

Acts of God grievances

It happens every year; a hurricane, a blizzard, a flood, severe weather of some kind that affects employees' ability to get to work. Even the most dedicated carriers can't stand up to Mother Nature when she is at her worst. This is why every carrier should know about administrative leave for "Acts of God," what the rules are, and how best to get them to work for you.

Section 519 of the *Employee and Labor Relations Manual* (ELM) allows management to

grant administrative leave when community disasters strike. Calamities such as blizzards, floods and hurricanes are just some examples of situations that could prompt an Act of God grievance. Arbitrators have made a number of rulings on the relevant language of Section 519 of the ELM to further clarify the circumstances in which administrative leave should be granted. But first, we need to know what that ELM language says.

ELM section 519.1 defines administrative leave:

Administrative leave is absence from duty authorized by appropriate postal officials without charge to annual or sick leave and without loss of pay.

Section 519.211 reads:

Acts of God involve community disasters such as fire, flood, or storms. The disaster situation must be general rather than per-

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Winter safety

For most of us, winter is here: trees have changed colors, the woolly worms have appeared, and the squirrels are busy making preparations. We all know winter isn't the same everywhere letter carriers work, and the potential hazards of the winter workplace vary depending on what part of the country you deliver mail. Where winter weather is profound, seasonal changes can be dramatic and dangerous.

For many of us, winter is just a rotation of uniforms and gear—we've been doing this for years. But as we see more and more new faces in our ranks, we need to be aware that what's obvious to those who have been around for a while sometimes isn't so plain to others. We must watch out for our new brothers and sisters, proactively educating them on what's coming.

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Health coverage for converted CCAs

When CCAs in your installation are converted to career status, they may have questions regarding health benefits. Some newly converted carriers will need to sign up for the first time while others may have coverage from enrollment when they were a CCA.

Once CCAs are converted to career status, they have 60 days to enroll in a Federal Employees Health Benefits (FEHB) plan. They will receive a package of information in the mail that will include a brochure listing the available plans and their cost.

As most regular carriers know, the FEHB program has many plans to choose from, including the NALC Health Benefit Plan (HBP). The NALC HBP is a comprehensive plan that has provided letter carriers and their families with first rate health insurance since 1950. The plan is owned and operated by letter carriers and pays particular attention to their health needs. The plan is not-for-profit, its only focus is the health of its members.

The premiums for the plan chosen will be split between the employee and the Postal Service. Article 21 of the *National Agreement* sets the percentage of the premiums paid by each. For plan year 2016, the USPS portion of the weighted bi-weekly premiums as determined by the Office of Personnel Management (OPM) is set at 76%. This is outlined in Article 21, Section 1.B of the *National Agreement*, which reads:

B. For career employees on the rolls prior to January 12, 2013, the bi-weekly Employer contribution for self only and self and family plans is adjusted to an amount equal to 80% in 2013, 78% in 2014, 77% in 2015, and 76% in 2016, of the weighted average bi-weekly premiums under the FEHBP as determined by the Office of Personnel Management. For career employees hired on or subsequent to January 12, 2013, the bi-weekly Employer contribution for self only and self and family plans is adjusted to an amount equal to 77% in years 2013 through 2015, and 76% in 2016,

of the weighted average bi-weekly premiums under the FEHBP as determined by the Office of Personnel Management. The adjustment begins on the effective date determined by the Office of Personnel Management in January 2013, January 2014, January 2015, and January 2016.

The coverage of any CCA enrolled in the USPS Non-Career Employee Health Benefits Plan terminates the last day of the month that is 28 days after conversion to career status. If a newly converted carrier chooses to enroll in a FEHB plan, the USPS Non-Career Employee Health Benefits Plan coverage will end when FEHB coverage begins.

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Once CCAs are converted, they have 60 days to enroll in a FEHB plan

ACTIVIST
NALC

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

VOL. 28 NO. 3 Fall 2015

Published four times annually by:
National Association of Letter Carriers
100 Indiana Avenue, NW
Washington, D.C. 20001-2144
Fredric Rolando, President



Framing the issue

The issue statement at the Formal Step A meeting is important, so think about it. You should have the issue properly framed in the form of a question identifying the relevant contractual or handbook provisions involved.

Informal Step A representative

Prior to discussing the grievance with the supervisor, write or frame a suggested issue statement on a separate sheet of paper. Writing the suggested issue statement on a separate sheet of paper gives you the opportunity to collect your thoughts about the issue and properly present the grievance to the supervisor during the meeting. Furthermore, this written issue statement can be given to the Formal Step A union representative in the event you are unable to resolve the grievance at the Informal Step A level. The issue statement should **not** be memorialized on the PS Form 8190 at the Informal Step A level.

Formal Step A representative

Upon receiving the grievance file from the Informal Step A level, review the suggested issue statement provided by the steward giving full consideration to their thoughts as they relate to the information in the case file.

The issue statement should identify the relevant contractual or

handbook provisions involved. If it is a disciplinary grievance, always indicate the type of discipline (letter of warning, 7 or 14 day suspension, indefinite suspension, etc.) in the issue statement. Issue statements are written or framed in the form of a question.

Here is an example of an issue statement for a discipline case:

Was there just cause for the letter of warning dated 08/08/2013 issued to the grievant for unsatisfactory work performance, and if not, what is the appropriate remedy?

You could use this example for almost any discipline case. You just need to change the level of discipline, the date, and the charge.

Here is an example of an issue statement for a contract case:

Did management violate Article 8.5.G of the National Agreement when the grievant was required to work overtime on 08/08/2013, and if so, what is the appropriate remedy?

If you have multiple contract violations, it may be appropriate to frame multiple issue statements within the same case. For instance, you may have an overtime grievance in an office where management has been told repeatedly to stop violating the contract, and you have precedent-setting Formal Step

A settlements or Step B decisions establishing this as fact. That leaves you with an issue for the Article 8 violation and an issue for the non-compliance with previous grievance settlements. In this situation, each issue should have its own issue statement. Remember if you are going to frame multiple issues, you should have facts, contentions, documentation (proof), and a remedy request for each issue statement you frame.

Normally the Formal Step A representative writes or frames the issue of the grievance in “Block 15—Issue Statement” on the PS Form 8190, at the Formal Step A meeting. Sometimes; however, the parties cannot agree on an issue statement. If that happens, complete the issue statement and encourage management to address it in their contentions. As the mover of the file, we are the custodians of the PS Form 8190. If you encounter problems with issue statements, contact your branch officers or branch president for guidance.

If management fails to meet at the Formal Step A level within the prescribed time limits, write an additional issue statement addressing the Article 15 violation that just occurred. Again, you will need to provide supporting evidence and request an appropriate remedy for this additional issue.

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Winter safety*(Continued from page 1)***Cold Stress**

How cold is too cold? What constitutes extreme cold and its effects varies across different areas of the country. Even carriers, who work in our more moderate climates, may become susceptible to cold weather hazards.

Whenever temperatures drop below normal and wind speed increases, heat escapes your body more rapidly. Wind chill is the temperature your body feels when air temperature and wind speed are combined. For example, when the air temperature is 40°F, and the wind speed is 35 mph, the effect on the exposed skin is as if the air temperature was 28°F.

In a cold environment, most of the body's energy is used to keep the internal body (core) temperature warm. Over time, the body will begin to shift blood flow from the extremities (hands, feet, arms, and legs) and outer skin to the core (chest and abdomen). This shift allows the exposed skin and the extremities to cool rapidly and increases the risk of frostbite and hypothermia. Combine this scenario with exposure of the feet to a wet environment, and trench foot could also become a problem. Continued exposure to extreme cold may lead to serious health problems, cause tissue damage or possibly death. Details of common types of cold stress are contained in the box to the right.

Some of the risk factors that contribute to cold stress are:

- Wetness
- Improper clothing
- Exhaustion

Common Types of Cold Stress**Hypothermia**

- Normal body temperature (98.6°F) drops to 95°F or less.
- Mild Symptoms: alert but shivering.
- Moderate to Severe Symptoms: shivering stops; confusion; slurred speech; heart rate/breathing slow; loss of consciousness; death.

Frostbite

- Body tissues freeze, e.g., hands and feet. Can occur at temperatures above freezing, due to wind chill. May result in amputation.
- Symptoms: numbness, reddened skin develops gray/white patches, feels firm/hard, and may blister.

Trench Foot (also known as Immersion Foot)

- Non-freezing injury to the foot, caused by lengthy exposure to wet and cold environment. Can occur at air temperature as high as 60°F, if feet are constantly wet.
- Symptoms: redness, swelling, numbness, and blisters.

- Pre-existing health conditions such as hypertension, hypothyroidism, and diabetes
 - Poor physical conditioning
- Proper attire is extremely important to preventing cold stress. When cold environments cannot be avoided, your choices in clothing

can go a long way in protecting you. The type of fabric worn makes a difference. Cotton loses its insulation value when it becomes wet. Wool, silk, and most synthetics, on the other hand, continue to insulate when wet. Keep these suggestions in mind as you prepare for the winter season ahead:



- Wear multiple layers of loose fitting clothing. Tight clothing reduces blood circulation. Warm blood needs to be circulated to the extremities.
- Layering provides better insulation. Choose an inner layer of thermal wear, wool, silk or synthetic (polypropylene) to keep moisture away from the body. These fabrics will also hold more body heat than cotton.
- Include a middle layer of wool or synthetic to provide insulation even when wet.
- Make sure your outer wind and rain protection layer allows some ventilation to prevent overheating.
- Use an insulated coat/jacket (water resistant if necessary)
- Wear a hat or hood that covers your ears. A hat will help keep your whole body warmer; hats reduce the amount of body heat that escapes from your head. If needed, use a knit mask to cover face and mouth.
- Protect the hands with insulated gloves (water resistant if necessary).

- Wear insulated and waterproof boots to protect the feet

Just as in hot weather, you should monitor your own physical condition and that of your coworkers. Keep an extra pair of dry socks or inner layer of clothing with you just in case you get wet and need to change clothes on the route.

Don't forget to hydrate. Often, cold weather is also atmospherically dryer weather. As you breathe, you are exchanging humidified air for dry air. Over the course of your day, you can expel a considerable amount of body moisture through breathing the colder and dryer air. And just as in hot weather, if you begin to notice the effects of the cold on your body, you need to get out of the extreme weather to allow your body to readjust and warm up.

Employer's obligation

Equip and train. Outdoor work requires proper preparation, especially in severe winter weather conditions. Although OSHA does not have a specific standard that covers working in cold environments, according to Section 5(a) (1) of the Occupational Safety and Health Act of 1970, employers have a responsibility to provide employees with work and a place of employment free from recognized hazards, including winter weather-related hazards, which are causing or are likely to cause death or serious physical harm to them. The Postal Service should, therefore, train letter carriers on the winter hazards of the job and safety measures they should use to protect their safety and health.

Employers should:

- Train workers on how to recognize and prevent cold stress illnesses and injuries

Safety Tips for Workers

- Make sure you know the symptoms of cold stress.
- Monitor your physical condition and that of your coworkers.
- Dress properly for the cold.
- Stay dry in the cold because moisture or dampness, e.g. from sweating, can increase the rate of heat loss from the body.
- Keep extra clothing (including underwear) handy in case you get wet and need to change.
- Drink warm sweetened fluids (no alcohol).
- Use proper engineering controls, safe work practices, and personal protective equipment (PPE) provided by your employer.

- Provide engineering controls (explanation provided in following text)
- Implement safe work practices
- Disseminate safety tips for workers, including how to dress properly for the cold

What does this mean in the postal context?

Engineering controls would include ensuring the heater in every postal vehicle is working properly. Often, a letter carrier's vehicle is the only real protection available from the cold, wind and rain. When it is necessary to get out of the weather and warm up, the vehicle's heater is an essential

piece of protective equipment. We've already discussed the importance of appropriate clothing in protecting carriers from extreme weather.



Numerous work practices can contribute to making the job safer during the winter months. Since it is easy to become dehydrated in cold weather, employees should drink plenty of liquids. Just as in the summer when overheated, carriers should take breaks to warm up if they become extremely uncomfortable from the cold. Safety measures such as these should be incorporated into the relevant health and safety plan for the workplace.

Activist's role

In theory, this is what an employer should do. But, is it being applied in your office at the Postal Service? Are you receiving safety talks covering cold weather and the potential hazards associated with working outdoors in extreme cold? If so, that's great, but as an activist are you monitoring the talks to make sure all the prevention information is being provided? Are you speaking up to reinforce what was said or providing additional information that was omitted? If your office has not received any sort of safety information about dealing with cold weather, you must press the issue with management.

Again, cold weather for many of us is old hat, but for our newer brothers and sisters, cold weather is deadly serious. Are you asking CCAs about their uniform pur-

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The form CA-16 . . .

Getting medical bills paid for on-the-job-injuries

If you suffer a traumatic on-the-job injury, paying the medical bills should be the last thing you need to worry about. Unfortunately, many letter carriers are unclear as to how the federal workers' compensation system works and are hesitant to file claims fearing a mountain of debt for medical bills. This should never happen.

In cases involving a traumatic injury, the Postal Service is required by federal law and postal regulations to provide a Form CA-16, *Authorization for Examination and/or Treatment* within four hours of a worker reporting an on-the-job injury, seeking medical treatment. Yet, most letter carriers have never heard of a Form CA-16. When a Form CA-16 is issued, the injured worker's medical bills will be paid for up to 60 days even if the claim is denied. The Postal Service avoids those costs if an injured worker never gets a Form CA-16 in the first place.

CA-16 forms are tightly controlled. The Postal Service is required to have an employee designated as a control point in every office, responsible for ensuring compliance with regulations pertaining to the handling of workplace injury claims. Yet, many workers do not know who the designated control point is in their office. This leads to a lot of confusion about who is going to assist the injured worker in receiving the

proper forms for workplace injury claims.

The issue of control point was addressed long ago in a Step 4 settlement (M- 00444) that resulted from a lack of compliance in some offices. The Postal Service affirmed the requirement to have a designated control point at each station and branch, and that control point personnel be available to employees for reporting workplace injuries when they occur.

The Form CA-16 can only be approved and provided by a designated control point or control office. A properly issued Form CA-16 must have the name, title and signature of the authorizing official. (See ELM 544.12)

The Form CA-16 is not available online for a very good reason. Only the authorizing agency has the authority to provide the Form CA-16. Letter carriers should never attempt to fill out a Form CA-16 that has not been properly provided and authorized by the appropriate postal official.

The Form CA-16 not only serves as a payment voucher. The second page of the form is a medical report where the attending physician provides initial diagnoses, description of treatment and work restrictions.

The completed Form CA-16 is sent directly to the OWCP, not the Postal Service injury compensa-

tion office. At one time, the Postal Service attempted to institute a policy requiring employees to first submit the Form CA-16 to the Postal Service injury compensation office, where it would be copied and then forwarded to OWCP. OWCP disapproved of this delay and forced the Postal Service to remove that step from the process.

Ensuring that the injured worker gets the proper claim forms, especially Form CA-16, can prevent major claim problems in the future. The failure of the Postal Service to provide a Form CA-16 can and should be investigated and grieved if found to be in violation of the regulations. Article 21.4 of the *National Agreement* incorporates the laws and regulations governing on-the-job injuries into our national contract.

Article 21 Section 4. Injury Compensation

Employees covered by this Agreement shall be covered by Subchapter I of Chapter 81 of Title 5, and any amendments thereto, relating to compensation for work injuries. The Employer will promulgate appropriate regulations which comply with applicable regulations of the Office of Workers' Compensation Programs and any amendments thereto.

Postal Service employees are covered under the Federal Employees' Compensation Act (FECA), 5 USC 81. The implementing regula-

tions of the Act are found in the Code of Federal Regulations (CFR), 20 CFR 10. The USPS rules for implementing Article 21.4 of the National Agreement can be found in Section 540 of the *Employee and Labor Relations Manual* (ELM) and Handbook EL 505, *Injury Compensation*.

Article 19 of the *National Agreement* provides that those postal handbook and manual provisions directly relating to wage, hours or working conditions are enforceable as though they were part of the National Agreement. As such, failures by management to comply with the requirements of ELM, Section 540 or Handbook EL 505, as they relate to employees with job related injuries, can be challenged through the grievance process.

ELM, Section 540 has numerous instructions on when and who should authorize a Form CA-16. These are binding regulations on postal officials, and any failure to follow these regulations can and should be grieved.

The ELM and EL 505 regulations regarding the Form CA-16 originate in 20 CFR 10.300. The language can be found in the box below.

This language has been incorporated into the ELM, Section 543.3.

543.3 Medical Care

FECA guarantees the employee the right to an initial choice of physician. The employee is entitled to receive all medical services, appliances, or supplies that a qualified physician

prescribes and OWCP determines necessary to treat the injury. For continued payment of medical expenses by OWCP, a change of the employee's initial choice of physician is permitted only with OWCP approval. Referrals for further examination, testing, or medical care by the physician designated on the Form CA-16 are covered. (See 545.4 for implementing medical care.)

The control point responsibility for providing the Form CA-16 is found in ELM, Section 544.12.

544.12 Control Office or Control Point Responsibility

The control office or control point is responsible for completing Forms CA-16 and CA-17

The regulation obligating management to provide a Form CA-16 to an injured worker is found in ELM, Section 545. (See box on page 8.)

In some districts, the Postal Service sends injured workers to initial medical examinations at contract facilities. The Postal Service has an obligation to provide a Form CA-16 to these contract offices too, but only if the injured worker agrees to accept treatment from the contract facility. Normally, it is not in the interest of injured workers to accept treatment from a Postal Service contract doctor. Injured workers benefit from seeking treatment from their own doctor and should request a Form CA-16 to do so.

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What are the basic rules for authorizing emergency medical care?

(a) When an employee sustains a work-related traumatic injury that requires medical examination, medical treatment, or both, the employer shall authorize such examination and/or treatment by issuing a Form CA-16. This form may be used for occupational disease or illness only if the employer has obtained prior permission from OWCP.

(b) The employer shall issue Form CA-16 within four hours of the claimed injury. If the employer gives verbal authorization for such care, he or she should issue a Form CA-16 within 48 hours. The employer is not required to issue a Form CA-16 more than one week after the occurrence of the claimed injury. The employer may not authorize examination or medical or other treatment in any case that OWCP has disallowed.

(c) Form CA-16 must contain the full name and address of the qualified physician or qualified medical facility authorized to provide service. The authorizing official must sign and date the form and must state his or her title. Form CA-16 authorizes treatment for 60 days from the date of injury, unless OWCP terminates the authorization sooner.

(d) The employer should advise the employee of the right to his or her initial choice of physician. The employer shall allow the employee to select a qualified physician, after advising him or her of those physicians excluded under subpart I of this part. The physician may be in private practice, including a health maintenance organization (HMO), or employed by a Federal agency such as the Department of the Army, Navy, Air Force, or Veterans Affairs.

20 CFR 10.300

545.2 Authorizing Examination and/or Treatment with Form CA-16

545.21 Traumatic Injury

When an employee sustains a work-related traumatic injury that requires medical examination, medical treatment, or both, the control office or control point **must authorize such examination and/or treatment by issuing a Form CA-16**. Form CA-16 is used for all traumatic injuries requiring medical attention. The control office or control point must advise the employee of the right to an initial choice of physician (see 543.3). The control office or control point must promptly authorize medical treatment by issuing the employee a properly executed Form CA-16 within 4 hours of the claimed injury. If the control office or control point gives verbal authorization for care, Form CA-16 should be issued within 48 hours. The control office or control point is not required to issue a Form CA-16 more than one week after the occurrence of the claimed injury.

Exception: Issuance of Form CA-16 is not required for job-related first aid injuries where initial medical care is provided by either a postal physician or a contract physician and the employee voluntarily accepts this care (see 545.43).

545.44 Outside Treatment in a Nonemergency Situation

In a nonemergency situation, if an employee does not accept treatment at a Postal Service occupational health services office or contract facility, the employee may select a physician or hospital within approximately 25 miles of his or her home or worksite. The physician's office should be contacted by telephone by the control office or control point to determine if the physician is available and will accept the employee for treatment under FECA. If not, the employee must select another qualified physician or hospital.

A postal supervisor is not authorized to accompany the employee to a medical facility or physician's office in nonemergency situations.

Although the injured employee selects an outside physician for initial medical treatment, in nonemergency situations he or she may be required first to be examined by a postal physician or contract equivalent. In such instances:

- a. The examination must be performed promptly following the report of injury.
- b. Form CA-16, *Authorization for Examination and/or Treatment*, must be issued to the employee's physician of choice promptly following the report of injury, as specified in 545.2.
- c. The examination must in no way interfere with the employee's right to seek prompt examination and/or treatment from a physician of choice.

Obligation: Authorizing Medical Examination and/or Treatment

Initial medical examination and/or treatment must be authorized in accordance with the FECA provisions and applicable OWCP regulations and policies governing medical care. FECA guarantees the employee the right to a free choice of physician.

- If the injury is an emergency and the employee needs medical attention immediately and selects a private physician or hospital, give verbal authorization and issue CA-16, *Authorization for Examination and/or Treatment*, within 4 hours. Coordinate transportation for the employee to his or her elected medical facility.
- Remember that an injured employee cannot issue a CA-16 for himself or herself. If a person designated to issue a CA-16 becomes injured, the control point at the next higher level of authority would have to issue the CA-16.

In stations where letter carriers are delivering during odd hours, such as Sunday parcel delivery, branch officers should inquire as to who is the control point that has the authority to provide the Form CA-16, if needed.

When an injured worker is not given a Form CA-16 as required by law, he or she might be billed directly by the treating hospital, clinic or physician. Absent a CA-16 that was provided within the proper time frame, the injured worker will need to contact the health care provider and give them

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The EL 505 handbook defines the obligations and hierarchy of authority in workers' compensation cases. The handbook breaks down the responsibilities of every postal manager involved in the claims process. The EL

505 instructions for issuing a Form CA-16 are found in Chapter 3:

EL 505 Chapter 3-3 Authorizing Medical Treatment in an Emergency — ICCO or control point

Learning to listen

Over the course of their careers, stewards and union officers spend many hours listening to both letter carriers and management talk about the issues they are experiencing. Sometimes those discussions are ordinary and sometimes they can become chaotic. Oftentimes much of what either side is trying to convey is lost in the emotion of the moment, and a steward is left to determine what to take away from the interaction to help best resolve the situation.

Most of the time having a conversation with each party separately is the only way to get to the core issue or issues. During those conversations, one of the most important tools union representatives need to employ is the ability to effectively listen. Although that may sound simple, there is an important distinction to be made between being a skilled listener and hearing someone talk. Listening involves more than just the words spoken, but also how they are spoken and the non-verbal messages sent with them.

Effective listening has many definitions but is most often described as, “actively absorbing the information given to you by a speaker showing that you are listening and interested and providing feedback to the speaker so they know the message was received.”

There are many schools of thought on how best to effectively listen. The following compiles key points from different sources about effective listening skills. Applying these tips will help us give our brothers and sisters the best possible representation.

In a recent article, *Forbes* lists the top five basic tips taught to their executives to help develop the skills needed to be a successful listener:

1. Face the speaker and maintain eye contact
2. Be attentive but relaxed
3. Keep an open mind
4. Listen to words and try to picture what the speaker is saying
5. Don't interrupt

An article found on Skills YouNeed.com, a website for up and coming executives, emphasizes the importance of being aware of the speaker's emotions:

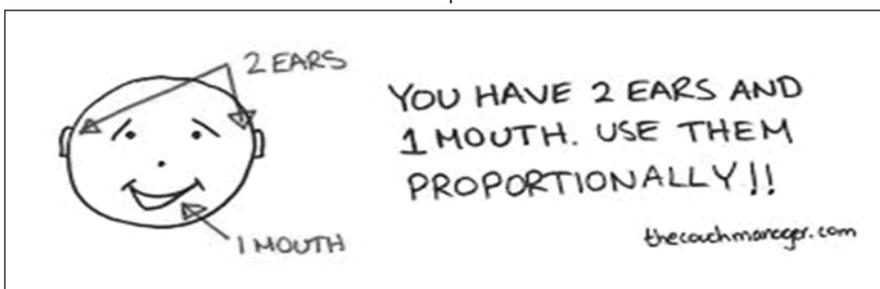
1. Consider the emotional effect of what you are communicating and adjust your delivery accordingly
2. Empathise by trying to see things from the point of view of others
3. When communicating with others, try not to be judgemental or biased by preconceived ideas or beliefs - instead view situations and responses from the other person's perspective.
4. Stay in tune with your own emotions to help enable you to understand the emotions of others.

Wright State University in Ohio published an article on their website [www.wright.edu] about three techniques for employing effective listening skills followed by ways to practice improving them:

Skills

1. Reflecting - when we listen we should show the other party that what they are saying to us is being heard. Reflecting is para-

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Acts of God

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sonal in scope and impact. It must prevent groups of employees from working or reporting to work.

Section 519.212 identifies who has the authority to approve administrative leave for an Act of God:

Authorizing Administrative Leave for Acts of God

The following provisions concern administrative leave for acts of God:

- a. *Postmasters and other installation heads have authority to approve administrative leave for up to 1 day.*
- b. *District managers and Postal Career Executive Service (PCES) plant managers may authorize administrative leave beyond 1 day, but not to exceed a total of 3 days, for their installation and those reporting to it.*
- c. *District managers and senior or lead plant managers may approve administrative leave for periods up to and in excess of 3 days for their installation and those reporting to it.*

Section 519.213 addresses determining the cause of the absences:

Postmasters and other appropriate postal officials determine whether absences from duty allegedly due to “Acts of God” were, in fact, due to such cause or whether the employee or employees in question could, with reasonable diligence, have reported for duty.

Section 519.214 deals with early dismissal due to an Act of God:

When employees are dismissed from duty before the normal completion of their duty due

to an act of God, the following applies:

- a. *Full-time employees are entitled to credit for hours worked plus enough administrative leave to complete their tour of duty. This combination of work and leave is not to exceed 8 hours in any one day.*

day. If there is a question as to the scheduled workhours, the part-time flexible employee is entitled to the greater of the following:

- (1) The number of hours the part-time flexible worked on the same service day in the previous service week.*

To support a grievance, provide documentation of the devastating results of the event

- b. *Part-time regular employees are entitled to credit for hours worked plus enough administrative leave to complete their scheduled hours of duty. This combination of work and leave is not to exceed 8 hours in any one day.*
- c. *Part-time flexible employees are entitled to credit for hours worked plus enough administrative leave to complete their scheduled tour. The combination of straight time worked and administrative leave may not exceed 8 hours in a service*

- (2) The number of hours the part-time flexible was scheduled to work.*

- (3) The guaranteed hours as provided in the applicable national agreement.*

And finally, Section 519.215 focuses on employees prevented from reporting:

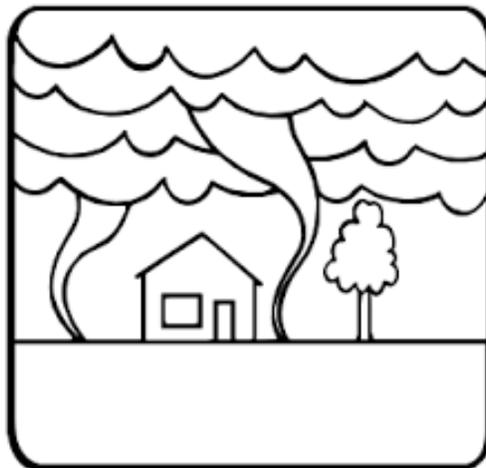
Employees scheduled to report who are prevented from reporting or, who after reporting, are prevented from working by an act of God may be excused as follows:

- a. *Full-time and part-time regular employees receive administrative leave to cover their scheduled tour of duty not to exceed 8 hours.*

- b. *Part-time flexible employees receive administrative leave, subject to the 8-hour limitation, for their scheduled workhours, as provided in 519.214c*

Defining an Act of God

Perhaps recognizing that one area’s disaster may be another area’s mild winter storm, Section



519.211 of the ELM sets up three criteria for determining the appropriateness in granting administrative leave for Acts of God.

First, no matter the event, it must create a community disaster. Second, that event must be general, rather than personal, in scope and impact. And finally, the event must prevent groups of employees from working or reporting to work. Most arbitrators agree that all three criteria must be met before a request for administrative leave will be considered appropriate.

Community disaster

The first criterion identified in Section 519.211 requires that Acts of God involve community disasters such as fire, flood or storms. In most cases, the Act of God event in question must have been of unusual severity. In considering whether these events fit the definition of an Act of God, arbitrators have looked at such factors as the amount of snow or rain, the length of the storm, wind strength, temperature and destruction. More important than these elements, however, is the fact that the event created disastrous conditions.

To support such a grievance, you should provide documentation concerning the devastating results of the event. Newspaper articles, information from local authorities and material from the internet can be used to show the severity of the situation. Do your research. One good resource for weather related events is the website *Weather Underground* (www.wunderground.com/history). This site provides historical data of the

weather conditions on given date for any area you choose. It will give you the amount of snow or rain, wind speeds, temperatures, etc. Plan ahead and take pictures and videos of the event and its aftermath. The more documentation you add, the better your chance to meet the criteria by showing the event did in fact rise to the level of an Act of God.

Providing proof that there was a complete shutdown of all community services except emergency services such as fire, police and hospitals will go a long way in showing there was a community disaster. Were roads closed? Did police warn people to stay home? Were people advised to evacuate? Again, provide newspaper articles and look on the internet for stories regarding the event.

General impact

The second criterion set forth in Section 519.211 requires that Acts of God be gen-

eral in scope and impact. Although it seems likely that an Act of God event by definition would also be a general disaster, some arbitrators have looked to a different type of evidence to meet this standard, primarily the direct impact on and the reaction of the community as a whole. Reports of property damage estimates, vehicle accidents, casualties, utility outages, road closures, school and business closures, disruption of community services, "State of Emergency" declarations and such can be convincing to establish the impact of the catastrophic event was not limited to the Postal Service but rather overwhelmed the entire community.

Most arbitrators have agreed that the Postal Service does not have to shut down entirely before administrative leave can be granted. In C-00713; the arbitrator stated, "The determination of an entitlement to administrative leave does not depend on whether the post office was closed or not. Section 519.211 imposes no requirement that the office be closed or operations curtailed before employees may receive such leave."

Employee impact

The third criterion cited in the ELM is that the disaster affects groups of employees. Arbitrators are divided on their interpretation of what constitutes a group.

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(Continued from page 11)

While some arbitrators may require that 50% or more of the employees were unable to come to work because of conditions, other arbitrators have pointed out that the ELM sets no such arbitrary figures, and that the fact circumstances of each case must be considered. You can use time records to document how many letter carriers were able to report each day and how many were not able to report. These records will also show what kind of leave was charged for the absences.

Although some arbitrators look to employee reporting percentages of the office as a whole as the benchmark when determining the impact to the group, other arbitrators give consideration, when documented, to groups of employees within the office who are from a certain area more adversely impact-



dence in establishing impact. Arbitrators will consider one employee's particular difficulties in getting to work, but if other employees from the same area did come in, the arbitrator is likely to consider the disaster personal rather than general, and may refuse to grant administrative leave.

Reasonable Diligence

Remember, the standard for reporting for duty set in the ELM

evidence of their diligence. Sometimes, arbitrators look for an employee to show that alternative means were unavailable or the effort would have been futile.

In C-00581, the arbitrator granted administrative leave to two grievants who testified about their inability to come to work during a severe snowstorm, but the arbitrator did not give leave to the other employees who failed to produce affidavits or other evidence that they had exercised reasonable diligence.

On the other side of the coin, a recent decision by Arbitrator Miles (C-31918) quoted ELM section 519.213 and stated that it is the postmaster or other appropriate postal official's job to determine whether the absences were in fact due to such cause, or whether the employees could, with reasonable diligence, have reported for duty. In this case (since the Postal Service didn't investigate and could not show how carriers could have reported with due diligence), the carriers involved were awarded administrative leave.

In C-30400, Arbitrator Harris ruled that management was obligated to investigate an individual employee's attempt to get to work and that the failure to conduct such an investigation suggested that the postmaster's denial of administrative leave was arbitrary. In this case, management brought up that the transit rail had stops only a quarter-mile from the Post Office but failed to investigate where the grievant could have boarded the train.

To prevail in such a case and to show that carriers used reasonable diligence, you should discern the efforts they made to get to work. This information is best document-

An Act of God must create a community disaster, be general in scope, and prevent groups of employees from coming to work

ed and as such were unable to report to work. Maps are useful in demonstrating areas where employees live and whether the event prevented employees from specific areas from reporting to work. The internet can be a good source for maps. Look at why carriers were unable to report and identify the similarities with those who did not report and the differences with those who did report. Employee statements are crucial pieces of evi-

is reasonable diligence. Because management must weigh the amount of reasonable diligence the affected employees showed in trying to come to work, arbitrators may likewise evaluate the efforts of the employee. Some arbitrators will look at general conditions and not require specific proof of individual attempts to come to work - but in other cases, arbitrators have required that employees present

ed by interviewing the carriers and obtaining their statements. If carriers made multiple attempts to report, that should be included in their statement in detail. The following are examples of some of the questions that should be answered: How long did they work trying to dig out? How far away is the closest bus station? Was there any alternate transportation? Were the buses even running? Were the roads closed? Did the police turn them away? Was there a mandatory evacuation? In addition to employee statements, newspaper articles from the timeframe in question may also help provide some of the documentation and substantiate the carriers' claims.

Early Dismissal

Don't forget those carriers who actually made it to work but were then sent home early because of the weather. Maybe the mail did not make it to the office or conditions worsened, so delivery was suspended, and there was no productive work available. First, know that they can't force you to go home without paying administrative leave. Once there, a full-time employee is entitled to eight hours work or pay. Part-time flexible employees are entitled to enough hours to complete their scheduled tour. Make sure the carriers are aware that they are not required to take annual leave when sent home. They should request administrative leave. Even if management denies the administrative leave at the time, the carrier should document that it was requested and state that management sent them home.



If carriers are unfairly denied administrative leave in severe weather conditions, the union should attempt to show that all the criteria of Section 519.211 existed and that carriers did indeed exercise reasonable diligence in trying to come to work. By knowing what arbitrators generally look for in such cases, union representatives can be true "foul weather friends" for all carriers. Also, be advised that carriers who request sick leave will be less likely to have their leave changed to administrative leave. The best approach is to remind the carriers that they should always request administrative leave from the start, even if it is initially denied.

The *2014 Shop Steward's Toolkit* that was included with the *NALC Shop Steward's Guide* and sent to all branches for distribution to their stewards contains grievance starters for 50 different grievances, including Act of God situations. This grievance starter will help you document your case file, make the appropriate contentions and request the appropriate remedy for Act of God grievances. Take advantage of it to get your grievance off to a good start. ■

Converted CCA health coverage

(Continued from page 2)

It is suggested that newly converted carriers enroll in the FEHB program as soon as possible to begin receiving health benefits or to avoid any gaps in coverage. Enrollment is not retroactive. Coverage in a FEHB plan will begin the first day of the first pay period after Human Resources receives the employee's election for coverage. The easiest way to sign up for a FEHB plan is through PostalEASE [<https://ewss.usps.gov/>] at an employee self-service kiosk (available in some facilities), or on the Postal Service intranet (on the Blue page). The newly converted carrier should have all of the required enrollment information available before starting the enrollment process. This is the fastest way to receive coverage.

Any carrier who does not enroll during the first 60 days after being converted to career will have to wait to enroll during Open Season unless they have a Qualifying Life Event (QLE). A list of QLEs can be found at <http://www.opm.gov/healthcare-insurance/life-events>.

For more information on the NALC plans and FEHB coverage visit the NALC Health Benefit Plan website at <http://www.nalchbp.org/> or OPM at <http://www.opm.gov/healthcare-insurance>. ■



**DELIVERING
FOR AMERICA**

Learning to listen

(Continued from page 9)

phrasing back to the speaker what they said.

2. Probing - means asking for additional information. Avoid questions that challenge what has been said because that will put the speaker on the defensive. Good probing questions ask for elaboration, clarification, and repetition.

3. Deflecting – deflecting responses shift the discussion to another topic. When we deflect from what we've been told, rather than acknowledging it, we can unintentionally communicate that we haven't listened and that we aren't interested. Think about this from the speaker's perspective: You don't feel like you've been heard when you share a concern with someone and they respond by telling you about themselves. Sometimes we mention our own experiences as a way of saying that we can relate to the speaker's experiences. Our intention is to say, "You're not alone." But, when we tell our stories we risk sending a message that we aren't listening and don't care.

Practice

1. Start a conversation with a co-worker by saying, "How was your weekend?" From there, just probe and reflect. In ten minutes, you can actually get to know the other person a little better and show that you're interested in them.

2. Kids seem to be willing to let us practice our effective listening. If you ask kids questions, reflect their answers back

to them, and probe a little further, they really open up.

3. Making a tape recording of a conversation, if you can find a willing partner, can also help you evaluate your performance. With a tape of a conversation, you can examine each response you give in detail, without relying on your memory.

In November 2014, AFL-CIO blog author Victor Narro wrote about the importance of active listening in the labor movement. He opined:

"... Active listening without passing judgment is a gift we can give to each other to enhance our work in the labor movement. When we are really heard and the other understands our meaning and emotions, we feel valued and respected, a condition necessary for strengthening our movement. There is no more precious gift, to give or receive, than to listen to the words of another. This process of active listening and loving speech will enable us to be mindful of and respect the dignity within each one of us..."

All of the sources above lead us to understand why we as union representatives should develop our effective listening skills; it is a way of showing concern for our co-workers which fosters bonds, commitment and trust. Our members deserve to be heard and it is our responsibility to ensure they are!

Winter safety

(Continued from page 5)

chases? The more seasoned letter carriers in the office can provide insight to CCAs as to relevance and necessity of specific uniform items for their specific area. Experienced letter carriers should make it a point to talk to CCAs about uniform options to cope with cold weather.

Cold weather is just as deadly as hot weather. Cold weather hazards are just as serious as many other hazards. Make sure you are watching out for your own safety as well as that of every carrier in your unit. It will only take the loss of one carrier to make you regret your silence for a lifetime. ■

Framing the issue

(Continued from page 3)

Once again, the issue statement itself should identify the relevant contractual or handbook provisions involved. If it is a disciplinary grievance, always indicate the type of discipline (letter of warning, 7 or 14 day suspension, indefinite suspension, etc.) in the issue statement. ■

The form CA-16

(Continued from page 8)

their OWCP claim number and direct them to OWCP's payment contractor, ACS. Medical providers can contact ACS by calling: (844) 493-1966. ■

Training Seminars & State Conventions

Listed below are all training sessions, educational seminars, or state conventions currently scheduled. All dates are 2016. For more information on any event, please contact the appropriate business agent.

Region 4 - NBA Roger Bledsoe 501-76-6566
 Arizona, Arkansas, Colorado, Oklahoma, Wyoming
 January 29-30 Colorado State Training; Crown Plaza
 Hotel, Denver CO
 February 10-11 Arkansas/Oklahoma Stewards
 Training; Choctaw Casino and Hotel, Pocola OK
 February 24-25 Arizona Stewards Training; NALC
 Branch 576, Phoenix AZ
 April 29-30 Colorado State Convention; Millennium
 Harvest House, Boulder CO
 April 29-30 Oklahoma State Convention; Best
 Western Hotel, Lawton OK
 June 17-18 Arkansas State Training; Austin Hotel, Hot
 Springs AR
 September 22-24 Region 4 Rap Session & Training;
 Double Tree Hotel, Grand Junction CO

Region 5 - NBA Mike Birkett, 314-872-0227
 Missouri, Iowa, Nebraska, Kansas
 February 27-28 Region 5 Rap Session; Sheraton
 Overland Park Hotel, Overland Park KS

Region 7 - NBA Chris Wittenburg 612-378-3035
 Minnesota, North Dakota, South Dakota, Wisconsin
 April 25-29 Regional Training Seminar; Radisson
 Hotel, Roseville MN
 May 20-12 Wisconsin State Convention; Hotel TBA,
 Eau Claire WI
 September 16-17 South Dakota Fall Training
 Seminar; Hotel TBA, Deadwood SD

Region 8 - NBA Pete Moss 256-828-8205
 Alabama, Louisiana, Mississippi, Tennessee
 January 24-27 Region 8 Rap Session; Sam's Town
 Tunica Hotel, Robinsonville, MS

Region 9 - NBA Kenneth Gibbs 954-964-2116
 Florida, Georgia, North Carolina, South Carolina
 February 6-7 Georgia Training Seminar; Hotel TBA,
 Atlanta GA

Region 9 (continued)

March 25-26 North Carolina Training Seminar; Hotel
 TBA Charlotte NC
 May 17-20 South Carolina State Convention; Hotel
 TBA, Charleston SC
 October 13-15 Florida Training Seminar; Hotel TBA,
 Tampa FL
 October 28-29 North Carolina Training Seminar;
 Hotel TBA, Raleigh NC

Region 10 - NBA Kathy Baldwin 281-540-56274340
 New Mexico, Texas

February 13-15 Regional Training Seminar & Rap
 Session; DoubleTree Hotel at Intercontinental
 Airport, Houston TX
 June 3-4 New Mexico State Convention; Days Inn
 & Suites, Clovis NM

Region 12 - NBA Bill Lucini 215-824-4826
 Pennsylvania, South and Central New Jersey
 February 21-23 Region 12 Training Seminar; Bally's
 Park Place Casino/Hotel, Atlantic City NJ

Region 13 - NBA Tim Dowdy 757-934-1013
 Delaware, Maryland, Virginia, West Virginia,
 Washington DC
 January 27-28 Shop Stewards Regional Training;
 Hotel TBA, Charlottesville VA
 February 14-15 Delaware Shop Steward Training;
 Hotel TBA, New Castle DE
 March 10-11 Virginia Shop Steward Training; Hotel
 TBA, Richmond VA
 April 14 Congressional Lobby Day; Hotel TBA,
 Washington DC
 May 1-3 Branch Office Regional Training; Hotel
 TBA, Dover DE
 September 18 OWCP Regional Training; Hotel TBA,
 Washington DC

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USPS *BY THE NUMBERS*

Operations

	Number	Change from SPLY*
FY 2015		
Total mail volume (Millions of pieces)	154,157	-0.89%
Mail volume by class (millions)		
<i>First-Class</i>	62,419	-2.22%
<i>Periodicals</i>	5,838	-3.42%
<i>Standard (bulk mail)</i>	80,030	-0.35%
<i>Shipping & Packages</i>	4,530	14.13%
<i>International</i>	940	5.26%
<i>Other</i>	400	-17.53%
Average days to delivery FY15 Q4		
First-class mail	2.5	
Package services	4.8	

*SPLY=Same Period Last Year

Finances

FY 2015 (millions)	Number	Change from SPLY*
<i>Operating Revenue</i>	\$68,928	7.6%
Operating Expenses	\$73,826	0.9%
<i>Controllable Operating Income</i>	\$1,188	
PSRHF Expenses	\$5,700	
<i>Workers' Comp adjustments</i>	\$809	
Net operating loss	-\$5,060	

Employment

FY 2015 - PP25	Number	Change from SPLY*
City carrier career employment	167,958	2.3%
<i>Full Time</i>	166,603	2.9%
<i>PT Regular</i>	541	-6.1%
<i>PTF</i>	814	-53.9%
City Carrier Assistant 1	31,543	-7.9%
City Carrier Assistant 2	6,798	-7.9%
City carriers per delivery supervisor	13.3	
Career USPS employment	497,133	2.1%
Non-career USPS employment	150,662	0.9%