

908 News

NALC Branch 908
AFL-CIO
PO Box 375
Gloucester City,
NJ 08030

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Newsletter Com: Powell, Comuso, Lipski Ph: 906-2838 Fax: 227-0516 www.nalcbranch908.com March 2013

Presidents Report

Well, what a difference a month makes. Last month I was commenting on our new contract, and even before the ink dried, our beloved PMG decided to step out and blind side everyone in the nation by announcing his plan to go to 5-day delivery starting in August. Once again, he has taken things into his own hands, and has spited the law, by spitting in the face of Congress. I have been informed he is already assembling a group of managers in all districts to start plans for going to 5-day delivery! That is why we must not sit idly by and allow this "dictator" to go unfettered. **March 24th**, is the date that should be kept available for everyone who is interested in fighting for his or her job and the future of the postal service. That is right brothers and sisters, it is that serious. Our national president has called **March 24th** as our day of action throughout the nation where we will ask our friends, family members, co-workers and community coalition partners to gather at specified post offices in major media areas to remind our representatives in Washington to keep six day delivery in the continuing budget resolution that is expected to be renewed by Congress on March 27th. Our branch will be getting a bus to carry our members over to Philadelphia for the rally on this day. We will be asking anyone who wishes to go to let us know so we can make the necessary arrangements. As a token of our gratitude, we will have food and beverage back at our Union Hall when we return. Stay tuned for updated information for the time and place of the rally. As soon as we get all the information, I will let your stewards know what time we will be leaving. Remember, we are in for the fight of our life, and must all be vigilant in letting our representatives know how important it is to keep six-day delivery. The next important item is we are now seeing many of our TE's being hired as CCA's. As of this writing, we have approximately 17 CCA's on board in our branch, not including those assigned to the Camden Annex. I would like to thank those CCA's who have continued to be members of the NALC, and for the others who are not members, I hope you consider joining, since you will be the future of this great Union. If you have any questions about joining, please feel free to give me a call and I would gladly answer any of your concerns. I know one issue was the dues the new hires were being assessed. All I can say to the CCA's is that in order for the dues structure to be changed it would take a by-law change to the National Constitution for that to happen. I believe there will be legislation brought forth at the next convention to address this issue, so please hang in there for the next year while our leaders look into all your concerns. April 1st we begin local negotiations for all local memorandums of understandings for all our offices. With all the DUO's we recently had, it will finally give all those offices a chance to get some order to their local policies, especially the leave issues. This is your chance to negotiate some things you may have wished were in there but never were put in before. This is also a chance to negotiate out some language that you believe should not have been put in as well. I have been made aware that some managers may be looking to negotiate items that could occur in a 5-day workweek. We will not entertain this issue, and shame on any of you managers who are buying into this type of ploy. One final note, at our recently completed Regional training seminar in Atlantic City, National President Fred Rolando addressed the carriers in attendance to bring us up on all the latest information regarding the Postal Service and our new contract. He filled us in on all that went on with the new agreement as well as where we are heading going

forward with the Congress. He reiterated how important it is for all members to be signed on as an e-activist and be giving to COLCPE, since we need to be mobilized and together as a union in our battles ahead. I will have more information to report at the regular meeting. Hope to see everyone there.

Gary DiGiacomo- President

Next Meeting

The next regular monthly meeting of the Branch will be held on **Wednesday, March 20th @ 8 p.m.**, at the American Legion Hall, 502 Colonial Ave., North Woodbury. The regular monthly meetings of the Branch are held on the Third Wednesday of each month @ 8 p.m., The Branch Board of Officers and Executive Board meetings are held on the 2nd Wednesday of the month. The Board of Officers meet @ **7:30 p.m.**, and the Executive Board @ **8 p.m.** The next meeting of the Board of Officers and Executive Board will be on **Wednesday, March 13th 7:30 and 8pm** respectively.

Attendance Prize Now Stands at \$75

Had he attended the regular monthly meeting of the Branch on **Wednesday, February 20, William Foltz**, a member from our Gloucester/Bellmawr Office, would have been the recipient of the **\$50** attendance prize. The prize now increases to **\$75** and will increase **\$25** per meeting, up to a maximum of **\$250**, until a member in attendance has their name drawn.

Trustee Report

Brothers and Sisters, On January 31st at 7 pm the Branch Trustees performed a full and complete audit of the main Checking Account, the Sick and Welfare Fund, Death Benefit Fund, and we reviewed the Branch investments for the Building Fund. I am pleased to report that all accounts and funds are in order. Save the Date for the Branch Annual Retirees Dinner on **April 13th** from 7-11 pm., the Branch Picnic at Clementon Park on **September 8th** from 11 am to 9 pm, and the Kids Christmas Party on **December 8th** from 1-3 pm at the Union Hall. In addition, for any member in need of uniforms we have clean new and used uniforms at the Hall. Below is a list of the additional duties that our Trustees and some Branch Officers handle. Trustee Mike DiGiacomo (**609-682-0420**) handles the Branch Sick and Welfare Fund. Trustee Shawn McBride (**856-649-9317**) handles the Food Drive, Scholarship Fund, and Branch Supplies. Jim Boyle (**856-952-6107**) handles our Death Benefit Fund and is responsible for maintaining the Branch Assets List. Trustee Donna Vilec (**856-287-6215**) handles MDA Fund Raising, Kids Christmas Party and is the Branch Photographer. Recording Secretary, Mike Powell, (**856-287-8768**) and Financial Secretary, Steve Lipski, handle the Branch Newsletter. In addition, Mike Powell and Shawn Mc Bride handle the Eagles Ticket Raffle for COLCPE, the Christmas Raffle, and any other general fund raising for the Branch. Contact me at 609-932-9913 with any questions.

James Comuso, Chairman Board of Trustees

Phone Numbers to Remember

President- Gary DiGiacomo - 856-906-2838

Vice- President- Steve Rutkowski- 856-906-2026

6th Annual Branch Banquet- April 13th, 2013

The 6th Annual Branch 908 Banquet will be held on April 13, 2013 from 7:00 – 11:00pm at Kelly Ann Ballroom Highland Blvd. & Sylvan Ave. Gloucester City N.J. This is a great night to eat, drink, dance, and socialize with good friends and especially to honor those members who have retired in the past year as well as those who have been selected to receive Branch Awards. If you have retired since the last banquet or you will retire before April 13, 2013 contact Branch Recording Secretary, Mike Powell at 908recordingsec@comcast.net. All Branch Members, family and friends are encouraged to attend at a cost of \$20pp. The cost for current Branch retirees is \$10. Tickets may be picked up from Branch Recording Secretary Mike Powell at any Branch Meeting, or by mailing the form below with checks made out to NALC Branch 908, to PO Box 375, Gloucester City, NJ 08030.

Name: _____ (Please print)		
Check One: Honoree () Retiree () Other ()		
Total	Number	Attending:
Amount of remittance enclosed:		

Send to PO Box 375, Gloucester City, NJ 08030 by March 31, 2013. Members of the Branch who have retired since our last Banquet will be honored and presented with tokens of our appreciation. If you have retired since the last Banquet or you will retire before April 13, 2013, please contact the Branch Recording Secretary, Mike Powell @ 856-287-8768 or 908recordingsec@comcast.net.

Nominations for Shop Steward of the Year

The Shop Steward of the Year Award will be awarded at the Branch Retiree's Banquet. Simply write on a piece of paper the following information: Name of Steward being nominated, Office, Person making nomination (must be from Steward Office), and statement including accomplishments, knowledge of contract, ability to deal with co-workers and management, and dedication to the NALC and 908. All submissions must be received by March 28, 2013. The winner will be selected by the Awards Committee and kept confidential until the presentation at the Banquet.

Health Benefits

Get rewarded for being healthy. The Healthy Rewards Program is available to all members of the NALC Health Benefit Plan and the plan offers discounts on services that usually are not covered by other Health Plans. You can receive discounts on weight management and nutrition services, fitness clubs, vision, hearing services, magazine subscriptions, and healthy lifestyle products. For more information call 1-800-558-9443 or visit our website at www.nalc.org/depart/hbp. Quick note for anyone contemplating retirement in the next 5 years. In order to continue in any HBP you must have continuous coverage in the FEHBP for five (5) years of service immediately preceding retirement or since your first opportunity to enroll (if less than five years). If the criteria are not met, you have one appeal to OPM for a waiver of requirements for exceptional circumstances. Be safe out there.

George W. Greenwood HBO

Save The Date - March 24th

The Branch will be providing a bus to the Rally on March 24th. Please contact President DiGiacomo at (865-906-2838) or garyd@comcast.net or Secretary Mike Powell at (856-287-8768) or 908 recordingsec@comcast.net. to reserve your seat on the bus. The bus will be limited to the first 45 members. We will have food and refreshments back at the Union Hall upon return from the rally.

Dates To Remember 2013

Congressional Breakfast- 4/9-4/11
Retiree and Awards Banquet - 4/13
NJ State Convention – 5/19-5/21
Branch Picnic- 9/8

USPS OIG 'Special Agents' Don't Have Special Rights

In a recent decision, the Employees Compensation Appeals Board (ECAB) ruled that the Office of Workers' Compensation Programs (OWCP) acted improperly when it terminated the benefits of an injured worker based on evidence that was impermissibly obtained (*F.S., Appellant; Docket 11-863; Issued 9/26/2012*). The ECAB concluded that special agents of the USPS Office of the Inspector General (OIG) violated several federal regulations in a fraud investigation involving the claimant — an all-too-common practice. In its ruling, ECAB admonished OWCP for departing from its obligations, stating vehemently that evidence created outside applicable regulations should be rejected. According to the record, OIG Postal Service agents made several trips to the appellant's doctors. Such actions blatantly violate Federal Employee Compensation Act (FECA) regulations, which explicitly forbid employing agencies from making contact with treating physicians by phone or by direct personal visits. According to the ECAB, the visiting agents influenced and prejudiced the doctors' perception of the patient by persuasively detailing the investigation and showing skewed evidence in "an obvious effort to procure an opinion favorable to their position." The agents provided an edited version of surveillance video without the claimant's knowledge and without explaining how the evidence had been edited. The ECAB has long disapproved of the use of covert tactics. Nearly 60 years ago, in the case of Fredrick Nightingale, the ECAB cautioned:

"Appellant should have been apprised of the conflicts and inconsistencies and the general nature of adverse evidence developed, in order that he might know the nature of the issues to be met and have an opportunity to present such rebuttal or explanation as was available. This in the Board's view is vital in the non-adversary proceedings under the Federal Employees' Compensation Act, as it is the function of the Bureau to adjudicate the rights of claimants in light of all relevant facts, facts which can only be developed fully when the claimant is fairly advised as to the nature of the evidence from other sources which bears on his claim..."

More recently, the ECAB addressed the issue of surveillance and imposed on the OWCP an obligation to disclose the existence of videotaped evidence to the employee before it is shown to a doctor; provide a copy to the claimant if requested, and allow the employee reasonable time to explain the events captured on tape. In its ruling, the ECAB reasoned that video evidence may be "incorrect or misleading," noting possible identity errors and an inability to decipher "whether certain activities were facilitated by the use of medication" [*J.M., 58 ECAB 478, 486 (2007)*]. Adding to the list of agent indiscretions in the current case, ECAB judges found that OIG law enforcement officers "clearly took an active and on some issues decisive role in developing the appellant's claim and building the case to terminate benefits." Agents asked the doctor to sign an "official statement" drafted by a USPS special agent; complete under oath a Postal Service questionnaire, and fill out a Department of Labor "Duty Status Report" indicating the appellant was able to return to regular work, full-time, without any medical restrictions. In its decision, the board noted the possibility that the doctor was motivated by fear of being "dragged into the 'fraud investigation'" and pointed out that the OIG threatens to criminally prosecute anyone who released details or reports associated with their clandestine investigation. In this case, the administrative claims process was impermissibly mingled with the investigative process, the board concluded. Before modifying or terminating compensation or authorization for medical treatment, OWCP has a burden to establish through "rationalized" medical evidence that the disability has ceased or is no longer related to employment. Sue Carney, Director Human Relations Dept.

HAPPY ST. PATTY'S DAY!

