function, it serves as a protective coating against the elements. Damage to the paint will turn into a future problem which may be very expensive to fix as compared to the cost of scraping and painting now. If you notice a crack in the foundation, you should examine it. Does the crack look weathered and old, or does it look fresh? Cracks are usually a hint of a more complex structural problem. It could be any-

ACTIVIST

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

VOL. 22 NO. 1

March 2009

Published three times annually by:

National Association of Letter Carriers
100 Indiana Avenue, NW
Washington, D.C. 20001-2144

William H. Young, President



© 2009

thing from deterioration of materials to seismic damage; either way, a new or fresh crack should be examined by a professional.

Regular maintenance of your branch property is as valuable a preventive expense as it is for your car. Some branches have a regular quarterly “walk-around” looking for potential problems—checking for leaks and cracks, going up on the roof and checking for debris. Are there leaves in the gutters? A backup of water in clogged gutters can turn into a major headache, not to mention a significant expense to the branch. And, while cleaning and housekeeping might not seem like maintenance, they certainly qualify. Materials left lying around, either inside or out, can attract little critters—keep it clean.

Should your branch have cooking facilities, you may already fall under the watchful eye of the local health department, so preventive maintenance and good housekeeping should be always on your mind. Even if it isn’t required by local statute, posting a check-list can help ensure members follow approved cleaning procedures. For additional information on commercial cleaning “best practices” check out the web—a simple search will provide a wealth of sites with helpful tips.

A log of observed problems and repairs will help any workers the branch employs for repairs. Problems which have been “fixed” many times may actually indicate a more systemic weakness which has never been addressed. These earlier “fixes” noted on the log may prove valuable in locating the root cause of the problem. A structural engineer can recommend qualified individuals to assist the branch when problems are found. Don’t forget to seek input from local labor councils

to find union craft people for your repairs. Milwaukee Branch 2 President, Steve Erceg, said they only use qualified union companies when repairs are needed.

The economy is not out of its malaise yet and money is tight, so it is even more important to allocate maintenance funding into the branch budget—preventative maintenance pays!

Branch property as business

Several branches own buildings which include rental property, in addition to the offices and meeting rooms the branch itself uses. The building is large enough to rent out space either for outside events or for office space or apartments. This can pose both a financial and maintenance dilemma. The money from rental is now “income” and subject to taxation. Providing maintenance to your renter is now likely part of your rental contract and subject to contractual enforcement. Renting the branch hall for outside events can also prove problematic. Damages and subsequent repairs can be costly as well as a nuisance—and a hall damage deposit is something to consider when renting.

Should a branch property create income, which must be reported, you may also qualify for certain depreciation credits. These possible depreciations, like tax reporting, will likely require qualified professional assistance. When the branch is also a business, NALC Secretary-Treasurer Jane E. Broendel suggests a thorough reading of the *NALC Branch Officers Guide to Finance and Administration* (http://nalc.org/depart/sectreas/branch_financial_guide.pdf), paying particular attention to Chapter 4. Secretary-

Treasurer Broendel goes on to say, “the scrutiny of branch finances is serious business and when the branch takes on the added responsibility of property ownership and business income, the branch cannot be too careful and may wish to consult a professional tax advisor.”

Who administers the details?

Ultimately, the decision of who administers the details of the building is determined by the will of the membership. There are many possibilities. Either the branch constitution or bylaws assigns certain responsibilities to elected branch officers, or the branch voices its will through motion and vote as to who shall shoulder the responsibility.

Some branches assign the responsibility to the elected officers or executive board, other branches approve a building committee made up of officers and members with expertise in property matters, while some branches hire a property management company—especially those branches whose property is also a business. Exercise care when hiring an outside property manager to make sure the cost to the branch is equal to the value provided.

Regardless of who administers the details, the keys to success include a clear mission for the property, transparency of finance for the membership, accountability to the membership for work done on behalf of the branch, and an ever-present recognition that the building is a physical representation of the branch and its membership to the public. Details, who needs them? The branch does, and a good steward to police them.

TEs and workers' compensation

The approximately 12,500 city carrier transitional employees (TEs) make up about 5% of the letter carrier craft. One could argue that a TE, like any other new carrier, is at a greater risk of an on-the-job injury due to their lack of experience. Whether the statistics support or refute such a contention, one thing is sure: TEs do suffer on-the-job injuries.

Many questions often surface when a TE is injured on-the-job. Here are answers to some of the most common.

Q. Is a TE covered by workers' compensation benefits?

A. Yes. The Federal Employee Compensation Act (FECA) covers all employees of the USPS. See 5 USC 8118, FECA *Federal Procedure Manual* (FPM) Part 2-807-5, and EL-505–Eligibility.

Q. Are TEs covered on the same basis as permanent employees?

A. Yes. The FECA says that they are covered on the same basis, but certain limitations are applied based on the temporary nature of their employment. We will discuss some of those limitations below.

Q. Is a TE entitled to continuation of pay (COP)?

A. Yes. A TE is entitled to COP on the same basis as a permanent employee with certain limits. (See the next question.)

Q. Can management stop COP to a TE before the 45-day period ends?

A. Yes. If a termination date has been scheduled for an employee prior to the date of the injury, COP is not continued past the scheduled date of termination. FECA FPM Part 2-807-14.1.d states that COP can be terminated on the date the assignment would have ended were it not for the injury. (Also see ELM 545.741(e)-(f).) If management contends that the termination of a TE was “due to a lack of work,” they should produce a written notice that the termination was scheduled prior to the date of injury. FECA FPM Part 2-807-14.2.b requires written notice of the change to support termination of COP at an earlier date. (Also see ELM 545.742-743.)

Q. Is a TE entitled to COP if they report a traumatic injury after their termination date?

A. No. Like any other employee, a TE who first reports a traumatic injury after employment ends is not entitled to COP (20 CFR 10.220(d)).

Q. Can a TE be paid wage-loss compensation after the COP entitlement period ends?

A. Yes. (See the following questions.)

Q. If USPS terminates (non-disciplinary) the employment of a TE, will that end OWCP payment of wage-loss compensation and medical benefits?

A. No. USPS non-disciplinary termination of employment of a TE will not affect OWCP's decision to continue payment of wage-loss compensation and medical bills. An

employee who is separated for misconduct and whose removal is wholly unconnected to the work-related injury is not entitled to further compensation benefits (*Injury Compensation for Federal Employees*, Publication CA-810 8-9-B, “Removal for Cause”).

Q. Is there a limit on how long wage-loss compensation and medical benefits can be paid to a TE?

A. No. Wage-loss compensation and medical benefits for a total disability may continue as long as the medical evidence supports such payment (FECA FPM Part 2-0200-2(h)).

Q. Do OWCP regulations address the pay rate of a TE?

A. Yes. COP and wage-loss compensation payments to a TE are based on applicable formulas (FECA FPM 2-0900 and 20 CFR 10.216).

Q. Does a TE have restoration rights?

A. No. The restoration and retention rights under 5 USC 8151 do not apply to a TE. The employing agency is only obligated to restore a *permanent* employee (i.e., one with career or career-conditional status).

All references to FECA (5 USC 81), the Code of Federal Regulations (20 CFR 10), and the DFEC Procedure Manual—Part 2 (FECA FPM-2 or DFEC PM), can be found in a searchable PDF format at:

(Continued on page 14)

The successful grievance file

As a new or even seasoned shop steward, are you having trouble deciding what documents you need to include in a discipline grievance? What about a contract grievance? What needs to go into that grievance packet?

This article will show new and veteran stewards the information and documentation needed to build a successful grievance file. You will learn how to build a case file and so be able to negotiate from strength in your grievance meetings.

Good stewards always have their eyes and ears open. Many times stewards learn of contractual violations or even that discipline has been issued just by paying attention on the workroom floor. Stewards do not have to wait for a carrier to tell them about a violation. In fact, proactive stewards know that it is their job to defend the contract itself as well as the individual carrier in the office.

You do this by paying attention to what goes on around the office. Is someone starting earlier than his regular start time? Did you sign a change of schedule for that carrier? Is

an eight hour carrier working overtime? Did you see a carrier working on a route that is not her own?

Article 17, Section 2.B, of the *National Agreement* gives the un-

ion steward the right to investigate a grievance or to “investigate a specific problem to determine whether to file a grievance.” While the steward does not have the right to go “fishing” for a grievance, the steward is not required to wait until a complaint is received. If you have a reason to believe that a violation may exist you have the right to investigate. Your job is to defend the contract.

Preparing for informal A

When you believe that there is a need to investigate a grievance or possible grievance, the first thing to do is request time to investigate and review information in accordance with Articles 17 and 31 of the *National Agreement*. While there is no requirement to put such requests in writing, you should do so. Having the request in writing will give you the evidence you need if manage-

ment denies or delays your requests for time and/or information. Many branches have standard forms that are used for just this purpose.

Your request should include time to interview the

grievant as well as any other relevant individuals (including supervisors). If asked, the steward should let the supervisor know in general terms the subject of the dispute; the

parties should, however, avoid getting into a discussion of the facts or merits of the grievance at this time. The steward should be allowed to do a complete investigation before the grievance is discussed. As the checklists on the following pages suggest, the type of information a steward requests to review will depend on the issue.

The charts on pp. 6-11 provide handy checklists of the minimum information you should review and include in any grievance file for the subjects listed. You should always be able to answer the questions in the adjacent column in order to complete a successful grievance file. Remember, these checklists are suggestions—they are not meant to be all-inclusive. Each case is different, and it is the steward’s job to adapt to each individual grievance.

Remember, the grievance must be discussed at the Informal A step of the grievance procedure within 14 days of when the union or the grievant should have become aware of the violation. For example: if a grievant receives a letter of warning, day one of the 14 days is the day after the letter of warning is received, even if the grievant does not tell the steward until several days later.

Did management conduct an investigative interview with a carrier? If so, you should remind the carrier to let you know right away if discipline is issued. Part of the steward’s job is to educate the members.

(Continued on page 7)

**Build a case file
so you can
negotiate from
strength in
your grievance
meeting**

Grievance Checklists

Documentation

Questions to be Answered

Overtime Grievances

Clock rings (everything report) for all carriers, clerks and supervisor.	What does the union believe should have happened: Who should have worked? Who should not have worked?
1813 (management’s plan for the day).	When did management become aware that overtime was necessary?
All 3996s.	When is the last dispatch?
Truck schedules (mail arrival and last dispatch).	When is the close of business?
Schedule of the week.	When did the last carrier return?
Vacation schedule if relevant.	When were carriers scheduled to return?
ODL list.	Did carriers call and ask for additional assistance?
Statements of carriers.	Did carriers inform management in the morning that they would need assistance?
Curtailed mail reports for day prior and day in question.	Is the last dispatch of mail met on a regular basis? If not, provide documentation.

Steward Time Grievances

Any written request for steward time.	When was time requested?
Management’s written denial of time if provided.	When was time denied or delayed? Be specific. Provide time and date.
Your statement of reason given for denial or delay of time.	What is the incident date of the grievance being investigated or grieved?
Steward’s documentation showing work done off the clock. (The steward should record time worked off the clock and be able to note exactly what work was performed off the clock.)	What is the nature of the grievance being investigated?
	If time was delayed but later provided, when was it provided?
	Did the steward work off the clock to complete the task within time limits?
	If time was not requested in writing, what is the reason(s) for the request for time? How much time was requested?

Grievance Checklists

Documentation

Questions to be Answered

Working a TE in Lieu of a PTF

PTF clock rings for the pay period showing when the PTF was available and the total hours worked for each week of the pay period.	Did the PTF work less than 80 hours at the straight time rate of pay for the pay period in question?
TE clock rings for the pay period.	Which TE was worked in lieu of a PTF?
Schedules for the weeks in question.	Which PTF could have performed the work?
Any relevant 3996s.	Was the TE worked when a PTF was available?
Statement from the PTF carrier regarding availability.	Could the work performed by the TE been performed at a different time when the PTF was available to perform the work?
Documentation showing that the PTF was available to work while the TE was worked instead.	Was the PTF qualified and available to perform the work done by the TE carrier?
	Could the work performed by the TE been done by the PTF at the straight time rate of pay?
	Could the PTF have been scheduled to do the work?
	Was the TE scheduled ahead of time?

(Continued from page 5)

If you need an extension ask for it. Just remember, **extensions**

should be the exception to the rule and should be in writing. Routine or blanket time limit extensions are contrary to the intent of the dispute resolution process. Of course, from time to time circumstances arise where a

brief extension may be beneficial and promote resolution of the dispute. This would include situations where key individuals

are on leave or temporarily unavailable or where the parties are waiting for crucial information to arrive. Extensions must be mutually agreed to by the parties. An extension of time limits should never be open-ended, but limited to a specific period of time. A copy of the extension should always be made part of the grievance file.

Prior to the Informal A meeting the steward will need time to review the documentary evidence supplied by management. Never mark on original documents; at

least one clean copy of each document should be maintained in the grievance file. If the steward or manager wishes to highlight certain parts of a document, make an additional copy on which to mark.

Once you have all of the needed documentation and information, prepare your contentions. Remember the five W's; who, what, where, when and why. You know more about the issue than anyone who may be meeting at the next level. Tell the story:

- Who allegedly did it
- What did he or she do
- Where did it happen
- When did it occur
- Why did it happen.

(Continued on page 10)

Never mark on the original document; the grievance file should always have a clean copy.

Grievance Checklists

Documentation

Questions to be Answered

Transfer Grievances

Copy of any and all e-reassign documentation.	Why was the request for transfer denied? Be specific.
Copy of any and all correspondence.	When was the transfer requested?
Copy of denial of transfer.	How was the transfer requested?
Statement from grievant.	When was the request reviewed?
Accident record if relevant.	When was the request denied?
Attendance record (last two years 3972s).	Who denied the request?
Copy of active discipline.	How many TEs or PTFs have been hired since the last transfer was accepted?
Notes of interview with deciding official.	Exactly what was reviewed by the deciding official?
Form 50s for previous six TE and/or PTF hires.	Has the grievant ever been disciplined?
Date that last transfer was accepted.	Did the deciding official speak to or question the grievant about issues?
Form 50 for last transfer accepted.	Who did the deciding official speak with?
Accident reports from any accidents noted.	If relevant, did the deciding official review accident reports?
Grievant's explanation of any attendance, accident or performance issue noted in denial.	If relevant, did the deciding official consider FMLA protection when addressing attendance issues?
Current supervisor's review of grievant.	
Notes of interview of denying official.	

Maximization

Time records showing hours and assignment(s) that PTF worked for previous six months.	Who does the union believe qualifies under Article 7.3.C or the maximization memorandum?
Schedules for weeks in question.	Is the union arguing article 7.3.C or the Full Time Flexible memo?
Any request for a hold down (opt).	Does the installation have 125 man years of employment?
Relevant prior grievance settlements (example: TE working in lieu of PTF).	
3971s	

Grievance Checklists

Documentation

Questions to be Answered

Denial of Light or Limited Duty

All CA-17s if applicable.	What are the grievant's work restrictions?
Request for light duty if applicable.	Date of injury?
Management's written response to request for light or limited duty.	Did the injury occur on the job or off the job?
	Was light duty requested in writing?
Grievant's clock rings/pay records.	What work has the grievant been performing?
Any LMOU language regarding light duty work.	What work does the union believe was available within the grievant's restrictions?
Documentation showing work available within the grievant's restrictions.	Have the grievant's restrictions changed?
	Has the grievant worked since the date of injury? Dates?
Clock rings showing hours worked by others in overtime performing work within the grievant's restrictions	What work was performed?
Any job offer.	Did management canvas the installation for available work?
Statement of grievant.	
OWCP acceptance or denial letter if applicable.	
Any relevant medical documentation.	

Attendance Related Discipline

Disciplinary letter.	When was the investigative interview?
A copy of any prior active discipline.	When was the discipline issued?
3972s for current and previous year	Was any leave requested? What type?
3971s for specific dates in charge.	Was any of the subject leave covered by or provisionally covered by FMLA?
Notes of any discussions.	Is the grievant on restricted sick leave?
Any relevant FMLA documentation.	Has management had prior discussions with the grievant regarding attendance? On what dates?
Steward's notes of investigative interview.	Does the grievant have any active discipline of his/her record?
Grievant's statement	If suspension or higher, who did review and concur?
Copy of management's notes of investigative interview.	
Copy of management's request for discipline.	What documentation did they review?

Grievance Checklists

Documentation

Questions to be Answered

Medical Certification Grievances

Receipt showing cost of obtaining medical certification (copy).	Who requested that medical certification be provided?
Documentation showing mileage to and from the doctor (Mapquest, etc.).	What was the reason given for requesting certification?
	When was certification requested?
3971s.	Is the grievant on restricted sick leave?
Statement from carrier.	Date(s) of absence?
Relevant notes (interview of supervisor).	Was the employee obviously ill?
Any witness statements.	Was the employee placed on the ERMS "deems desirable" list? Why? By whom?
Copy of any medical certification provided.	
3972 if relevant.	

Holding Down or Opting Grievances

Any LMOU language or past practice regarding option issues.	What date was the assignment available?
	What is the route or assignment number?
Request for opt.	When did the grievant make the request for the hold down or opt?
Clock rings for the grievance for relevant period.	
Clock rings for the relevant period for the carrier who performed the work in lieu of the grievant.	Who performed the work in place of the grievant?
	How many hours were worked on the hold down or opted assignment?
OPT sheet (if applicable).	Was the vacancy for five working days or more absent LMOU or past practice allowing otherwise?
Schedules.	

(Continued from page 7)

Once you've finished your investigation and your file is complete, it is time to let the supervisor know that you need to discuss a grievance. The steward should inform the manager of the specific nature of the grievance in order for the supervisor to be prepared to discuss the case.

The Informal A meeting

During the Informal a meeting the steward should be prepared to fully discuss and attempt to resolve the grievance. You should bring all the documentation you need to the meeting, including all of the evidence to support your contentions. Share everything you have with management. Make your case and allow management to make theirs.

Keep it businesslike and don't let it get personal. Keep focused on the issue at hand.

Each case should be based on the individual fact circumstances. What is the contractual violation? Article 15 of the *National Agreement* requires the parties to review the JCAM and attempt to find the answer at each step of the grievance procedure. The parties are

Grievance Checklists

Documentation

Questions to be Answered

Past Practice Grievances

Copy of any relevant LMOU language.	What is the practice? Do the parties agree there is a practice?
Statements from employees regarding the practice.	Who was or is aware of the practice?
Any relevant prior grievance settlements or decisions.	When did the practice begin? How long has the practice existed?
Notes from any prior negotiations.	Why does either party wish to change the practice?
Any documentation showing a history of the practice and/or the development of the practice.	Have the underlying conditions changed?
	Has the practice arisen to implement contract language, to clarify ambiguous language, or to implement a separate condition of employment?

tasked with attempting to resolve the grievance at the lowest possible level.

If you can agree to resolve the grievance in part, do so. You may agree that Carrier Smith should have worked the overtime but can not agree on a remedy. In that case, you only need to send the remedy issue to Formal Step A. Any settlement made at the Informal A level should be in writing to document the agreement. Use the 8190 for this purpose.

If the grievance is not resolved at Informal A, the union completes lines 1-13b of the 8190 and management initials line 13a. Don't leave anything out. All of the information on Form 8190 is important and the steward must make sure that the form is complete.

The NALC has seven days after a verbal or written decision is received to appeal the grievance to Formal Step A. Day one is the day after the decision is received. If you receive the decision on the 1st

the grievance must be appealed by the 8th. When appealing a grievance to Formal A, the 8190 and **all relevant documents that were shared and discussed at Informal Step A** are sent to the installation head.

Remember, there is only one grievance file. It contains all supporting documentation for the union and from management. It seems that the union and management in each installation have developed their own method for handling appeals to Formal A. In some cases the steward mails or faxes the file to the postmaster. In order to avoid any misunderstandings and possible claims of an untimely or improper

appeal of a grievance, the steward should never rely on the supervisor to appeal a grievance to Formal A.

If you have done your research and followed the suggestions above, you have a much better chance of being successful with your grievance. You will have given the union at the higher levels of the grievance procedure a greater opportunity to settle the grievance in the union's favor. ■

The next issue of the *Activist* will continue this discussion of the grievance file and follow the procedure through Formal A and Step B.

Activist index available

Can't find that article from a back *Activist* that you're looking for? The cumulative index is available, in either hard-copy or digital format, covering all issues from 1986-2008.

If you'd like a copy, contact the NALC Information Center:
Nancy Dysart
dysart@nalc.org
202-662-2879

The demographics of the NALC

(Continued from page 1)

Most of this decrease, as you'll see later, is due to the fact that our members are retiring more quickly than the Postal Service has hired new carriers.

NALC's active membership peaked in 1998, with over 243,000 carriers. The size of the entire Postal Service reached its peak in the same year with nearly 730,000 employees. As the chart on page 1 shows, with each rise and fall in the size of the Postal Service over the years, NALC has consistently accounted for roughly one in every three postal employees.

Retired members

Following the strike in 1970, the union's membership grew steadily through the mid-1990s. As each year passes, more and more carriers from the first generation of the Postal Service join the ranks of retired members. The union's membership rolls reflect the in-

creased share of retirees.

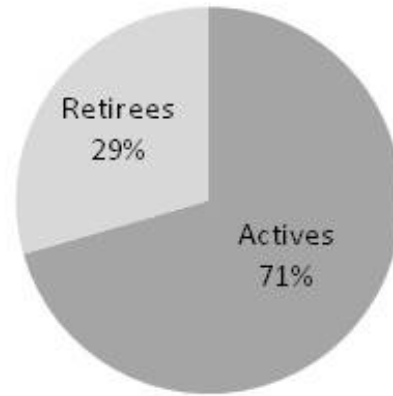
In 1980, 23% of NALC's total membership consisted of retired letter carriers. Last year, that number reached nearly 30%. Encouragingly, the number of retired carriers who retain their union membership after retirement has remained relatively constant throughout the years—hovering around 70%, as reflected in the chart to the right. If that trend

continues, we can expect that our retired membership will continue to grow its share of the union's total membership.

Gender in the letter carrier craft

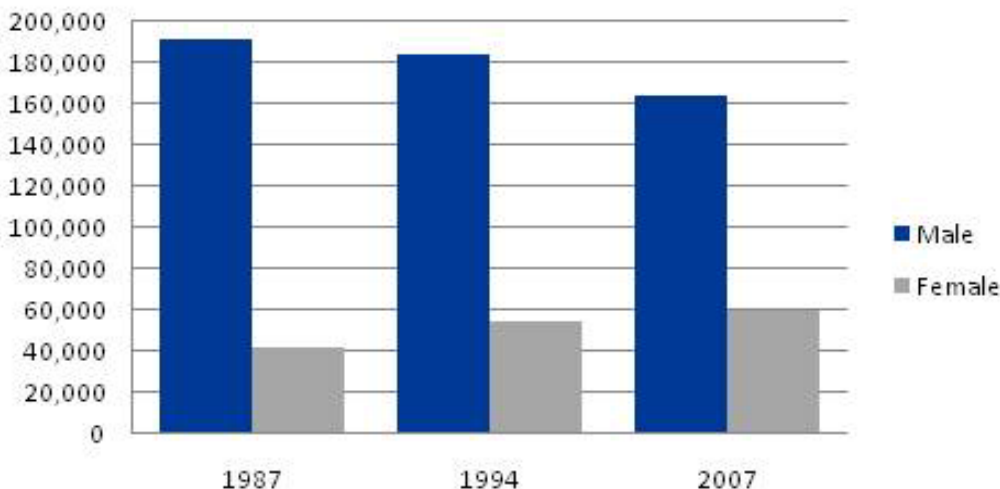
Perhaps the biggest change in the American workforce in the

NALC Membership 2007



last thirty years has been the accelerating entry of women into the workplace. Just 50 years ago, only one in three American women were employed. Since then, more and more women have been going to work and they've closed the gap in the workplace substantially. In 2008, women accounted for 48% of all employees in the labor force.

City Carriers by Gender



While the letter carrier craft is still largely composed of men, women have been joining the ranks at increasing rates for years. Twenty years ago, there were only 41,000 female letter carriers, or just under 18% of the total craft. Today, with roughly 60,000 female carriers, women account for a greater proportion of the carrier craft, nearly 27%. The chart to the left reflects these changes. As more veteran generations of carriers—which were in larger proportions

male—continue to retire, the share of female letter carriers should continue to increase.

Changing racial demographics

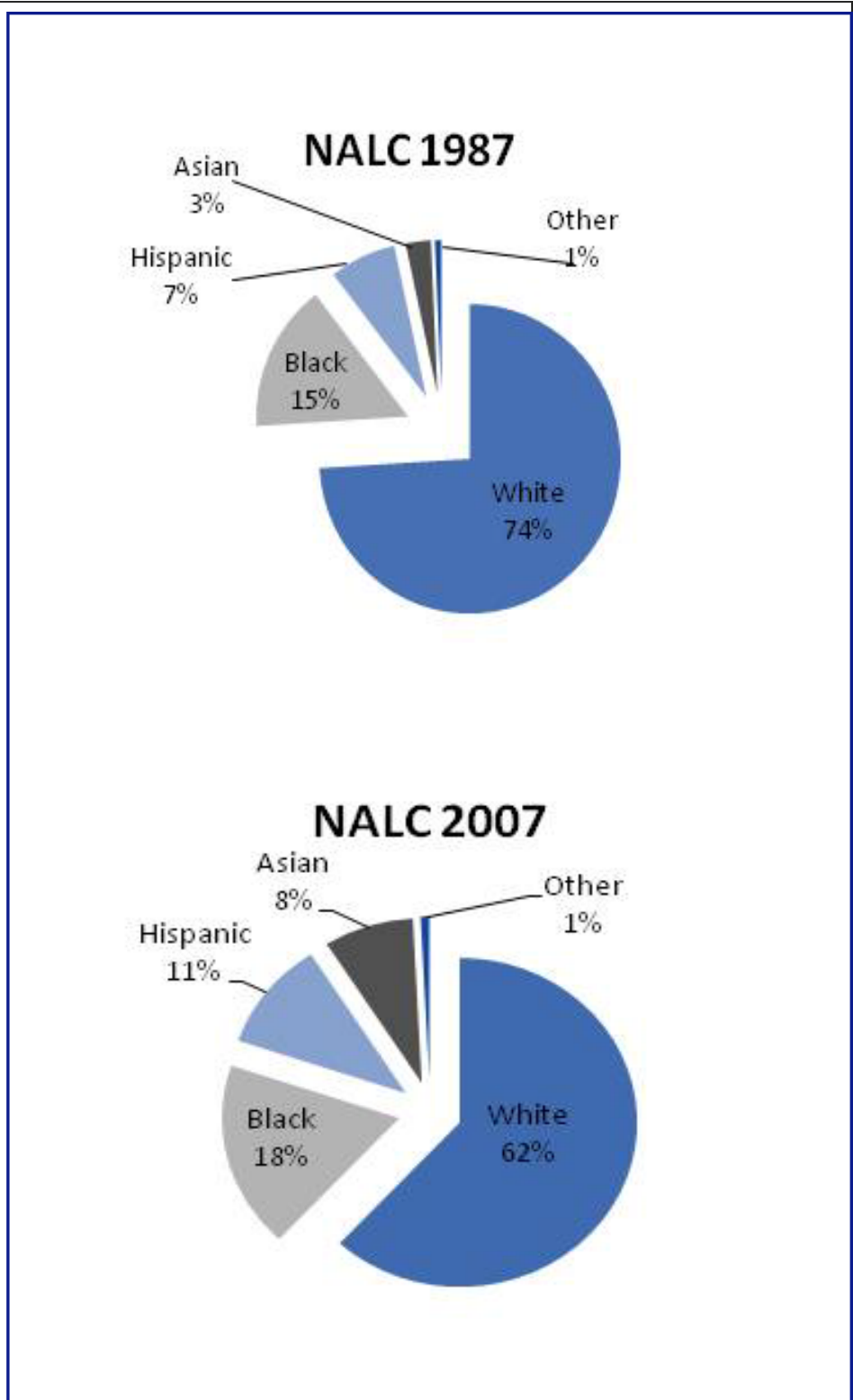
Few institutions in the United States have been as inclusive as the labor movement in the past 60 years. The American labor movement is as diverse as the nation’s population itself—including everyone regardless of race, sex or status. And just as the mail mix has changed in the last twenty years, so have the people that deliver the mail.

In 1987, minorities accounted for 26% of the letter carrier craft. Today, that number is approaching 40%, with Asian-Americans as the fastest-growing minority group within the craft. The graphs on this page reflect the changes in the racial diversity of our membership in 1987 and 2007.

The changing racial demographics reflect the hiring trends in more recent years. While hiring rates have dropped significantly in the past few years, the background of the newest carriers still drives the changes in the overall demographics of our membership. Today, for instance, while Asian and Hispanic carriers make up roughly 20% of the craft, they account for nearly one-third of all new hires.

So what do all these charts and graphics mean? If there’s one thing that can be said about our union, it’s that it is constantly changing. As union leaders, we need to recognize that change and realize that there is strength in our diversity.

In the next edition of *NALC Activist*, we’ll take a look at how to harness that strength and how to



overcome the challenges at the branch level that come with changing demographics.

FMLA and military family leave

On November 17, 2008, the Department of Labor published its final rule to implement the first-ever statutory amendments to the Family and Medical Leave Act (FMLA). Passage of family leave provisions in Public Law 110-181, the National Defense Authorization Act (NDAA), prompted the changes in FMLA to adhere to changes made in NDAA. These new regulations went into effect on January 16, 2009.

Section 585 (a) of the NDAA amended the FMLA to provide two new leave entitlements, extending FMLA job-protected leave beyond the normal 12 workweeks of FMLA leave. Military carryover leave, also known as covered servicemember leave, entitles eligible employees who are family members of covered servicemembers to take up to 26 workweeks of leave in a single 12-month period to care for a relative with a serious illness or injury incurred while on active duty.

Most of the terms in the previous statement have specific, legal definitions which are important to understand. "Active duty" refers to duty under a call or order to active duty as defined in Section 101 (a) (13)(B) of Title 10, United States Code. The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves,

who is undergoing medical treatment, recuperation, or therapy, or is in an outpatient status, or is on the temporary disability retired list, for a serious injury or illness. In addi-

A relative may be eligible to take up to 26 weeks of leave to care for a covered servicemember injured in the line of duty

tion to extending FMLA job-protected leave beyond the normal 12 workweeks of FMLA leave, the provision also extends FMLA rights to additional family members termed "next of kin" beyond those who may take FMLA leave for other qualifying purposes. The NDAA defines the term next of kin as the nearest blood relative of the member.

The second new military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation.

This provision makes the normal 12 workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is called to active duty. Qualifying exigency leave applies where an employee's spouse, child, or parent unexpectedly has been called to active duty. Because it contemplates an unanticipated call up, it does not apply to members of the regular armed forces.

There is a very clear definition of what qualifies as exigency leave, which includes short-notice deployment of seven days or less, rearrangement of childcare and school activities, and financial and legal arrangements. Certification allow the employer to ask for a copy of the active duty orders, and in cases where the employee is meeting with third parties, management may request the names of those individuals to verify such meetings.

Other changes made to FMLA by the Bush administration are expected to be reconsidered by President Obama, and will be discussed in a future issue of *The Activist* when final. For now, additional details about FMLA can be found at http://www.dol.gov/esa/whd/fmla/ndaa_fmla.htm.

TEs and workers comp

(Continued from page 4)

<http://www.dol.gov/esa/owcp/dfec/>.

For easy access, save a copy of these PDF files to your computer. These references can also be found on the NALC Injury Compensation

CD, which can be downloaded from the NALC webpage:

<http://nalc.org/depart/owcp/index.html>.

The NALC's Compensation Department is unable to respond to inquiries from individual letter carriers. NALC members with questions about workers' compensation must contact their local branch representatives, who in turn can seek needed assistance from their National Business Agent's office.

Training Seminars & State Conventions

Listed below are the educational and training seminars planned for April—August 2009. For more information, contact your National Business Agent. Regions not listed have no training scheduled in this time frame.

Region 1—NBA Manny Peralta, (714) 750-2982
California, Hawaii, Nevada, Guam

April 30 Nevada State Training, Sparks, NV
May 1-2 Nevada State Convention, Sparks, NV
May 15-16 Southern California NALC/MBA Training, Los Angeles, CA
May 16 Southern California Rap Session, Los Angeles, CA
May 17 Congressional Breakfast, Los Angeles, CA
May 23 Hawaii State Training, Kona, HI
May 24-25 Hawaii State Convention, Kona, HI

Region 2—NBA Paul Price, (363) 892-6545
Alaska, Utah, Idaho, Montana, Oregon, Washington
April 28-May 3 Regional Assembly, Anchorage, AK
May 15-17 Washington State Convention, Olympia, WA
May 27-30 Montana State Convention, Kalispell, MT

Region 3—NBA Neal Tisdale, (217) 787-7850
Illinois

June 10-13 Illinois State Association Annual State Convention, Springfield, IL

Region 4—NBA Wesley Davis, (501) 760-6566
Arizona, Arkansas, Colorado, Oklahoma, Wyoming
April 23-25 Oklahoma State Convention, Oklahoma City, OK
May 15-16 Colorado State Convention, Aurora, CO
May 15-16 Wyoming State Convention, Rawlins, WY
June 12-13 Arkansas State Convention, Hot Springs, AR
July 10-11 Arizona State Convention, Prescott, AZ

Region 5—NBA Mike Weir, (314) 872-0227
Missouri, Iowa, Nebraska, Kansas

April 17-19 Nebraska State Convention, Omaha, NE
May 1-2 Kansas State Convention, Salinas, KS
May 3-5 Iowa State Convention, Cedar Rapids, IA
June 5-7 Missouri State Convention, Osage Beach, MO

Region 6—NBA Pat Carroll, (586) 997-9917
Kentucky, Indiana, Michigan

May 15-17 Indiana State Convention, Indianapolis, IN
May 31-June 2 Michigan State Convention, Mt. Pleasant, MI
June 14-16 Kentucky State Convention, Lexington, KY

Region 7—NBA Ned Furr, (612) 378-3035
Minnesota, North Dakota, South Dakota, Wisconsin

April 17 South Dakota State Convention, Rapid City, SD
April 24-26 North Dakota State Convention, Fargo, ND
April 27—May 1 Regional Training, Minneapolis, MN

Region 9—NBA Judy Willoughby (954) 964-2116
Florida, Georgia, North Carolina, South Carolina
April 30-May 2 Stewards' Training, Greenville, SC

Region 10—NBA Gene Goodwin (281) 540-5627
New Mexico and Texas

April 19 TSALC District 3 Meeting, Childress, TX
May 2 TSALC District 4 Training, Fort Worth, TX
May 17 TSALC District 1 Training, Houston, TX
June 11-13 New Mexico State Association Convention, Taos, NM
June 24-26 Texas State Association Convention, Irving, TX

Region 11—NBA William Cooke, (518) 382-1538
Upstate New York, Ohio

April 21-23 New York State Congressional Session, Washington, DC
April 30-May 1 Ohio State Association Congressional Breakfast, Washington, DC
July 22-25 Ohio State Convention, Akron, OH

Region 13—NBA Timothy Dowdy (757) 934-1013
Delaware, Maryland, Virginia, West Virginia, Washington, DC

May 1-2 West Virginia State Convention, TBA
May 18-19 Region-Wide Officers Training, Rocky Gap, MD
May 28-30 Virginia State Convention, Virginia Beach, VA

Region 15—NBA Larry Cirelli, (212) 868-0284

Northern New Jersey, New York, Southwest Connecticut
May 3-5 Connecticut State Association Convention, Hartford, CT
May 31-June 2 New Jersey State Association Convention, Atlantic City, NJ

USPS

BY THE NUMBERS

USPS Operations

<u>FY 2009—1st Quarter</u>	<u>Number</u>	<u>Change from SPLY*</u>
Total mail volume year-to-date (YTD) (Millions of pieces)	50,204	-9.3%
Mail volume by class (YTD in millions)		
<i>First-Class</i>	22,709	-7.2%
<i>Periodicals</i>	2,125	-3.4%
<i>Standard (bulk mail)</i>	24,608	-10.9%
<i>Packages</i>	215	-8.5%
<i>Shipping Services</i>	401	-10.4%
<i>Other mail</i>	146	-58.7%
Workhours (YTD in thousands)		
<i>City delivery</i>	110,810	-5.2%
<i>Mail processing</i>	70,902	-13.2%
<i>Customer service & retail</i>	48,056	-11.3%
<i>Rural delivery</i>	45,634	-3.1%
<i>Other</i>	56,363	-3.9%

*SPLY = Same Period Last Year

Employment and Wages

<u>FY 2009 —Pay Period 1</u>	<u>Number</u>	<u>Change from SPLY*</u>
Career city carriers	209,422	-4.6%
<i>Percent union members</i>	92.2%	0.2%
Fulltime	187,259	-3.0%
PT regular	974	-3.6%
PTF	21,189	-16.7%
Transitional	6,793	-46.0%
MOU Transitional	7,367	n/a
City carriers per delivery supervisor	16.9	-4.8%
Career USPS employment	655,912	-3.6%
Non-career USPS employment	106,230	-12.2%

Finances

Full Year 2009—Quarter 1 (millions)

Operating Revenue	\$19,095	-6.2%
Operating Expenses	\$19,475	-1.0%
Operating Income	-\$380	



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



Non-Profit
U.S. Postage
PAID
Washington, D.C.
PERMIT NO. 2255