



# Tampa Letter Carrier

VOLUME 18, ISSUE 8

AUGUST 2019

## Around The Horn from The President's Desk



Tony Diaz  
President

Brothers and Sisters, I want to thank all who contacted and spoke to me in regards to my newsletter article last month titled **Budget vs. Safety First**. The unanimous consensus, realistically safety will never be first within the Postal Service with the current business model. The push, push, push and faster, faster, faster, will never generate a safe working environment, no matter how much the Postal Service spends on safety.

### Addressing Driving Distractions

You see it every day, whether driving to work or driving home, or driving to the store, or driving to dinner. It is called distracted drivers. Let's address 2 of the biggest distractions, drivers wearing headpieces and texting while driving.

1) Ear buds, headsets, headphones, earpieces, earphones, and all other listening electronic audio devices are not permitted to use while working for the United States Postal Service. There are no provisions for the use in only one ear; they are not permitted, period.

Furthermore it is prohibited by Florida State law while driving any vehicle. Currently, only about 13 states in the United States have rules and regulations regarding the use of these electronic devices while driving. For most states there is no prohibition on wearing of headsets while driving, but many have regulations in the works to pass as law. Florida has one of the sternest laws when addressing ear pieces.

- Pursuant to **Florida Statute 316.304**, it is illegal to operate a vehicle while wearing headphones, headsets, ear buds, or any other listening device in the Sunshine State.
- The United States Postal Service Handbooks and Manuals, Handbook EL-814 states: Never wear headphones or headsets or any other device that can diminish your hearing while you are operating a motor vehicle.

### Reasons:

Driving with headphones can severely limit or may even eliminate one's ability to hear. Example: emergency vehicles, blowing of a horn to alert you, a customer's scream for

help. Driving with headphones causes distractions, slowed motor skills and reaction time, causing an endangerment to other motorists and oneself. If you or someone you know has been in an accident with a driver wearing headphones, you may be able to take legal action against them. The USPS becomes liable if a carrier involved in an accident was seen wearing an ear-piece. The practice is dangerous and could result in prosecution if deemed to be the cause of an accident.

2) Texting and driving is now a national epidemic. **There are six billion mobile phone users and a billion vehicles interacting on the roads daily.** Over a million people died in auto accidents last year and another two million were seriously injured! Texting makes a crash up to 23 times more likely. Teens who text while driving spend 10% of

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Branch 599  
serving  
Brandon  
Plant City  
Sun City  
Tampa

### Branch 599 Meeting

Thursday  
August 8  
7:30 PM

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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 5<sup>th</sup> of each month in order for us to meet our time limits to the publisher.

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# Shop Stewards

Station	ZIP	Steward	Station No.	Steward's No.
Tampa Stations/Branches		Chief Steward, Brian Obst		727.458.0679
Brandon	33510/11	David Rivadeneira	813.661.1636	813.403.9525
Carrollwood	33618	Eddie Berroth	813.961.2962	813.493.5224
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	Nick Cullaro	813.935.2954	813.541.8159
Hilldale	33614	Sam Wantje	813.879.4309	941.979.6485
Hilldale Annex	33634	Varick Reeder	813.879.4309	315.491.6234
Interbay/Port Tampa	33611/16	Jonathan Jones	813.831.2034	813.293.2208
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	Varick Reeder	813.719.6793	315.491.6234
Produce	33610	Frank Webb	813.239.4084	813.340.0300
Ruskin/Sun City Ctr	33570	Bert Fristad	813.634.1403	813.352.0864
Seminole Heights	33603	Walt Rhoads	813.237.4569	813.389.1708
Sulphur Springs	33604	Steve Hall	813.237.4569	813.494.4669
TCA/Hyde Park	33606	Michael Smith	813.873.7189	813.326.0717
TCA/Peninsula	33609	Michael Williams	813.873.7189	813.541.3092
TCA/West Tampa	33607	Michael Williams	813.873.7189	813.541.3092
Temple Terrace	33617	Michael Cipriano	813.988.0152	
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

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the time outside their lane (that's scary). According to AT&T's Teen Driver Survey, 97% of teens agree that texting while driving is dangerous, yet 43% do it anyway. 19% of drivers of all ages admit to surfing the web while driving.

Texting while driving became illegal by law in Florida on July 1, 2019. Texting while driving in Florida has now become a primary traffic offense punishable by fines under a bill signed by Republican Gov. Ron DeSantis. Previously, officers could only cite drivers for texting if they were pulled over for another violation, it was a secondary offense.

- 16 states, the District of Columbia, Puerto Rico, U.S. Virgin Islands and Guam ban drivers from hand-held device use.
- 38 states and D.C. ban all cell phone use by novice drivers.
- 21 states and D.C. prohibit it for school bus drivers.
- 47 states, the District of Columbia, Puerto Rico, U.S. Virgin Islands and Guam ban texting while driving.

Currently there is no national ban on texting or using a wireless phone while driving, but a number of states have passed laws banning texting or wireless phones or requiring hands-free use of wireless phones while driving.

According to the National Highway Traffic Safety Administration, texting behind the wheel takes a driver's eye off the road for an average of 4.6 seconds, which is the time it takes to go from one football end zone to the other. Dangerous? Incredibly. Deadly? You bet. Texting while driving has now replaced drinking and driving as the leading cause of death among teenage drivers. —*National Safety Council*

### **Social Media:**

#### **URGENT REMINDER**

Again, as a reminder, posting to social media such as, Facebook, texting, Twitter, Messenger, SnapChat, Google+, Instagram, YouTube, MySpace, and others...is getting carriers in trouble.

Posting pictures while working in uniform, posting pictures after work in uniform...**stop it.** Calling out sick and showing up on social media at a restaurant, or hair salon, or at the beach, or shopping mall is not intelligent and very careless...**stay off social media.** All USPS employees are responsible for complying with this policy.

Common sense must be exercised at all times when on any social media site. There are rules and regulations that must be followed and I felt it was time to again emphasize the importance of social media.

In addition, when using social media in

a personal capacity, employees may not speak for or act on behalf of the Postal Service. All uses of social media related to official USPS business require management consent.

### **Quick Hits:**

#### **Information you should know**

\* The 6<sup>th</sup> Annual Letter Carriers / MDA Golf Tournament will be held November 3, at Heritage Harbor Golf and Country Club. **Mark your calendars** for this special event.

\* **On June 26, the leaders of the National Association of Letter Carriers and the United States Postal Service formally opened negotiations for a new collective-bargaining agreement.** As always, we have every intention of securing a voluntary agreement this time – even though we remain fully prepared to resort to binding arbitration, if need be, to achieve our goals.

As always, we will seek to preserve and improve the standard of living for city letter carriers. We aim to move forward, not backward. There will be no concessions offered or given. But we will work diligently and professionally to find common ground and mutual progress.

—*NALC President Fred Rolando*

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

## Sharing Our Members' Joys and Sorrows

**Our deepest sympathy** and prayerful support is extended to Judy and family at the passing of her husband, **Richard Arnold** [retiree], June 22; to **Dave Kossov** [Palm River] and family at the passing of his brother, Steve, June 15; to **Warren Sumlin** [Temple Terrace & our Labor Management Rep] and family at the passing of his sister, Donna, June 17; and to **Angel Gutierrez** [Sun City Center] and family at the passing of his father, Angel Ciró Gutierrez Quintero, June 23; and to **Gelmael Gilly Morales** [Forest Hills] and family at the passing of his father, José, July 16.

### **Rescheduled Future Meeting Dates**

Due to holidays, conventions, and RAP sessions...

**Shop Stewards:** August 6 • September 4 (Wednesday) • October 8

**Branch Meetings:** August 8 • September 5 • October 10

# NALC Branch 599 Labor Day Picnic

See your shop steward to signup.  
Retirees, call the Branch Office, 813.875.0599.



**Sunday September 1 12-4 PM**

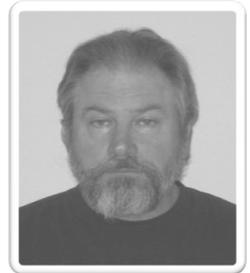
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\$5 donation per immediate family of 5 *plus*  
\$5 for each additional immediate family member is *required*, to benefit MDA.  
\$10 per Guest.

**Deadline to signup is August 16.**

# Unionism — The Dispute Resolution Process

## Article 15 of the National Agreement Part II



**Brian Obst**  
Vice President  
Branch 599

Last month we addressed the first two steps of the Dispute Resolution Process, **Informal and Formal A hearings**. This month we pick up our topic with the **Step B hearing**, step three in the dispute resolution process.

The hearing at Step B consists of one management representative and one Union representative who together shall hear and attempt to decide the case based on the information contained in the file as well as the merits of the parties' contentions as laid out. These two representatives do not act as representatives of the union and management during the hearing process; they are more like contract representatives as they represent the process rather than the individual sides of the argument. If the parties are able to determine, based on the information/evidence contained in the file, whether there was a violation or not then they can resolve the issue and if not they will revert to their positions as representatives of their respective side, Union/Management, and address their respective arguments in support of the position of their side.

The Step B team has a time limit of 14 days from their receipt of the grievance package with which to reach a decision on the case. The Step B team has 4 different options when finishing with a case appealed to them for decision.

**Option 1: Resolve** – the parties find enough information/evidence in the case file and the parties are able to agree that there either was or wasn't a violation of the specific contractual provisions in the case at hand. Resolves by the B Team are precedent setting in the installation where the case is from.

**Option 2: Impasse** – the parties are unable to make a determination of whether there was or wasn't a

violation of the issue presented in the grievance file before them. The individual representatives will write contentions to argue their side of the issue and the case will be forwarded under appeal to the National Business Agent (Union) and Labor Relations (Management) for preparation and scheduling for arbitration.

**Option 3: Remand** – if both parties feel that the case at hand is not properly developed or they determine that the parties might benefit from another meeting on the case, based on additional evidence/information that they failed to consider. If the case is remanded, the time limits will resume at the level where the remand was returned to (7 days at Formal A) unless the parties agree to extend the time limits by mutual agreement.

**Option 4 Hold:** If a case is on an issue that is being addressed on a national level the case can be set to hold pending the decision on the national issue. On cases of this nature the B Team works with the National Business Agent to coordinate the cases being held pending the National decision.

Presuming that the case has been impasse, the next step of the process is a **hearing at Arbitration**. Arbitration is akin to a court hearing where both parties will present opening statements, present witnesses for testimony and cross examination, present evidence that is contained in the file and submit closing summaries. The arbitrator is a neutral hearing official who will act as the judge and decide the case based on the merits of the evidence and arguments presented by both sides. They will establish what level of credibility to attach to any witness testimony and they will render their decision based on all the information presented under the guidelines of the agreements,

handbooks and manuals. Arbitration decisions are the final step in the process and their decisions end the process. Arbitration's decisions set precedent in the region they are rendered and may be used to influence cases outside the region to show how other arbitrators have ruled on a particular issue.

Prior to a case being heard at arbitration the parties continue to attempt to resolve grievances impasse to arbitration. These cases are all looked at by the National Business Agent's office as well as Labor Relations and many are heard at Pre-Arbitration to attempt to resolve the issue prior to going to an arbitration hearing.

The purpose of the Dispute Resolution Process is to attempt to resolve as many issues at the lowest possible level to cut down on individuals having to wait lengthy periods of time to get a decision on their issue. No matter whether a case is impasse at any level and appealed forward, the parties have the option to continue to meet and discuss in an attempt to resolve the case. If the parties are able to resolve the case after appealing it forward, simply contact the people at the next step and inform them that you have been able to resolve the issue and provide a copy of the resolve thus ending the case and its appeal.

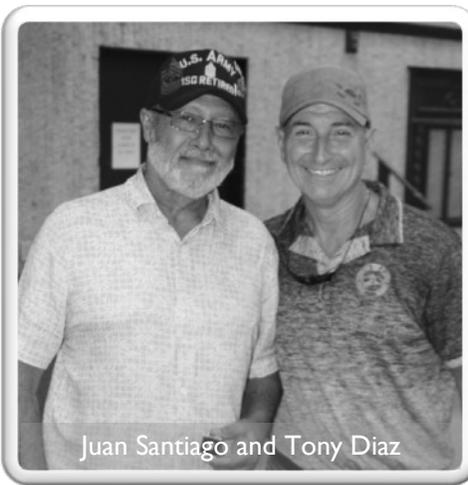
It is important to note here that it is in the best interests of the parties to make every good faith attempt to resolve the case at the lowest level. Remember, once you appeal and send the case forward you no longer have any control on the case and you are allowing someone else to decide in your place and they might not see the issue

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# Nelson, Santiago, and Mills Retired!



Rhonda Nelson and Tony Diaz



Juan Santiago and Tony Diaz



Joe Mills and Tony Diaz

*Congratulations to **Rhonda Nelson** [Temple Terrace], to **Juan Santiago** [TCA Hyde Park]; and to **Joe Mills** [Temple Terrace]; who received their retirement pin and gratuity from President Tony Diaz during our July Branch meeting!*

# 40-year Award for Joann Kubly!



Carrollwood carrier, Joann Kubly, was presented a 40-year service award by District Manager Steve Hardin.

Joann began in August of 1979, as only the second female city letter carrier hired in Tampa. She becomes the first active Tampa city letter carrier female to receive a 40-year service award. A few months ago she became the first female to reach top status as the number one senior carrier in Tampa.

*Congratulations Joann, for helping break down barriers and leading a path for the women who followed you and are a large percentage of our workforce.*

## Unionism – The Dispute Resolution Process...Article 15 of the National Agreement Part II

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the same way as you.

Again this information is a brief description of what is covered in Article

15 of the JCAM and I highly recommend that you read the actual article so you are completely informed of its contents.

As I always say.....**Knowledge is the Key.**

Until next month,  
*Brian Obst*, Vice President

**Shop Stewards will Meet**

Tuesday 7 PM  
August 6  
September 4

**Branch 599 Meeting**

Thursday 7:30 PM  
August 8  
September 5

**Executive Board Meets**

Thursday 6:30 PM  
August 8  
September 5

**Sunday Work Party**

at our Hall 9-11 AM  
August 11  
September 8

**Retirees Breakfasts**

Monday August 5 9 AM  
Denny's Restaurant at Dale Mabry & Spruce  
2004 N Dale Mabry Highway, Tampa

Tuesday August 13 8:30 AM  
Bob Evans Restaurant off Fletcher  
12272 Morris Bridge Road, Temple Terrace 33637

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*Bill & Shirley Moran*

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