



Tampa Letter Carrier

VOLUME 15, ISSUE 3

MARCH 2016

Around The Horn from The President's Desk

Brothers and Sisters,

I have written articles in the past about protecting yourself by knowing your job by knowing your rights and the difference between right and wrong. Last month I wrote about the workroom floor and the stress in our workplace environment. While stress is present though under no circumstance, absolutely no situation should escalate to a physical confrontation. This article is not talking about a confrontation with a supervisor or manager...this is about carrier on carrier or craft on craft. It is unfathomable to think any employee would risk their career because of a physical altercation at work. Should you be confronted by what you perceive could escalate...walk away, find a witness or witnesses, inform a supervisor, separate yourself from the situation, **DO NOT REACT**. If you are angered by the actions of a fellow carrier or by another craft employee, step back, take a deep breath, think about your future and providing for your family, find a way to handle the situation that does not risk separation. These situations are

considered very serious, no violence will be tolerated, there is no *sweeping it under the rug*...one poor decision could cost you your job. Should you be involved in a situation where you have pushed someone or became physical by placing your hands on someone, be prepared to fight for your job. You may immediately be walked off the workroom floor. This is considered an emergency situation and without pay.

Article 16. Section 7 Emergency Procedure, states: An employee may be immediately placed on an off-duty status (without pay) by the Employer, but remain on the rolls where the allegation involves intoxication (use of drugs or alcohol), pilferage, or failure to observe safety rules and regulations, or in cases where retaining the employee on duty may result in damage to U.S. Postal Service property, loss of mail or funds, or where the employee may be injurious to self or others. The employee shall remain on the rolls (non-pay status) until disposition of the case

has been had. If it is proposed to suspend such an employee for more than thirty (30) days or discharge the employee, the emergency action taken under this Section may be made the subject of a separate grievance. The purpose of Article 16.7 is to allow the Postal Service to act *immediately* to place an employee in an off-duty status in the specified *emergency* situations.

Written Notice.

Management is not required to provide advance written notice prior to taking such emergency action. However, an employee placed on emergency off-duty status is entitled to written charges within a reasonable period of time. In H4N-3U-C 58637, August 3, 1990 (C-10146), National Arbitrator Mittenenthal wrote as follows: The fact that no *advance written notice* is required does not mean that



Tony Diaz
President
Branch 599

Branch 599 Meeting

Thursday
March 3
7:30 PM

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National Association of Letter Carriers, Branch 599, 3003 W Cypress Street, Tampa FL 33609-1698, publishes the *Tampa Letter Carrier* monthly. The opinions expressed in this publication are those of the writers and do not necessarily reflect the opinions of Branch 599, NALC. It is the policy of this publication that all articles submitted for print must be signed by the writer.

Please submit any and all articles to be published in the *Tampa Letter Carrier* to the Editor via email at editor@nalc599.com and also to the Branch Office at nalc599@verizon.net no later than the 5th of each month in order for us to meet our time limits to the publisher.

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Shop Stewards

<i>Station</i>	<i>ZIP</i>	<i>Steward</i>	<i>Station No.</i>	<i>Steward's No.</i>
Tampa Stations/Branches		Chief Steward, Brian Obst		727.458.0679
Brandon	33510/11		813.661.1636	
Carrollwood	33618	Freddie Nimphius	813.961.2962	813.263.7895
Commerce	33602	Pedro Jiminez	813.242.4507	813.727.9280
Forest Hills	33612	Nick Cullaro	813.935.2954	813.541.8159
Forest Hills	33613	Ed Humphries	813.935.2954	813.787.3914
Hilldale/Annex	33614/34	Varick Reeder	813.879.4309	315.491.6234
Interbay/Port Tampa	33611/16	Jackie Allen	813.831.2034	813.508.1440
Interbay/Peninsula	33629	Clement Cheung	813.831.2034	813.758.5910
Palm River Annex	33619	Pam Benton	813.663.0048	813.475.0753
Plant City	33564		813.719.6793	
Produce	33610	Elvin Rodriguez	813.239.4084	646.346.3288
Ruskin/Sun City Ctr	33570	Aric Person	813.634.1403	813.545.7779
Seminole Heights	33603	Walt Rhoades	813.237.4569	813.389.1708
Sulphur Springs	33604	Steve Hall	813.237.4569	813.494.4669
TCA/Hyde Park	33606	Joe Bitz	813.873.7189	813.465.0004
TCA/Peninsula	33609	Troy Figueroa	813.873.7189	347.403.1644
TCA/West Tampa	33607		813.873.7189	
Temple Terrace	33617	Warren Sumlin	813.988.0152	813.486.7612
Town 'N Country	33615/35	Brian Obst	813.884.0973	727.458.0679
Ybor City	33605	Detlev Aepfel	813.242.4507	813.505.7914

Around The Horn from The President's Desk

(Continued from page 1)

Management has no notice obligation whatever. The employee suspended pursuant to Section 7 has the right to grieve his suspension. He cannot effectively grieve unless he is formally made aware of the charge against him, the reason why Management has invoked Section 7. He surely is entitled to such notice within a reasonable period of time following the date of his displacement. To deny him such notice is to deny him his right under the grievance procedure to mount a credible challenge against Management's action.

What Test Must Management Satisfy?

Usually employees are placed on emergency non-duty status for alleged **misconduct**. However, the provisions of this section are broad enough to allow management to invoke the emergency procedures in situations that do not involve misconduct—for example, if an employee does not recognize that he or she is having an adverse reaction to medication. The test that management must satisfy to justify actions taken under this Article 16.7 depends upon the nature of the emergency. In H4N-3U-C 58637, August 3, 1990 (C-10146), National Arbitrator Mittenenthal wrote as follows: *My response to this disagreement depends, in large part, upon how the Section 7 "emergency" action is characterized. If that action is discipline for alleged misconduct, then Management is subject to a "just cause" test. To quote from Section 1, "No employee may be disciplined...except for just cause." If, on the other hand, that action is not prompted by misconduct and hence is not discipline, the "just cause" standard is not applicable. Management then need only show "reasonable cause" (or "reasonable belief") a test which is easier to satisfy. One important caveat should be noted. "Just cause" is not an absolute concept. Its impact, from the standpoint of the degree of proof*

required in a given case, can be somewhat elastic. For instance, arbitrators ordinarily use a "preponderance of the evidence" rule or some similar standard in deciding fact questions in a discipline dispute. Sometimes, however, a higher degree of proof is required where the alleged misconduct includes an element of moral turpitude or criminal intent. The point is that "just cause" can be calibrated differently on the basis of the nature of the alleged misconduct.

Do not place yourself in a jeopardizing position and place your future in someone else's hands. When the union gets involved and there is a situation where two carriers are involved in one office, both carriers must be represented, and the same steward cannot represent both carriers. The union office is then tasked to appoint a representative for one carrier who is not represented by the station steward.

Quick Hits: Information you should know

***) Changing FEGLI premiums may affect retired letter carriers.**

The Office of Personnel Management (OPM) reports that, as of January 1, premiums for many options and age brackets under the Federal Employees' Group Life Insurance (FEGLI) program changed due to actuarial adjustments. OPM has announced new FEGLI premium rates for employees and retirees, effective with the February 1 payment that covers January. Premiums for employees' basic insurance will not change, and most rates for Option A, B and C will decrease. But the older age band rates for Options A, B and C will increase, along with premium rates for retirees' basic insurance with 50% reduction as well as for the no-reduction rates.

If you are a retired letter carrier who carried your FEGLI coverage into retirement, and if life insurance

premiums are coming out of your annuity payment every month, then this change may apply to you. To learn more, visit the special notices page in the retirement services section of OPM's website, also view the new premium charts.

You can reduce or cancel your coverage at any time, but annuitants cannot increase their coverage, even during an open season. If you elect to reduce or cancel all or any part of your FEGLI coverage, that election is irrevocable. OPM acts as the personnel office for retired letter carriers and is the agency responsible for administering retirement, health and life insurance benefits. Before you get in touch with OPM, be sure to have your Civil Service Annuity (CSA) number ready. If you have your CSA number, call OPM toll-free at 888.767.6738, 7:40 AM to 5 PM, Monday through Friday (Eastern Time).

***) NALC Fact:** The National Association of Letter Carriers is made up of approximately 277,000 active and retired members, of which almost a third are veterans of the U.S. Armed Forces.

***) Great Planning?** ...there are 43 full-time routes in the Suncoast District without vehicles...how does that happen?

***) Future scanner software** will include scanners that will beep when a parcel should be delivered and will not let you finish the transaction if it is being delivered to the incorrect address.

***) The United States Postal Service** is mandated with an annual pre-funding mandate; the pre-funding accounts for an astonishing 86% (\$49 million) of USPS's \$57 billion in reported losses.

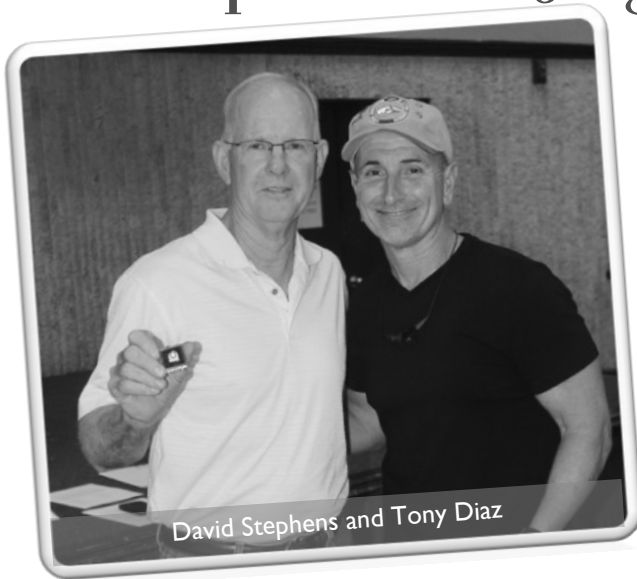
***) TSP Facts:** If you receive a TSP distribution before you reach the age of 59½, in addition to the regular income tax, you may have to pay an

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Sharing Our Members' Joys and Sorrows

Our deepest sympathy and prayerful support is extended to **John Lykins** [Brandon] at the passing of his sister.

David Stephens and Jorge Olivera Retired!



David Stephens and Tony Diaz



Jorge Olivera and Tony Diaz

Congratulations to **David Stephens** [44½ years, Brandon], and to **Jorge Olivera** [Carrollwood], who received their retirement pins and gratuity from President Tony Diaz during our February Branch meeting.

The Birdseye View

(Continued from page 5)

We will be providing some dates in the near future of the election schedule and when we will need volunteers to help with phone banking and canvassing

of union members. Hold on to your hats, enjoy the ride...and God Bless America with some common sense leaders in 2016!

Fraternally Yours for All American Citizens and Fair Elections,
Alan Peacock
Vice President NALC Branch 599
NALC Congressional District 14 Liaison

Around The Horn from The President's Desk

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early withdraw penalty tax equal to 10% of any taxable portion of the distribution not transferred or rolled over.

Note...the additional 10% tax generally does not apply to payments that are: Paid after you separate from the USPS during or after the year you reach age 55; should you set up annuity payments or set up equal withdraw payments over your life expectancy. Before you make any transaction in-

volving your TSP account know the facts, then determine your next move. Everyone's situation is different.

If you are over 70½ and have separated from the USPS, you must either withdraw your entire TSP account or begin receiving monthly payments by April 1 of the year following the year you turned 70½.

*) **Needing donated uniforms.** Our inventory is getting low with the constant hiring of CCAs. Any CCA that

has joined the NALC is invited to the hall to pick out uniforms. We ask all retirees to donate uniforms in decent condition and any active members that have grown out of their uniforms and have purchased new ones. The closet was recently organized and cleaned.

Look forward to talking to you again on the next
Around The Horn
from the President's Desk

The Birdseye View

As we have begun this year of 2016 with hope and new promise for so many issues in our world, and as the campaigns kicked off in Iowa for the presidential elections for America, it appears the massive arena of candidates will begin to diminish. The Democratic side always appeared to be between Hillary Clinton with 22 delegates and Bernie Sanders with 21 delegates. The Republican side is still more contested with Ted Cruz's 8 delegates and Donald Trump and Marco Rubio each with 7 delegates; the rest of that large field had 3 or under delegates.

On to New Hampshire and stay tuned for more details as we head towards the July conventions that will determine the opposing nominees for the 2016 Presidential Election in November. The NALC will be closely monitoring the process and issues that the candidates support, particularly postal reform and the issues pertaining to workers, veterans and retirees. There is still a lot of work to be done in the 114th Congress and there are many proposals in legislation that have gained enough sponsors to reform legislation for the US Postal Service.

While we have a few members who may not like some of the legislation, there is always some sacrificial lamb in the working class in almost all scenarios. One example is the general consensus to place all retirees in the Medicare B process in order to reduce the tremendous burden on pre-funding health care for retirees. Some retirees in the federal sector, especially CSRS retirees, do not have enough quarters to receive social security benefits in order to help pay for Medicare Part B premiums.

In another area of legislation introduced due to the failed system for increasing pay for retirees by COLA related measures has been introduced in the House and the Senate to

provide a 3.9% COLA pay increase to Social Security and federal and veteran retirees that haven't had an increase in 40 years. This 3.9% raise is in line with the average increase to CEOs at the top 350 American companies through taxpayers subsidizing billions of dollars of bonuses to highly paid CEOs.

A benefit was signed into law for US military service veterans to receive a Veterans Identification Card for all veterans, not just retirees, current service members or those with disability rating of 100%; they will be available in 2017 according to the VA. As you can see this will be a long busy campaign year so hold on to your seat and watch the wild ride!

As in any election cycle there will be plenty of work for volunteers from phone banking to canvassing neighborhoods during primaries and the general elections. If this is something you would like to participate in, let us know, it can be quite interesting. In our state, legislation action is quite perplexing...everything from open gun laws to fracking legislation which can bring great harm to our safety and environment. On the other side it appears that the state Senate and the House committees are having success with support of *Vote by Mail* replacing *Absentee Balloting* statewide; it has been by unanimous consent in committee so far. This is also beneficial to the USPS with the additional volume from all the primary and general elections.

Food for thought when registering to vote in Florida: if you don't register to a major party and are registered as an independent because you don't desire party affiliation...you don't get to participate in any of the primary elections, therefore losing your voice on any of the candidates that may get the major party nominations. Once the general election takes place all voters can vote however they desire without being

limited by party affiliation.

Moving forward, the negotiations of our next contract have begun and with our May expiration date we will begin to hear the positions of both sides, but you can rest assured the political and financial circumstances of the USPS will be considered by all. We have a history of never giving back, but unfortunately that doesn't mean that the advocates for the Postal Service will not try to negotiate for cuts in pay and benefits. The situation once left to the decision of mediation or arbitration can definitely fall in their favor, but remember that is out of our negotiator's control as well as out of the control of their negotiators. The best scenario is to have an agreement between the parties and it saves the additional expense to both sides for dragging out the process through mediation and arbitration. Hopefully, the new contract negotiations don't drag out as long as the last contract.

The current APWU contract expired in May of 2015 and they are heading towards arbitration this time which is already approaching a year, but they are not giving back as they did in the last contract; big mistake learned by their leaders. I truly believe there will be some good news moving forward because the USPS has shown three steady years of operational profit and the steady decline of first class mail has begun to level off along with the continued growth in package delivery. Those factors along with some long awaited postal reform could finally put to rest the microscope that we have been placed under like no other agency or corporation during the last ten years...all during the worst recession in 80 years.



Alan Peacock
Vice President
Branch 599

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A Blunderful Blizzard of Boz

I've been told that one year at the NALC national convention, Lenny Perez, Jim Good, Alan Peacock and Tony Diaz all skipped out early from the general session, seeking to beat the crowd to a taste of the local cuisine. But as luck would have it, the national vice-president caught them and tried to discern their identities. Mr. Perez, thinking quickly, advised the other three not to use their real names. Lenny spoke first: *I am Rumpelstiltskin of Branch 3, Buffalo*. Then Jim reported: *I am John Doe of Branch 3, Buffalo*. Next, Alan took his turn, saying: *I am Joe Kilroy, a veteran of World War II*. Finally it was Tony's turn. Fearing that they had run out of pseudonyms, and momentarily experiencing a dimness of wit, Tony blurted out: *I am Lenin Perez of Branch 599, Tampa*. Of course this story is just a rumor, and probably not true. But I suppose it's time to clear the air and expose some other rumors to the scrutiny of the veracity meter.

When Maggie Lancaster was asked to name her favorite personages with heroic titles, she did **not** reply: *Catherine the Great, Boleslaus the Bold, Richard the Lion-hearted, and Ellen DeGeneres*.

Bob West has run several marathons, but people do **not** call him a **racist**.

On February 2, Sy Adel did **not** eat pork sausages for breakfast simply because it was *Ground Hog Day*. And even though he is our oldest branch member, he was **not** Methuselah's baby sitter.

It is **not** true that it took a very long time for McDonald's to prepare a cup of coffee for John Rowland. Or that the waitress apologized by saying: *I'm sorry for your wait*. Or that John replied: *I'm working on my weight*.

It is **not** true that ED Berroth of Carrollwood consulted his physician about the male malady of the same name.

The story goes that he wanted to choose the right remedy should he ever need it, and the doctor advised him to *go see Alice*. Of course there is also the topical medication called *Viagra Spray Starch*.

It is **not** true that when Dennis Lorenzo couldn't finish his lasagna at *Maggiano's*, the waitress asked him: *Do you wanna box for that?* Or that he replied: *No, I'd rather arm wrestle!*

It is **not** true that Steve Hall named his children: *Mess, Concert, Study, Detention, Banquet, Lecture, and Long*.

Lomax McIntyre is **not** named after a Dr. Seuss character.

Even though Mike Brink is a stickler for accuracy, he would **never** complain that people say *woodjoo* instead of *would you*. After all, the only *wood Jew* I know is St. Joseph.

At the last Branch 599 dinner, Detlev Aepfel was wearing a name tag right above his sportcoat's front pocket. A union brother whom he did not know asked who he was. Detlev pointed to his name tag and said *Look here*. The other fellow **did not** say: *Dat left lapel!*

Although Gary Nisson is a friend of the musical arts, he is **not** the one who told me about Piotr Gorecki's musical piece commemorating the terrible mining accident at Wieliczka, where an avalanche crushed a worker. The name of the piece is *Requiem for A-flat miner*.

José Oliva was **not** having rodent problems at his home. Thus it **cannot** be true that he asked for the credentials and training of the pest control technician at his door. And the technician **could not have** replied that his company sent him to a *German extermination camp*.

Debbie McHendry was **not** a nurse before becoming a letter carrier. But it

sure seems like she went to an *I.V. League School*.

Sam Darrigo **did not** warn me about Islamic terrorists in Florence, Italy. But he did talk about the city's delicious *Italian ISIS*.

Matt Rezenka **did not** throw an antique bird hunter's decoy at me. But if he did, I *would duck*.

John Gebo **never** claimed to be a diesel fitter for the Clinton administration. However, one can imagine him purchasing undergarments for the first lady and saying: *Dese'll fit her, dese won't*.

Don Thomas is a smart fellow, but he **could not** fool me into believing that Herman Melville and Victor Hugo collaborated to write *Humpback of Notre Dame*.

It is **not true** that Dave Berroth adopted a *golden retriever* because he lost his wedding ring and thought the dog could help.

I guess we can't believe everything we hear. All we can do is:

Carry on. -Boz



Jim Boczarski
Sulphur Springs
Member
Branch 599



Shop Stewards will Meet

Tuesday 7 PM
March 1
April 5

Branch 599 Meeting

Thursday 7:30 PM
March 3
April 7

Executive Board Meets

Thursday 6:30 PM
March 3
April 7

Sunday Work Party

at our Hall 9-11 AM
March 6
April 10

Retirees Breakfasts

Monday March 7 9 AM
Denny's Restaurant at Dale Mabry & Spruce
2004 N Dale Mabry Highway, Tampa

Tuesday March 8 8 AM
Bob Evans Restaurant
SR-60 & Falkenburg Road, Brandon

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