



Tampa Letter Carrier

VOLUME 20, ISSUE 4

APRIL 2021

Around The Horn from The President's Desk

Membership Ratifies New NALC-USPS Collective Bargaining Agreement

NALC's active membership has overwhelmingly ratified the tentative 2019-2023 National Agreement with the United States Postal Service.

Over 94% of participating eligible members voted to accept the tentative agreement that was announced on November 25. Information on back pay and the implementation of the new contract will be released as soon as possible. The new contract covers a 44-month term from September 20, 2019, to May 20, 2023. -nalc.org



Tony Diaz
President
Branch 599

Brothers and Sisters, The Importance of a Statement

A Guide to writing an effective statement...

When members call our Branch office and explain an issue or concern over a situation that has happened, I instruct them to write a detailed statement as soon as they possibly can. Unfortunately, some members upon hearing this will not take the time to write a quality statement. This is devastating in regard to building a case file.

Written statements are extremely important in our dispute resolution process. This is especially true if the grievance is appealed to Step B. The Step B team will render a decision based on the information that is contained

in the grievance file, including the witness statements. If you have never been asked to write a statement for a grievance, you may be asked to provide a statement at some time. Would you know what to do? What to write? How to write it down? What you saw? What you heard? These questions may well be the difference between someone losing their job or keeping it.

It is important for a union steward to understand how to help a witness know what to write. This is not a matter of telling a carrier or witness what to say, but how best to say it. A statement serves as a snapshot of what happened during a particular event. It is up to you to ensure that the picture shown, through your statement, is clear and

accurate. Here are a few easy-to-remember tips for writing an effective statement for a grievance file.

- Statements should be clearly written and contain specific details about what was seen or heard. *It is easier to do this if the statement is written as soon as possible after an event occurs while the details are fresh.*

- An effective statement will contain thorough answers to as many of the following questions as possible:

- Who was involved?
- When did the event occur (date and time)?
- Where did the event occur?
- What happened?
- Exactly what did the carrier/witness see and hear?

(Continued on page 3)

Branch 599
serving
Brandon
Plant City
Sun City
Tampa

Branch 599
Meeting

Thursday
April 1
7:30 PM

Branch 599 Office

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Fax 813.870.0599
www.nalc599.com

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Monday – Friday
7:30 AM – 4 PM

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National Association of Letter Carriers, Branch 599,

3003 W Cypress Street,
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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@gmail.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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| | Michael Smith | 813.326.0717 | mosmith46@gmail.com |
| Presidents Emeritus | Garland Tickle • Orbe Andux • Donald Thomas Michael Anderson • James Good • Alan Peacock | | |

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 | David Rivadeneira | 813.661.1636 | 813.403.9525 |
| Brandon | 33510/11 | Luis Cruz | 813.661.1636 | 813.431.3223 |
| Carrollwood | 33618 | Tina Bausch | 813.961.2962 | 813.892.2282 |
| Commerce | 33602 | Cynthia Williams | 813.242.4507 | 813.778.4373 |
| Forest Hills | 33612 | JR Sanchez | 813.935.2954 | 773.849.6229 |
| Forest Hills Annex | 33613 | Juan Andujar | 813.935.2954 | 813.377.7266 |
| Hilldale | 33614 | Brian Obst | 813.879.4309 | 727.458.0679 |
| Hilldale Annex | 33634 | Latoya Dupuy | 813.879.4309 | 305.414.3527 |
| Interbay/Port Tampa | 33611/16 | Clement Cheung | 813.831.2034 | 813.758.5910 |
| 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 | Warren Sumlin | 813.719.6793 | 813.486.7612 |
| Produce | 33610 | Jerry J.D. Lewers | 813.239.4084 | 813.528.5519 |
| Ruskin/Sun City Ctr | 33570 | Cherry Berry | 813.634.1403 | 585.230.0266 |
| Seminole Heights | 33603 | Michael Smith | 813.237.4569 | 813.326.0717 |
| Sulphur Springs | 33604 | Stephen Hall | 813.237.4569 | 813.494.4669 |
| TCA/Hyde Park | 33606 | | 813.873.7189 | |
| TCA/Peninsula | 33609 | | 813.873.7189 | |
| TCA/West Tampa | 33607 | Michael Williams | 813.873.7189 | 813.541.3092 |
| Temple Terrace | 33617 | Lori McMillion | 813.988.0152 | 813.263.7101 |
| Town 'N Country | 33615/35 | Brian Obst | 813.884.0973 | 727.458.0679 |
| Ybor City | 33605 | Maurice Rice | 813.242.4507 | 813.334.3189 |

Around The Horn from The President's Desk

(Continued from page 1)

- Exactly where was the witness when the event happened?

The best statements focus on answering the questions above with detailed facts and avoid expressing personal opinion. The reader should be able to get a clear picture of what happened. Statements should contain just facts; conjecture and speculation will weaken the statement. Effective statements don't take much more time or effort to write than ineffective statements. Just be descriptive, again focus on the facts, and write the statement so someone who doesn't know a thing about the people or particular circumstances in the office can easily understand what happened. In summary, make sure your statement is:

- Legible
- Sufficiently detailed
- Easy to understand if the reader knows nothing about the people or particular circumstances in the office
- Signed [including the printed name (no nicknames), title, and contains the witness' contact information]

▪ Dated
Remember, the quality of the statement could be the difference between success and failure in the grievance procedure. Following the advice above will give the union the best chance for success.

—NALC Activist 2016 Issue 3

Quick Hits:

Information you should know

USPS awards contract for the Next Generation Delivery Vehicle (NGDV)
On February 23, 2021, NALC received notification that the Postal Service has awarded a 10-year contract to Oshkosh Defense to manufacture the Next Generation Delivery Vehicle (NGDV).

Under the initial contract, Oshkosh Defense, based in Oshkosh, Wisconsin, will finalize the production design of the NGDV – a purpose-built, right-hand-drive vehicle for mail and package delivery. The NGDVs will include fuel efficient gas engines or gas-electric hybrid powertrains, air conditioning, 360-degree cameras, advanced braking

and traction control, air bags, and a front- and rear-collision avoidance system that includes visual and audio warnings. The vehicles will also have increased cargo capacity to better accommodate higher parcel volumes.

The purpose of the NGDV is to replace the aging fleet of LLVs and to expand the current delivery fleet. The Postal Service anticipates Oshkosh will produce between 50,000 and 165,000 NGDVs under the initial contract. However, the Postal Service will have the ability to order more vehicles during the 10-year contract period. Based on the anticipated 18-month timeline communicated to NALC, the first NGDVs will be deployed in the summer of 2023. To bridge the gap between today and the deployment of the NGDV, the Postal Service has acquired commercial off-the-shelf vehicles, such as the right-hand drive Mercedes Metris and the Dodge ProMaster to supplement the delivery fleet.

—nalc.org

Look forward to talking to you again on the next *Around The Horn*



LETTER CARRIERS' DONOR DRIVE

PLEASE DONATE WHAT YOU CAN TO A FOOD BANK IN YOUR COMMUNITY AND ENCOURAGE YOUR FRIENDS, FAMILY & PATRONS TO DO THE SAME!

1. Go to nalc.org/food
2. Select your state
3. Choose a food bank in your area
4. Make a contribution

It's that easy.

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#NALC #stampouthunger #donordrive
#lettercarriers #heroesdelivering

National Partners

NALC USPS NRLCA UFCW AFL-CIO
United Way CVS Health valpak Valassis Kellogg's

Martinez, DeBose, Grant and Kulik Retired!



Santos Martinez & Tony Diaz

President Tony Diaz presented
Santos Martinez [Ybor],
James DeBose [Palm River Annex],
Otis Grant Jr. [Produce], and
Tom Kulik [Carrollwood] with
 their retirement pins and gratuity
 at our March Branch meeting.



Tom Kulik & Tony Diaz



James DeBose & Tony Diaz



Otis Grant & Tony Diaz

Happy Administrative Professionals Day Rodna Kimelman Kirk!

December 6, 2020 was her 15th anniversary as our Branch Office Secretary.

Thank you, Rodna!



District Occupational Nurse

Contact Numbers

727.323.6546

727.323.6511

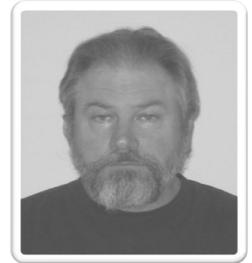
For questions about COVID-19
 and about return to work.

Time to order Uniforms or use your CCA uniform allowance?

Call Uniforms

Call, text, or email Beth Stona
 727.417.2142 • bethstona22@gmail.com
 (evenings or weekends)

Unionism – Evidence and the Burden of Proof



Brian Obst
Vice President
Branch 599

When you file a grievance for a brother or sister carrier you want to do the best job you can in representing them. Every grievance has a number of things in common with all other grievances filed and we are going to address a couple of these. Our topic today is Evidence and the Burden of Proof, two parts of every grievance that should be familiar to the steward.

Let us start with evidence and its definition. Evidence: An outward sign; something that furnishes proof; someone who bears witness (*Merriam-Webster Dictionary online*). Evidence is something that you include in your grievance file to prove or disprove a contention, to make the contention become a fact.

Now based on the definition of evidence we can determine just what we need to put in the file as evidence to prove our contentions based on the type of case it is. In the case of an overtime violation, you might want to include clock rings, overtime reports, overtime tracking charts, overtime equity review forms that are signed by both union and management officials, witness statements and interviews with people who have knowledge of the violation and events surrounding the violation. Notice that all of the evidence I have just listed is tangible, it is not word of mouth, not hearsay and while management sometimes may find a way to impeach this evidence it is difficult to do so. There are many other items of

evidence available, one only need use the information in the grievance and think about what you need to prove your case. In a discipline case you only need to review the discipline to know what evidence you need to impeach the discipline action undertaken by management.

Let us now look at the Burden of Proof. The Burden of Proof is a fickle creature as it starts on one side of the grievance issue and then shifts as the evidence is presented in the case. In the contract grievance cases the Burden of Proof is on the union to prove that a violation has occurred and the steward must demonstrate this in the grievance file with the presentation of evidence. Once the steward has proved his Burden the case can usually be won. The Burden of Proof in a discipline case lies with management and they are required to prove their burden the same way, by the presentation of evidence. As a steward, your job is to attack the evidence presented by management and to find errors or falsehoods in their evidence. One thing most stewards have difficulty remembering is that in a discipline case they do not have to prove that the grievant didn't do what they are accused of, only that management has failed to prove that the grievant did do what they are accused of doing. This is done by impeaching management's evidence. Management seems to labor under the impression that if they say it is so that it must be

so and while this would be convenient for them it is hardly the case.

Management likes to use a statement from the supervisor without any evidence to back it up as evidence in a discipline case. Arbitrators have stated numerous times that this is hearsay evidence and it cannot be relied upon to prove a charge of discipline, as long as the union has argued and proven that there is no evidence in the file to backup the statement. Part of your arguments should always include the tests for *Just Cause* listed in the beginning of Article 16 of the National Agreement. A good steward will know these by heart and ensure to investigate them fully to provide the best representation for their members.

This is only an introduction to Evidence and the Burden of Proof, it is highly recommended that you refer to your copy of the JCAM for further information and don't be afraid to contact other stewards and Branch officers for assistance to help develop the skills needed to be the kind of representative you would want defending you.

I leave you with this thought, as always... **Knowledge is the Key.**

Brian Obst
Vice President

Sharing Our Members' Joys and Sorrows

Our deepest sympathy and prayerful support is extended to George McEndree [retiree] and family at the passing of his mother, Tenia, February 13.



"Mary Lou Jackman - William Corbeau"
2021 Florida State Association of
Letter Carriers Scholarship Application

Al Friedman, President

****PLEASE DO NOT REDUCE THE SIZE OF THIS APPLICATION, AND PRINT LEGIBLY****

Name of Student: _____

Male Female (You must select only ONE box. If more than one child is eligible, please use a separate/additional forms.)

Address: _____

City _____ State _____ Zip _____

NALC Branch Name/Number: _____

Branch Contact Phone Number: _____

NALC Branch Member's Name: _____

By signing below, I certify the above named member of the FSALC is in good standing. _____

To qualify, the following requirements must be met:

- 1) The student must have graduated from an accredited High School or have a GED.
- 2) The Student must be a dependent of a member or the spouse of a deceased member of the FSALC who has not remarried.
- 3) Applicant must enroll as a full-time student in an accredited college or university and submit proof of enrollment to receive the funds if awarded. Winners will be notified by mail. **DO NOT SUBMIT PROOF OF ENROLLMENT AT THIS TIME.**
- 4) **Applications must be postmarked on or by July 15, 2021.** Entries received with a postmark after July 15, 2021 will not be open or returned.

This scholarship award is based on a random drawing, not on academic records or qualifications. There will be a total of four (4) scholarships awarded - two for female applicants and two for male applicants - each in the amount of \$2000.00. This drawing will be held during the 2021 FSALC Convention August 12 - 14, 2021, in Orlando, Florida.



RETURN ALL APPLICATIONS TO:
FSALC Director of Education, John W. Mitchell
C/O Branch 1779 NALC
2434 Golfview Street
Lakeland, FL 33801





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NOTICE

Meetings are subject to change
due to the upsurge of COVID-19.

Shop Stewards will Meet

Tuesday 7 PM

March 30

May 4

Executive Board Meets

Thursday 6:30 PM

April 1

May 6

Branch 599 Meetings

Thursday 7:30 PM

April 1

May 6

June 3

July 8

August 5

September 2

October 7

November 4

December 2

Retirees Breakfasts

Monday *Date to be Announced* 9 AM

Denny's Restaurant

at Dale Mabry & Spruce

2004 N Dale Mabry Highway, Tampa

Tuesday *Date to be Announced* 8 AM

Bob Evans Restaurant off Fletcher

12272 Morris Bridge Road, Temple Terrace 33637



A.R. Tony Huerta Branch 599

National Association of Letter Carriers

3003 W Cypress Street

Tampa FL 33609-1617

813.875.0599 • Fax 813.870.0599

www.nalc599.com

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