

# The Summit City Mailbag

## National Association of Letter Carriers

Angola, Auburn, Bluffton, Fort Wayne, Garrett, New Haven & South Whitley Indiana

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# DPS Flats: A look at our future

## FSS Flats

*ED Note: In the July and June issues of **The Postal Record**, Fred Rolando, National Association of Letter Carriers Director of City Delivery, in his monthly columns, mentioned to the membership the United States Postal Services' testing of a Flats Sequence Sorting (FSS) that was taking place in Carmel, IN. In June Brother Rolando recognized the test, but in July he talked about his experiences with the FSS.*

*Brother Rolando appeared at the Indiana State Association of Letter Carriers convention in Muncie in May and he talked about his experiences carrying FSS or more commonly DPS flats. He told the membership that his experience carrying FSS was difficult at best, and that management in the Carmel office could not understand why it was taking longer for the carriers to do their jobs on the street. Also, it should be noted, that Pat Carroll, National Business Agent, Kentucky-Indiana-Michigan Region, joined Fred on his expedition of delivering FSS, and both realized DPS flats are tough to handle on the street. (For more information on what Brother Rolando said refer to page 40 of the July, 2006 Postal Record.)*

*Not surprisingly, this issue was approached on the Internet by city letter carriers. So, herewith is Roberta's observations and responses to the Internet questions.*

*With city letter carriers in Fort Wayne asking about more inside information about the test, I asked Roberta Clemmer, city letter carrier in Carmel, and a former city letter carrier and member of Summit City Branch No. 116, to provide us with a more in-depth discussion of FSS. Her commentary of FSS should give everyone a good idea of what the future holds. — Thom*

by roberta clemmer

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**I** work in the Carmel, Indiana, Post Office as a city letter carrier. Our office recently completed a three month test of FSS (Flat Sequencer Sorter) flats. Huge banners were displayed in our office declaring that we were the first post office in the nation to experience FSS. Carriers familiar with DPS letters will understand the concept of FSS: mail, in this case flat mail, is sorted by machine in delivery sequence for each route, and carriers then take the presorted flats to the street.

Our office literally swarmed with outsiders (people who work for the USPS or have contracted with USPS but are not part of the regular staff at Carmel) for at least the last 6 months. Some of these people were tweaking the

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**Summit City Branch No. 116 holds its union meeting the second Monday of every month at 7:30 p.m. unless noted otherwise. Meetings are held at VFW Post 857, 2202 West Main Street, Fort Wayne.**

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Items intended for publication must be submitted to *The Summit City Mailbag* by the 21st of the month. They will not be returned. Letters-to-the-Editor will be accepted for publication with the understanding that each letter must be signed by the author. Letters will not be published if they cannot be verified. Names will be withheld upon request.

*The Summit City Mailbag* is an award winning newsletter:

**General Excellence:** Medium Branches, First Award, 1994; Second Award, 1998, 1996; Third Award, 1990; Small Branches, First Award, 2002, 1992, Third Award, 2000; Honorable Mention, 1988.

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# Our office literally swarmed with outsiders

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office, making us AMSOP compliant, ordering or suggesting the cleaning and reorganizing of the office, observing day to day operations without actually supervising, suggesting a direction for the flow of employees from clock-in to clock-out. Almost on a daily basis, a group of them, once FSS began, observed us, timed us, rode with us, observed us some more, and timed us some more. Although I am not exactly certain of the extent of their authority, I did have the impression that they had a firm hand, if not the final say, in the operations of our office.

Some of the changes have been good, I think: the floor has been cleaned and polished; abandoned equipment that had been stored against walls and in dead zones on the workroom floor, collecting dust for years, has been removed, resulting in more workspace for everyone; city carrier cases were re-aligned, opening up even more floor space; peeling and chipping paint was scraped off, and much of the interior received a new coat of much-needed paint.

We were told that Carmel was chosen as a test site for FSS because we get a lot of mail, especially a lot of flat mail. That may be true. I have worked in other offices, I have friends in other offices, and I know from talking with them and seeing with my own eyes that yes, Carmel does get a lot of mail.

I have wondered, however, if other factors were not considered as well.

1. Carmel's routes are nearly all mounted routes. As difficult and time-consuming as FSS is to handle on the street on a mounted route, it is far more difficult to handle on the street on a walking route. I

wonder how the test would have gone had it been conducted in an office of all walking routes.

2. The Carmel Post Office has a good mix of city routes and rural routes. According to [www.melissadata.com](http://www.melissadata.com) we have 35 city routes and 31 rural routes, all of which span two zip codes — 46032 (24 city and 16 rural with 2,571 business and 15,801 residential deliveries) and 46033 (11 city and 15 rural with 176 business and 11,880 residential deliveries).

As a city carrier who wants to be able to do the job in the most efficient way possible I believe any kind of pre-sortation of the mail is beneficial *as long as carriers are then allowed to use that presorted mail to prepare our routes for the street*. I strongly disagree that DPS letters are an *end* rather than a *means*. I understand USPS would like to set up FSS as an end as well. I think both should be treated as a *means to an end*. In other words, we should be able to case them entirely to solidly prepare the route for the street. Business routes, apartment routes, and park n' loop (dismount) routes would especially benefit from this. By casing all the mail in the morning for the route we can sort out all hold mail, all forward mail, all missent and missorted mail, and any other irregularities that show up in the mail. In addition, we would be working off one primary bundle as we deliver on the street, which is so much easier and efficient than working off many bundles.

When I shared that vision/proposal with one of the outsiders, telling him how important I think it is that we prepare mail in the office and not be sorting it in an LLV on the street in freezing temps or 117 degree temps or during storms, etc, he replied that this whole FSS plan is simply moving the Postal Service toward the day when there are no Post Office buildings, when "carriers" report to a truck terminal, unload a route off a semi-trailer, load the mail into a vehicle (he didn't say whether this would be a private vehicle or a postal vehicle), and drive away. He said the reason management will not allow city carriers to case DPS or FSS is that the NALC will not budge from the 18 and 8 standard, and in management's eyes, when mail is pre-sorted, as DPS and FSS are,

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**P**resident Thom Green's cell is 260-466-1937. He works at Hazelwood Station, 260-427-7305/25.

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# According to one outsider: FSS plan is to move towards no post office buildings

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part of the route sorting is done already, and the standards for that mail should be greater.

I spent the rest of the day feeling sick to my stomach. This “goal” of no Post Offices eliminates the very essence of the Postal Service, which is a community presence in every community in this country. Accessibility is so critical to what we do and to what the Postal Service is. Furthermore, this “goal” ignores the very real and still mounting fuel crisis and assumes that Americans will be able to drive tractor-trailers all over this land in the future.

His “no-PO” vision is not a good thing. It is not good for the Postal Service, not good for the people, and not good for the country. Why do I see this but the powers-that-be do not? At a time when the Postal Service is urging carriers to “Connect” with the “Customers,” the Postal Service seems to be determined to pull itself away from those same customers.

I hope this man’s truck-terminal vision of the USPS is his alone. I would hate to think that postal upper management is seriously considering it.

A city carrier from the East Coast asked some very good questions about FSS online. I tried to answer them as best I could. Bear in mind that these are my thoughts and observations, and not necessarily those of postal management, other carriers in the office, or the editor.

## 1. How does it come to you? DPS letters come in trays.

The first FSS came to us in deep yellow plastic half trays with built-in black handles, roughly 8 inches deep, 15 inches wide and 13 inches long. These trays were awkward to work out of: they were too deep to comfortably retrieve flats on a mounted route, and because they were only half-trays, we had to replenish our FSS flat mail from the rear of the truck frequently.

The yellow trays gave way to blue plastic trays. The blue trays were full-length, approximately 22 ½ inches long, about 13 inches wide and about 6 ½ inches deep with a slight cutout in the front for better viewing of the address labels on the flats. Still not perfect, if such a thing exists, the blue trays had sharp steel bar ends on the front corners. I don't think anyone was injured by these, but we all had to be careful with them.

On one of the last days of the test period some of the leaders of the program came around with an engineer and a new tray. This tray was all-one-piece molded plastic. They asked us to hold it, asked what we thought of it, asked how we thought it would perform. For me, I wanted to take it out that day—there is nothing like actually using something to see how it works. But that never happened.

So, they are still developing trays. The trays have to be compatible with the FSS machine. It is my understanding the FSS machine is “robotic,” loading flats, sorting flats, unloading full trays off of itself onto conveyor belts or something. (They had one night when we could go out to the plant and watch the FSS do its job; I was unable to attend; if you are offered the same opportunity, do everything in your power to go, and encourage other carriers to go; I think it is important).

## 2. Are the flats secured in any way or do they tend to flop like NLM flats do? The flats are not secured, and they flop all over.

It is frustrating. DPS letters, which are fairly solid and self-contained and are wider than they are tall, stay fairly organized in the trays. Flats, like catalogs and magazines, on the other hand, are usually solid on the spine side but loose on the “open” side and are taller than they are wide. The loose sides spew out many of the insert cards so notorious in magazines and department store flyers. The very “nature” of flats makes them flop, scoot, slide, and slouch. I think with cased mail the flats stand up better because they are

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## **“The flats are not secured — they flop all over — It is frustrating”**

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interspersed with letter mail, but even then, as the tray empties, the flats want to scoot down.

If you mean “are they helicoptered” like the flats we often get in tubs, however, no, they are not. Virtually all the flats I removed from the FSS trays had their labels facing me.

You do need to know this, though: the FSS machine at this time can be programmed in one of two ways — spines to the left *or* spines to the right. It cannot process flats both ways. Flats without spines, such as large envelopes and large postcard-like pieces, are processed any way the powers-that-be want, as long as the labels are on the face of the piece. So, what does the spine issue mean to carriers? Think of catalogs and magazines. Each has a spine.

The FSS machine doesn't care where the address label is located on the face of the mailpiece, only where the spine is located. In our office, because the majority of the routes tested were mounted routes, the spines were set to the left, so that as the carrier reached to the tray with his/her left hand to retrieve the mail for a mailbox, the spine would be on the left side. The address labels could be at the top, the bottom, the left side, or the right side of the mailpiece.

For me, I hate having labels at the bottom of the mailpiece because it means I have to pick each piece up out of the tray or out of my arm bundle to read the label. Whether the label is upside down or not, I want it at the top of the mailpiece, and I don't care where the spine is. Others in my office don't care where the label is on the mailpiece as long as it is right side up. They also don't care where the spine is. Most of the park n' loop/walking routes would prefer the spine on the right side, as many feel that is better for fingering the mail.

I understand the powers-that-be are working with mailers to standardize the position of the address label on mailings. It will be interesting to see what comes of this.

And this little discussion brings me to one of the latest buzzwords in the USPS: standardization. Standardization is sweeping the Postal Service. Standardization makes it easy for upper management to enforce (here are the rules; now conform) and to observe for violations (this carrier has three pieces of equipment; only two are allowed; now conform), but absolute standardization, I think, is the bane of the Postal Service, and no one seems to be addressing the fatal flaws in it. No two carriers are the same, no two routes are the same, and every day brings something different to the mix.

Management and the outsiders spent considerable time observing and taking notes on how carriers load their vehicles. Much to their surprise, I believe, they learned that we do not all load our vehicles in the same way. Some carriers load DPS trays on the floor, some place it on the tray to the left of the driver. Some carriers work advos from a tray while others use tubs.

Those who use tubs place the tub of advos on the floor to the left of the driver's legs, and if those carriers usually place the DPS on the floor in that spot, then the DPS moves to the tray to the left of the driver. It is not unusual for carriers in our office to have 6-10 trays of DPS, and when mail is really heavy, we have had much more. They wanted us to stack our overflow DPS in the left side wheel well, which is okay for up to 4 trays. I have never been able to get more than four in there. I often use the wheel well for overflow DPS, but this is one of those day-to-day judgment calls, made in a micro-second, based on mail volume, type of route, numbers of bundles, etc.

Standardization seems to ignore the fact that intrinsic differences exist. Some routes are residential mounted, some are all business, some have apartments, some are all residential park&loop, some are single hop&drop delivery, and many are a mixture of these. Some carriers can read upside-down labels; others struggle with anything that is not rightside-up. Some days we

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## Outsiders spent considerable time observing and taking notes

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have 3 trays of cased mail, 4 trays of DPS, and no third bundle, while on other days we may have 10 trays of cased mail, 12 trays of DPS, Advos and Advo cards, and a half-truckload of parcels.

Some things in the USPS can and should be standardized: postage; the blue drop boxes we want to be able to identify all over the country; letter carrier uniforms; the easily identifiable vehicles we take to the street; the services we offer; the forms we use, to name a few. Other things should be based on the needs of the route, the carrier, or the day. To standardize things that should not be standardized is, I believe, a gross business error.

### 3. Are you allowed to handle them at all in the office? At first we were allowed to case the FSS flats.

After about two weeks they began to ease routes a few at a time into taking them to the street. Eventually we were all required to take them to the street. We would clock in, roll the APCs holding our trays of FSS to our vehicles, load the FSS, check our vehicles, and then roll the APCs back into the post office. For a while they loaded our DPS letters on the APCs as well, and we loaded them directly into the LLVs before doing our vehicle checks just as we were doing with the FSS. This was not a big deal unless we found out later that we would have to hand off part of our route to someone else, or if a carrier were needed to double case and would be handing off the entire route then we had to unload all or part of what we had already loaded – not efficient and not productive.

I am a T-6. I have one all-business route, one route that is almost all business with a little bit of residential mounted delivery (about 40 deliveries) and some condominiums (about 56 units), another route that is half business and half mounted residential, one all mounted residential route, and one route that is almost all mounted residential with an NDCBU for about 5 business deliveries. I am on the work assignment list, so only a few times when I had substantial undertime did I have to carry any of the

park n' loop relays with FSS flats. That was a nightmare. I tried to work off the three bundles but ended up collating the flats in my LLV because working three address-labeled bundles (FSS, cased mail, and DPS) and trying to remember spurs and parcels in my bag were ridiculous, time-consuming and frustrating.

### 4. Do you collate them with the residual mail or take them directly to the street? (See answer above.)

To elaborate on “I ended up collating the flats in my LLV because working three address-labeled bundles (FSS, cased mail, and DPS) and trying to remember spurs and parcels in my bag were ridiculous, time-consuming and frustrating”. The FSS leaders eventually had a stand-up meeting asking us to please not collate the FSS in with our cased mail on the street because they were trying to measure delivery time based on taking that actual FSS bundle to the street, and collating would not reflect actual time needed to deliver the mail. Obviously, I was not the only one who found it more efficient to collate the mail. Fortunately, after this service talk I did not have to deal with park n' loops again. I do think that the carriers whose routes are nearly all park n' loop struggled enormously with the extra bundle, and many of them are very good and conscientious carriers. I believe we are all glad the test has come to an end.

The last official day of the test was June 10. After that, FSS continued to come in to the office as it had been during the test, because the engineers wanted to run some tests at the plant with the machine for about a week more. We were no longer required to take this FSS to the street. I think every carrier who had FSS chose to case those flats in the office. I think that should tell the powers-that-be everything they need to know about FSS – ideally it is a **means and not an end**. All of the carriers, both city and rural, involved in this test, no matter what kind of route we had, no matter how different we may be, all agreed on one thing: that extra bundle is a waste of time and effort. It is far better to case it in than deal with it as a separate bundle on the street.

As an informational aside, we have two zip codes at Carmel, 46032 and 46033. We have, I believe, 34 city routes and one auxiliary route and about 25-27 rural routes. Only the 46032 routes were involved in

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# Carriers were asked not to collate FSS Flats with other mail

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this test, so some were city routes and some were rural routes. I heard that 16 rural routes were involved at the start but not far into the test at least 9 of them dropped out. They did not want to take FSS to the street. Evidently, the extra time needed for delivery was cutting into their personal time, and they chose not to participate. Or so I heard. I would think that would speak volumes as well to the people pushing this. City carriers had no choice in the matter. I don't have a problem with that. It takes what it takes, and we get paid for what it takes. But once we did have a choice, we all chose to case it in and get the job done sooner.

**5. How do you handle a 3rd (now a 4th) bundle? I have touched on this in some of my other answers, but let me add a few thoughts.**

Handling extra bundles is never easy. The first day I had to take FSS to the street I was working off 7 bundles – FSS, cased mail, DPS, advo cards, advos, parcels, and hotcase mail. I was on my all mounted residential route. It was horrible. Nothing smooth about it, nothing natural, and when patrons came out to receive their mail, I had to check each bundle to see if they had anything. I must have looked so disorganized. At the end of the day I was so sore from all the twisting and turning and reaching I had to take Tylenol when I got home. I am not a whiner or complainer, and that statement makes me sound like such a baby, but it is true. I ached.

**6. How much of an impact is it on your office time? Without seeing the official timesheets and data, I would guess the office time difference is noticeable.**

After all, if a carrier cases at the rate of 4 feet per hour, and he/she gets 5 feet of FSS, we could project that, based on flats alone, the carrier would leave the office about 1 1/4 hour earlier than if he/she had to case those flats. The carriers on routes that were taking FSS to the street did leave the office earlier than usual, I would say.

**7. How much has it impacted your road time? Again, without seeing all the timesheets, I believe the street time was extended because we were working off an extra bundle.**

For me personally, I felt like it took forever on the street. In addition to working off an extra bundle, now we had to deal with missort, missent, hold and forward flat-sized mail on the street. They developed a sectioned short tray (one of the yellow trays from the early part of the test) to file these rejected pieces, but that was just one more piece of equipment and one more task to do on the street, and most of the carriers didn't use them for long.

To answer your question, though, in a nutshell, I would say FSS increased street time to a degree that the increase was more than the time gained in the office that morning.

**8. Are all carrier routed flats including erclot, ercwh and ercws part of it or do you still get them distributed in the same manner as before with 3rd or 4th bundle expectations? I confess I am not familiar with the terms "erclot, ercwh and ercws."**

So I will just say this, and maybe it will answer some of your questions. Catalogs, in route order from the publishers, were sent through FSS. Magazines in route order were sent through FSS. House to house flat-sized, addressed publications were sent through FSS, although I am trying to remember whether there were any "resident" with an address sent through FSS or whether only name and address were sent through FSS.

Initially first class flats were not sent through FSS because management did not want to endanger the First Class service scores. They told us this at a stand-up. Eventually first class flats were processed through FSS for a while, but then it was discontinued. I never heard an explanation as to

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# FSS Flats increased street time more than the office time gained

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why they stopped. I can only assume it was because the EXFC scores dropped.

I would say, on an average day, carriers in the test program took three main bundles to the street: DPS, FSS, and cased mail. Subsidiary bundles might include parcels/spurs and hotcase mail. Hotcase mail consists of letters and/or flats that were misthrown to the carriers, picked up by clerks that morning, and sorted in a case by route for the carriers to take. I prefer pulling the hotcase mail just before I pull down, so that I can work these letters and flats in with the cased mail, but sometimes management frowns on this – why is that?– and sometimes, even though I pull this mail and case it in before I pull down, by the time I get to the hotcase on my way out to load my vehicle, I may have another handful of mail there to work on the street.

**9. How about Advo or “marriage mail”? (In this answer I have used “Advo” to indicate any**

**marriage mail, or mail where we have one unaddressed flat piece and one addressed card, with the instruction that we deliver one unaddressed flat piece with each deliverable addressed card.)**

On mounted city routes (I don't have any firsthand knowledge of how the rurals handled this) we took Advos and Advo cards to the street as separate bundles. That is how we are used to handling marriage mail on mounted city routes in this office. So on those days we had at least five bundles: FSS, DPS, cased mail, Advo mail, and Advo cards.

On walking routes the carriers were instructed to case the Advo cards and then collate the Advos with each stop as they pulled down. I only had to do this once, on my business route with the condominiums,

and it was excruciatingly time consuming. 56 condos in the complex, maybe 54 after the two vacants are considered, so I had to case 54 Advo cards and collate 54 Advos as I pulled down the three relays. That day I had fewer than 15 pieces of FSS for the entire complex. It just seemed to me it would have been a far better use of time to have me case the few FSS flats and take the Advos to the street, but I didn't get to make that call. Too bad.

I was told by one of the data collectors that USPS is working with the Advo company to redesign their product to make it FSS machine friendly. I find it interesting that Advos were just fine all these years as long as the lowly carriers had to deal with slop falling out of them week after week, through rain, sleet and snow, but suddenly Advos need to be redesigned so that they are nice and neat and machine-friendly. Do we count for nothing? I would have liked a carrier-friendly Advo from the get-go.

“suddenly Advos need to be redesigned so that they are nice and neat and machine-friendly. Do we count for nothing?”

So what is on the horizon? I honestly do not know. I would hope that the Postal powers fully realize how much the United States Postal

Service contributes to the fabric of our nation. I would hope that they recognize and value two of the strongest assets of the organization: one, an extensive system of postal facilities throughout the country, from sea to sea and border to border, accessible to all and staffed with friendly, knowledgeable, and helpful postal employees; and two, a multitude of friendly, knowledgeable, and helpful delivery personnel, be they city carriers or rural carriers, who hit the streets and roads of the nation six days a week, delivering to every home and business in the country, strengthening the fibers of communication that unite us all. No other business does what the United States Postal Service does.

I hope we never lose sight of that.

## Weingarten: It all began in a Houston grocery store

*Ed Note: Unlike Miranda rights, which are named after an individual, Weingarten is named after a chain of grocery stores that operated in Texas, Louisiana, and Arkansas. Weingarten began operation in 1901 in Houston, and was a pioneer in the current grocery store technology we know today. It is no longer in operation, having been sold to Grand Union in 1980.*

*In 1972 an employee of the Weingarten retail stores was brought into the store manager's office for an investigative interview. She repeatedly asked for union representation during the interview and was continually denied her request. Subsequently, after her ordeal, the clerk notified her union which in turn filed an unfair labor practice against Weingarten. The case eventually ended up before the U.S. Supreme Court, which ruled management must allow an employee union representation during an investigative interview, but only after the employee makes the request. The following provides an important backdrop for all union members who should know how to react to this type of investigation.*

**R**espondent operates a chain of more than 100 retail stores with lunch counters at some, and so-called lobby food operations at others, dispensing food to take out or eat on the premises. Respondent's sales personnel are represented for collective-bargaining purposes by retail clerks union, local 455. Leura Collins, one of the sales personnel, worked at the lunch counter at store No. 2 from 1961 to 1970 when she was

transferred to the lobby operation at store No. 98.

Respondent maintains a companywide security department staffed by "loss prevention specialists" who work undercover in all stores to guard against loss from shoplifting and employee dishonesty.

In June 1972, Specialist Hardy, without the knowledge of the store manager, spent two days observing the lobby operation at store No. 98 investigating a report that Collins was taking money from a cash register. When Hardy's surveillance of Collins at work turned up no evidence to support the report, Hardy disclosed his presence to the store manager and reported that he could find nothing wrong.

The store manager then told him that a fellow lobby employee of Collins had just reported that Collins had purchased a box of chicken that sold for \$2.98, but had placed only \$1 in the cash register. Collins was summoned to an interview with Specialist Hardy and the store manager, and Hardy questioned her.

The board found that several times during the questioning she asked the store manager to call the union shop steward or some other union representative to the interview, and that her requests were denied. Collins admitted that she had purchased some chicken, a loaf of bread, and some cake which she said she paid for and donated to her church for a church dinner.

She explained that she purchased four pieces of chicken for which the price was \$1, but that because the lobby department was out of the small-size boxes in which such purchases were usually packaged she put the chicken into the larger box normally used for packaging larger quantities.

Specialist Hardy left the interview to check Collins' explanation with the fellow employee who had reported Collins. This employee confirmed that the lobby department had run out of small boxes and also said that she did not know how many pieces of chicken Collins had put in the larger box.

Specialist Hardy returned to the interview, told Collins that her explanation had checked out, that he

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# Collins asked the store manager to call the union shop steward

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was sorry if he had inconvenienced her, and that the matter was closed. Collins thereupon burst into tears and blurted out that the only thing she had ever gotten from the store without paying for it was her free lunch. This revelation surprised the store manager and Hardy because, although free lunches had been provided at store No. 2 when Collins worked at the lunch counter there, company policy was not to provide free lunches at stores operating lobby departments.

In consequence, the store manager and Specialist Hardy closely interrogated Collins about violations of the policy in the lobby department at store No. 98. Collins again asked that a shop steward be called to the interview, but the store manager denied her request.

Based on her answers to his questions, Specialist Hardy prepared a written statement which included a computation that Collins owed the store approximately \$160 for lunches. Collins refused to sign the statement. The board found that Collins, as well as most, if not all, employees in the lobby department of store No. 98, including the manager of that department, took lunch from the lobby without paying for it, apparently because no contrary policy was ever made known to them.

Indeed, when company headquarters advised Specialist Hardy by telephone during the interview that headquarters itself was uncertain whether the policy against providing free lunches at lobby departments was in effect at store No. 98, he terminated his interrogation of Collins. The store manager asked Collins not to discuss the matter with anyone because he considered it a private matter between her and the company, of no concern to other.

Collins, however, reported the details of the interview fully to her shop steward and other union representatives, and this unfair labor practice proceeding resulted.

During the course of an investigative interview at which an employee of respondent was being

interrogated by a representative of respondent employer about reported thefts at respondent's store, the employee asked for but was denied the presence at the interview of her union representative. The union thereupon filed an unfair labor practice charge with the National Labor Relations Board (NLRB).

The NLRB held that the employer had committed an unfair labor practice and issued a cease-and-desist order, which, however, the court of appeals subsequently refused to enforce, concluding that an employee has no "need" for union assistance at an investigative interview. [held: the employer violated 8(a)(1) of the national labor relations act because it interfered with, restrained, and coerced the individual right of an employee, protected by (Section) 7, "to engage in . . . concerted activities for . . . mutual aid or protection . . .," when it denied the employee's request for the presence of her union representative at the investigative interview that the employee reasonably believed would result in disciplinary action.

## **Herewith are your Weingarten Rights to union representation during an investigative interview.**

**“W**eingarten rights” derive from a 1975 Supreme Court case, *NLRB v. J. Weingarten, Inc.* Essentially, they are the right to request assistance from union representatives during investigatory interviews, so that a steward may prevent management from coercing an employee into confessions of misconduct (either through threatening behavior, or simply through skilled interrogation techniques). The union steward can:

- serve as a witness to the actual content of the investigation;
- object to intimidating tactics or confusing questions;
- help an employee avoid making “fatal admissions;”

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# Limited Duty plan could have enormous national impact

by judy kersten

**T**he United States Postal Service has begun a program of monitoring limited duty and rehabilitation

## Employee must request union representation

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- advise an employee, when appropriate, against denying everything, and thereby giving the appearance of guilt or dishonesty;
- counsel an employee against losing her/his temper;
- discourage an employee from informing on others;
- raise extenuating factors.

Weingarten rights apply only in investigatory interviews – that is, when management questions an employee to obtain information; and the employee has a reasonable belief that discipline (or other negative consequences) may result. If an employee is called in to a supervisor's office merely to be informed of a disciplinary decision, the courts have found that this is not an investigatory meeting. The decision to discipline the employee has already been made. However, if the supervisor asks additional questions about the employee's conduct, the meeting becomes an investigatory interview.

The employee may request union representation before, or at any time during, the interview. At that point, the employer must either grant the request and delay questioning until the steward arrives; deny the request and end the interview immediately; or give the employee the choice of having the interview without representation or ending it immediately.

assignments that could have an enormous impact on city letter carriers nationwide. A pilot program that first started in Long Island, NY District in 2004, arrived in the Western New York District in the spring of 2005 resulting in 13 Buffalo city letter carriers having their limited duty work withdrawn.

The National Reassessment Initiative (NRI), as it has been labeled, leaves members with no work, no income and paperwork to file with the hope that OWCP would begin benefits within six weeks of filing a claim. The Union has responded by filing grievances with members being returned to duty status. And, the affected carriers are in the process of having all lost benefits restored retroactive to the time they were displaced.

The United States Postal Service is implementing this program on the contention there is a declining number of jobs available for injured employees who have sustained an on-the-job injury and have medical limitations. Every limited duty and rehabilitation assignment is expected to be reviewed.

Contrary to what some may think, NRI is not a new policy. Rather, it is an aggressive approach by the Postal Service of implementing already existing provisions in the Employee and Labor Relations Manual (ELM), the Federal Employee's Compensation Act (FECA), Code of Federal Regulation (CFR), the rehabilitation Act, and other applicable rules.

Besides the dispute resolution process, Branch No. 3 is equally aggressive in protecting the rights of our ill and injured members through other channels. Executive Vice President Bob Herdlein and I have been in contact with Ron Watson, NALC Director of OWCP, as well as a labor attorney. All have been kept abreast on as much available information that exists.

Currently, no Branch 3 member has been "out-placed". At present, several members have been

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## Reassessment Initiative leaves members with no work, no income

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offered rehabilitation positions that are within the carrier craft. These members have all their contractual rights, which includes being able to bid a route that is within their medical limitations.

The greatest danger at this point comes from within the membership. While it is understandable that some members are concerned about their duty positions being reassessed; rumors, innuendoes and speculations serve no purpose. Decisions regarding a medically suitable employment *must* be made on the specific fact circumstance *unique* to each employee. **Should any Branch 3 member have their limited duty work or rehabilitation assignment withdrawn or hours reduced, call the Union office immediately.**

Management may attempt to have you sign a Form 3971 Employee Request for Leave for LWOP (Leave with out Pay) under the guise that this will expedite a CA-7 for OWCP payments. Do not sign!! You are not voluntarily requesting leave. Management has withdrawn work and only the Dept of Labor OWCP can “expedite” a claim for benefits.

## Call it what it is...Outplacement

**M**anagement kicked its Reassessment Initiative into high gear during the middle of May when it withdrew limited duty work from several Branch 3 members, and gave them administrative leave for a couple of days then sent them packing in a LWOP status.

Throughout the week of May 15 management met with limited duty carriers in Buffalo telling them what options they had, and then informed them they would be moved onto the Department of Labor Injury Compensation rolls.

In essence their jobs as city letter carriers have been terminated because they have at some point in their working careers become injured in the line of duty and now have a medical restriction keeping them from doing their jobs at a 100 percent level. According to the Postal Service those carriers who have reached Maximum Medical Improvement (MMI) of less than 100% cannot perform the “essential functions” of a letter carrier, and there is no longer “necessary” work for them to perform within the Postal Service.

Originally coined the Outplacement Program management changed the title with the thinking that calling it Reassessment Initiative would make it appear worker friendly. It isn't.

**Title 5, Part 353.301 Code of Federal Regulations** states:

“Agencies must make every effort to restore in the local commuting area, according to the circumstances in each case, an individual who has partially recovered from a compensable injury and who is able to return to limited duty. At a minimum, this would mean treating these employees substantially the same as other handicapped individuals under the Rehabilitation Act of 1973, as amended.”

While many may not understand what is going on with the Initiative, those carriers I met with during the “consultations” are stunned as to what has happened to them. When we first became aware of this aggressive approach by the Service last year we weren't sure how the Initiative was going to play out. Now we know and we are addressing it.

*Source: Sister Kersten is the Assistant-Secretary Treasurer for Buffalo (NY) Branch No. 3. She has been working as her branch's primary Informal A and Formal A representative on the Reassessment Initiative. Some of what she writes about here points toward what is happening in Buffalo. However, those who are affected by any action covered by the Department of Labor needs to pay close attention to any action involving their condition. These two articles appeared in Buffalo's monthly newsletter — The Buzz — in May and June, 2006. Susan Lewis, editor.*

# Chicago Cubs vs. Cincinnati Reds

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CLASSIC CUBS



## Doing the right thing

### “What did we do wrong?”

While the 1992 movie – *A Few Good Men* – starring Tom Cruise (Lt. Daniel Kaffee as a Navy lawyer) and Jack Nicholson (Marine Colonel Nathan Jessep) is one that delivered the much quoted line of “*You can’t handle the truth.*” it is one of the closing lines that really got my attention.

Just after Cruise and Nicholson squared off with:

Jessep: *You want answers?*

Kaffee: *I think I’m entitled to them.*

Jessep: *You want answers?!*

Kaffee: *I want the truth.*

Jessep: *You can’t handle the truth!*

Corporal Harold Dawson and Private Loudon Downey who were facing a court martial for giving a “Code Red” (a form of hazing) to another member of their squad – Private William Santiago – which led to his death, were only following orders. Once Kaffee got Jessep to admit he ordered the Code Red, Dawson and Downey were acquitted of murder charges and conspiracy to commit murder. However, they were found guilty of conduct unbecoming a United States Marine and were ordered dishonorably discharged from the Marines. They were stunned.

# Opinions

*by Thom Green, editor*

Private Downey turned to Lt. Kaffee and Corporal Dawson and asked:

“*What did we do wrong?*”

“*It’s not that simple.*” – Lt. Commander Joanne Galloway (assistant counsel)

“*We did nothing wrong.*” – Downey

“*Yeah, we did. We’re supposed to fight for people who can’t fight for themselves. We were supposed to fight for Willy (Pvt. Santiago).*” – Corporal Dawson.

The entire movie strikes at the heart of the responsibilities of those who have decided through one form or another to represent those who can’t. It is all too similar to our choice to represent city letter carriers. And, no matter what the reason, when we step up to defend all city letter carrier rights we cannot hold back. When confronted with a request by carriers to represent them we need to do a thorough job.

Prior to the Dawson/Downey situation Lt. Kaffee was notorious for his technique of resolving cases without looking at the file. In essence he was a pro at cutting deals. When it came to Dawson and Downey he was willing to settle for manslaughter without even looking at the file or interviewing the accused. He only pushed ahead because Commander Galloway instructed him to dig deeper.

If a carrier is issued a letter of discipline, whether it be a letter of warning, a suspension or a removal, we must look at the file without prejudice. That includes interviewing everyone who is attached to the action. It includes requesting copies of documents, and reading them, to see what management relied upon to issue the discipline. All of this applies to contractual issues as well.

When Dawson and Downey joined the Marines they made a pledge to protect their country and do

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## Look at the file without prejudice

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what was right. They did not do it when they carried out the Code Red, and were subsequently disciplined for their actions.

Although we don't have a code of conduct as union members we do have a constitution, and when we take on our responsibilities as officers and stewards of the National Association of Letter Carriers – from President Young all the way down to local officers – we have agreed that we will wrong no member and see no one wronged if we can prevent it.

This doesn't apply to just the processing of work room issues. It extends itself to the operations of our union. When we need help from our senior officers and leaders we expect that it will be there.

Recently on the Internet there was a conversation thread weaving itself through Postal Bytes that troubled me. It runs against the pledge we have taken as officers and stewards.

A local president detailed out that for almost *“two years he was aware of some facts (a non-NALC member letter carrier) that would most certainly lead to the immediate removal”* of one of his permanent scabs. He wanted to know if he should snitch this person out to management.

Some who answered said it depends upon what he did. Others answered, “no”, that it would not be the right thing to do. I agree with the latter. It would not be the right thing to do. Just because we don't like it that someone has chosen to not be a member of our organization, it does not mean that we should treat them any differently.

Rather than “snitch” this person out, the local president should be working with all of the carriers who have chosen to not be a member of the NALC to convince them to join. I would guess that this president's National Business Agent recently did

what our own Pat Carroll, NBA, Kentucky-Indiana-Michigan Region, did by sending a letter to those who don't belong asking them to re-consider their non-commitment to the NALC.

However, if that local president as well as anyone who is involved with the NALC goes out of his or her way to insult the member in question trying to convince that person to consider the value of the NALC is a wasted effort. Telling that person there is nothing we can do for them, and then “snitching” that person out to management, violates the pledge we take “see no one harmed”.

In the beginning A Few Good Men was not about the fate of Dawson and Downey. Rather it was about the success of Lt. Kaffee, and the implicit authority of Col. Jessup. Although that is sad it is typical military justice.

As union officers and stewards we set the standards for which we expect everyone to follow. When we “make deals”, execute our own Code Red justice, or kick aside non-members with statements like “you don't belong, we can't help you”, we have failed ourselves, our membership and all city letter carriers.

The foundation we have in place now is only as strong as our commitment to our future.

The foundation we have in place now is only as strong as our commitment to our future. If we are going to show all city letter carriers

how our union is democratic then we need to start at the top and work our way down. Treating those who don't want to belong with disrespect and disdain, does nothing but weaken our resolve for a unified work force.

Our union cannot afford an attitude like this.

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## Notification of nomination & election of delegates to 2007 ISALC convention

**T**his is notice to all members of Summit City Branch No. 116 that nominations for delegates to the 2007 Indiana State Association of Letter Carriers annual convention will be held at the regular branch meeting in October. Candidates must be present at the meeting or have submitted prior to the nomination a letter to the Recording and Financial Secretary stating acceptance of the nomination.

Candidates must signify that they have not served in a supervisory position for 24 months prior to nomination. The ISALC convention will be held in Indianapolis in mid-May.

Voting will be by mail-out ballot, with a counting of the ballots by the election committee at the December meeting if necessary.

*Elizabeth R. Wappes, Recording and Financial Secretary*

### lookin' for bad boss stories

**A** website has recently come to my attention, and I would suggest that any of you who have access to a computer may want to check it out. The site is: [www.workingamerica.org/badboss](http://www.workingamerica.org/badboss). The site, supported by the AFL-CIO, is accepting entries for a contest. America is invited to enter by submitting a "horror story" of sorts describing their bad boss. This is an example of one of hundreds.

I was called one evening by my boss to see if I would give up my medical benefits for a 2.00 dollar raise. Well that sounded all right to me considering I was getting married and would be on my husbands insurance through his work. The company gave me a raise and said "you don't get sick time and vacation time because you gave up your full - time status". I said "I did? And when did this happen?" The head of human resources said "when you gave up your benefits, you are now considered part-time." I was working and still am working 35-46 hours a week and for what? no vacation? I was not informed I would lose everything.