

The Twig of the Branch



Branch 1477 West Coast Florida Letter Carriers



Serving:

**St. Petersburg — Largo — Dunedin — Pinellas Park — Indian Rocks Beach
Punta Gorda — Englewood — Bradenton Beach — Palmetto — Ellenton**

VOLUME 624

VOICE OF BRANCH 1477

DECEMBER, 2021

ELECTION NOTICE:

As printed in the October and November Twig Newsletters, nominations were taken at the November 18th General Membership Meeting for Delegates to the NALC National Convention in 2022. As reported in the Minutes of the October 14th Membership Meeting, the Finance Committee recommended sending up to 20 Paid Delegates and a motion to accept that recommendation was made and passed.

The result of the review of the Nominees for Delegates is as follows:

36 members were nominated; Only 24 had sufficient meetings to qualify as Paid Delegates. A motion was made to send 24 Delegates, to spare the expense of an Election by mail. Motion passed.



**Happy Holidays From
Joe, Chris, Zulma, TC
and the Executive Board**



NEXT BRANCH MEETING AT THE HALL AND VIA ZOOM: THURSDAY, DECEMBER 9, 2021

PRESIDENT'S REPORT

By President Joe Henschen

Twitter @JaHe1



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Limited-duty job offers

Lately there has been a lot of confusion over a carrier's right to work after sustaining an on-the-job injury. This is an important topic because so many injured workers are waiting at home for an offer to be made to return to work. This results in financial hardship for the injured worker. The NALC Compensation Department explains in detail the Modified Job Offer process this way:

The Postal Service uses the CA-17 to see whether there is work available within the worker's limitations. The Postal Service has an obligation to make every effort to assign compensably injured workers to limited duty

consistent with the employee's medically defined work limitations.

ELM Section 545.31 instructs the supervisor or manager who authorizes medical care to advise the employee, in writing, of the obligation to return to work as soon as possible. "Return to work" refers to work in the employee's bid assignment or work in other locations and positions. Notification to the employee must include the following:

- If a specific alternative position is available, the supervisor/manager must advise the employee in writing of the specific duties and physical requirements of the position.
- If no specific alternative position is necessary, the supervisor/manager should advise the employee of any change the agency can make to the employee's permanent assignment to accommodate the employee's limitations due to the injury.

Postal Handbook EL-505 directs managers to consult with the occupational health nurse, contract physician or the treating physician (in writing) to ensure that the limited duty assignment is consistent with the injured worker's medical restrictions. This may or may not happen, and job offers may sometimes exceed the employee's limitations.

Injured workers are often given job offers and told they must immediately accept the job offer or they will be sent home in a non-pay status. While this is a violation of postal regulations and handbooks, the injured worker should never refuse the job offer. They should instead review the job offer with their supervisor or manager.

The Postal Service normally makes a job offer on PS Form 2499. Section I of the form contains employee information, Section II contains the hours and duties of the job, and Section III is where the employee can accept or refuse the job offer. Just above the place to accept or refuse the job offer, Section III of the 2499 states:

Supervisor/manager should discuss this Offer of Modified Assignment (Limited Duty) and the duties of the assignment with the employee. If the employee has concerns (e.g., task, work location, or medical limitations) not addressed with this offer of Modified Assignment (Limited Duty), the supervisor/ manager should discuss the concerns with the employee and, if possible, suggest alternatives. If the employee raises additional medical issues such as disability or seeks a reasonable accommodation, the supervisor/ manager, must engage in an interactive discussion with the employee (see Handbook EL-307, Reasonable accommodation, An Interactive Process" for specific guidance). These discussions must be documented on page 2, Section IV of this form.

This language is important for injured workers as it provides an interactive process for going over each facet of the job offer in detail. If you can perform some of the duties of the job offer, let management know you are ready and willing to do so. However, if there are portions of the job offer that you think exceed your medical restrictions, you should write them on the 2499 under Section IV: Documentation.

Postal and federal regulations allow the injured worker to take the job offer to their attending physician. Injured workers who get a job offer where some of the duties may exceed their medical limitations should accept the job offer, do what work they feel is within their medical limitations and take the job offer to their physician for review.

Accepting a job offer that may exceed an injured worker's medical restrictions does not waive the opportunity to contest the propriety of the job offer through the grievance procedure.

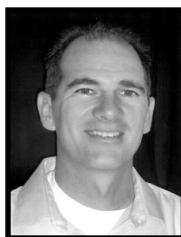
Refusing a job offer puts the injured worker at risk. The Federal Employees Compensation Act (FECA) imposes severe penalties for partially disabled employees who either refuse to seek suitable work or refuse or neglect to work after suitable work is offered.

Receiving an 8106 sanction for not accepting a job offer can lead to termination of benefits, including schedule awards. OWCP will not make a suitability determination on a job offer unless the injured worker refuses the job offer. If OWCP finds the job suitable, the claimant will be given a 30-day notice to either accept the job offer or provide medical evidence that the job is unsuitable.

While this affords an opportunity to have a physician review the job offer, the physician's report does not guarantee the job offer will be subsequently found unsuitable. If OWCP continues to find the job suitable, the injured worker will receive a 15-day letter advising them that they must accept the job or benefits will be terminated. Once OWCP gives an injured worker an 8106(c) sanction, it is difficult, if not impossible, to reverse.

When in doubt, accept any job offer and write "under protest" next to your signature. Then schedule an appointment with your treating physician as soon as possible and file a grievance if necessary.

Kevin Card, Special assistant to the President for Workers Compensation, August 2017 Postal Record)



Hubble's Troubles

*By Executive Vice President,
Chris Hubble*

Darkness in and of itself...

With shorter daylight hours, and later start times, we find ourselves once again dealing with delivering mail in the gloom of night. There is no blanket policy regarding delivery after dark because the issue to contend with is whether a particular carrier on a particular route can safely deliver the mail. It comes to this; each carrier must weigh individual circumstances about the type of delivery and surroundings.

Working in the dark does not just mean working without light either. One of the reasons that working in the dark causes problems for us is because a flickering light source causes the pupils to have to constrict and dilate many times quickly, and repeatedly. The light source could be a headlamp, which is not a requirement for the letter carrier craft. It could be turning the interior lights on and off in your vehicle prior to attempting a delivery. Working in the dark also means limited visibility for carriers, meaning hazards and areas of risk can often be missed. Perhaps it is the work we do all the time but on an unfamiliar route. There is a temptation to push through the darker months without adequate consideration for maintaining a safe working environment.

The point is, when you take away the light, you add risk. Darkness can contribute to an unsafe situation. For example: You are on a walking route, it is not well lighted, and you trip over a crack in the sidewalk, and a few feet later, you stumble over something else. Studies have shown that the chance of being involved in a workplace accident can be up to 36% higher during hours of darkness, which highlights the importance of maintaining a safe working environment during "Daylight Savings Time".

There are several things you can do to keep safe while delivering when it is dark. Be proactive, what could you be doing differently? Perhaps changing the line of travel so that at the end of the day, you may have more deliveries that are well lit. If you are on a walking route and it is not well lighted, then you may want to avoid cutting across lawns, especially if you are unfamiliar with the route. You want to walk

where it is safest. If the area is not well lighted, it becomes more difficult to finger the mail while walking since you may not be able to see the addresses and/or delivery alert cards and look where you are walking. It becomes more difficult to tell where the barking dog is when it is dark. A patron may mistake you for a trespasser. You are the only one who can keep yourself safe.

If you choose to bring back the mail because you feel unsafe, you will need to be able to defend the decision with specific safety problems on the deliveries you brought back.

Arbitrators have ruled that *darkness in and of itself* is not unsafe. In addition, arbitrators have generally approached the question of whether employees are justified for refusing to work in a particular place or in a particular fashion because of what the employee believes are unsafe conditions. First, there is the ***“iron rule”*** (JCAM page 41-27) stating that an employee must *“obey now and grieve later.”* Second, there is a narrow exception to that rule which permits an employee to disobey where he or she has a reasonable or good-faith belief that to obey would cause imminent danger to life or limb. A mere belief that a safety hazard exists is usually insufficient reason to disobey an order. That said, darkness could contribute to hazardous conditions. Section 133.1 of the M-41 applies to all unsafe conditions including dogs, road hazards, faulty equipment, and weather, among others. It states: Always exercise care to avoid personal injury and report all hazardous conditions to the unit manager. (See part 812 for vehicle safety)

While carriers should not curtail or eliminate any scheduled delivery, sometimes safety concerns will limit opportunities for safe delivery. In the event you attempt and are unsuccessful in safely accessing a delivery point, carriers should always report the situation to management and complete a PS Form 1571, Undelivered Mail Report. Enter the circumstances related to the curtailment of mail, sign the form, attach it to the mail, and give it to the supervisor or manager on duty. Under Article 41.3.g of the National Agreement, letter carriers are entitled to a duplicate of the PS Form 1571 and should always request a copy.

It is managements responsibility to provide a safe environment to work. It is not the intent of any carrier or of this branch to endorse or encourage the unnecessary curtailment of any mail. It is about each carrier's safety and the protection of the mail in our charge and management's responsibility to manage.

Penalty overtime exclusion period (December 4th through December 31st)

The daily and weekly work-hour limitation in Article 8, Section 5.G provides that employees on the overtime desired list (ODL) or work assignment list (WAL) may be required to work up to 12 hours per day and 60 hours per week, ***except during the penalty overtime exclusion period.*** However, these work limits do not apply to full-time employees on the ODL or WAL during the penalty overtime exclusion period. Management may, but is not required to, assign ODL carriers to work in excess of the 12- and 60-hour limitations during the penalty overtime exclusionary period.

Memorandum of understanding (M-00859) states in part:

The parties agree that with the exception of December, full-time employees are prohibited from working more than 12 hours in a single workday or 60 hours within a service week.

Section 432.32 of the Employee and Labor Relations Manual (ELM) establishes the maximum hours allowed for full-time employees not on the ODL or WAL, PTFs, and CCAs:

Except as designated in labor agreements for bargaining unit employees or in emergency situations as determined by the postmaster general (or designee), employees may not be required to work more than 12 hours in 1 service day. In addition, the total hours of daily service, including scheduled workhours, overtime, and mealtime, may not be extended over a period longer than 12 consecutive hours. Postmasters and exempt employees are excluded from these provisions.

The Step 4 settlement (M-01272) in Case Number E94N-4E-C96031540, dated Feb. 25, 1998, dictates that the limit established by ELM 432.32 ***continues to apply even during the penalty overtime exclusion period.***



Sandra Pagan
Carrier, St Pete Main, Zone14

Alzheimer's Disease

November is Alzheimer's Disease Awareness Month. A time to learn more about the most common cause of Dementia.

Many of us have been affected by this disease in our families. But not everyone knows that there is a lot of help for those who suffer from it and also their caregivers.

Alzheimer's Disease is a degenerative disorder that irreversibly affects the health of the brain, causing a decline in memory, reasoning, and the ability to handle everyday task.

Dementia is a collective term to describe a group of diseases and symptoms of cognitive decline.

Alzheimer's Disease occurs in stages and worsen over time. Some warning signs includes:

Changes in memory that disrupt everyday activities.
 Confusion with time or place.
 Alternation in personality.
 Difficulty having conversations.

The Alzheimer's Association helped my parents a lot with my grandmother who suffered from this disease and I am very grateful for that for that reason I want to offer this information to all those who need it and can help their loved ones.

The Alzheimer's Association gives help and support nation wide 24/7. www.a/z.org, the help line (800) 272-3900.

I hope this information is helpful for everyone who needs it, and you can find the necessary help and support as well, just like my family did.



Editor's Corner

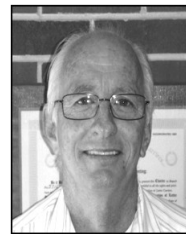
*By Editor/Webmaster,
 Judy Dorris*

As has been the past practice, there will not be an issue of the Twig in January. There will be a January/February issue and you should receive it around the 3rd week of January.

Please check the Branch's website for an updated list of our Veterans throughout the Branch. If you do not see your name listed, please contact the Branch office as we would like to recognize and thank all members for their service.

For upcoming events, please check the homepage on the Branch's website @ **branch1477nalc.org**.

Have a happy, healthy, and safe Holiday Season.



Legislative Update

By Gene Carroll, CDL District 15

NALC Priority Congressional Bills and Resolutions

Below are bills of note for NALC that have been introduced in the 117th Congress. This page will be updated regularly as bills are introduced.

House Bills

Postal Reform Act of 2021 - H.R. 3076

Status: Introduced by Reps. Carolyn Maloney (D-NY) and James Comer (R-KY) and ordered to be reported to the House of Representatives on May 13, 2021

Co-sponsors: 92 (53 Democrats – 39 Republicans)
 To provide stability to and enhance the services of the United States Postal Service, and for other purposes.

Social Security Fairness Act - H.R. 82

Status: Introduced January 4, 2021

Co-sponsors: 235 (178 Democrats – 57 Republicans)

To repeal provisions that reduce Social Security benefits for individuals who receive other benefits, such as a pension from a state or local government.

House Resolutions

House Resolution 109 (H. Res. 109) – Door Delivery

Status: Introduced by Reps. Stephanie Murphy (D-FL) and David Joyce (R-OH)

Co-sponsors: 153 (125 Democrats – 28 Republicans)

Expressing the sense of the House of Representatives that the United States Postal Service should take all appropriate measures to ensure the continuation of door delivery for all business and residential customers.

House Resolution 47 (H. Res. 47) – Anti-privatization

Status: Introduced by Reps. Stephen Lynch (D-MA) and Rodney Davis (R-IL)

Co-sponsors: 181 (159 Democrats – 22 Republicans)

Expressing the sense of the House of Representatives that Congress should take all appropriate measures to ensure that the United States Postal Service remains an independent establishment of the Federal Government and is not subject to privatization

House Resolution 114 (H. Res. 114) - Six-Day Delivery

Status: Introduced by Rep. Gerald Connolly (D-VA)

Co-sponsors: 155 (96 Democrats – 59 Republicans)

Expressing the sense of the House of Representatives that the United States Postal Service should take all appropriate measures to ensure the continuation of its 6-day mail delivery service.

House Resolution 119 (H. Res. 119) - Service Standards

Status: Introduced by Rep. David McKinley (R-WV)

Co-sponsors: 134 (114 Democrats – 20 Republicans)

Expressing the sense of the House of Representatives that the United States Postal Service should take all appropriate measures to restore service standards in effect as of July 1, 2012.

Senate Bills

Postal Reform Act of 2021 - S. 1720

Status: Introduced by Sen. Gary Peters (D-MI) and Rob Portman (R-OH) on May 19, 2021

Co-sponsors: 27 (14 Democrats – 12 Republicans - 1 Independent)

To provide stability to and enhance the services of the United States Postal Service, and for other purposes.

USPS Fairness Act - S. 145

Status: Introduced by Sen. Steve Daines (R-MT) and Brian Schatz (D-HI)

Co-sponsors: 10 (5 Democrats – 5 Republicans) To repeal the requirement that the United States Postal Service prepay future retirement benefits.

NALC

***We are back to having
in-person
Branch Membership Meetings at the Hall.***

Please plan to wear a mask.

***We can have up to 20 people and be able
to safely social distance.***

***Meetings will continue to be held via
Zoom.***

***As of now, food may be provided depending
on the number of attendees.***

Steward Meeting Attendees

Meeting was held at the hall and on Zoom and led by Joe Henschen and Chris Hubble

November 18th:

Zulma Betancourt, Chuck Cavicchio, Tom Phillips, Patrick Jacques, Eric Short, Anne Winkelbauer, Donny DeMilta, Alicia Gary, Brian Andrews, Bert Lewis, Sheldon Jones, Chris Kotonski, Scott Holderbaum, Shiela Bradley, Cheryl Anderson, Christina Johnson, Ben Hamilton, Harry Nieves, Anthony Roger, AJ Pollard, Tonya Lee, Tiffany Naughton, Denise Clark, Jody Dodd.

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Alt	Jody Dodd	
Crossroads 10	Ben Hamilton	(727) 735-5125
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Gateway	Tom Phillips	(727) 458-4127
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Gulfwinds 15	" "	(727) 564-0620
Gulfwinds 11	(Branch Hall)	(727) 531-1477
Alt 7,11,15	Zulma Betancourt	(813) 597-8363
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Midtown 5	Shiela Bradley	(813) 335-7783
Midtown 12	Harry Nieves	(787) 564-4993
Northside 2	Tiffany Naughton	(727) 642-5466
Northside 16	Tonya Lee	(813) 270-2918
Open Air	Chris Hubble	(727) 641-8396
St. Pete Beach	Cheryl Anderson	(727) 531-1477
St. Pete Main 13	Anthony Roger	(813) 574-9971
Alt	Scott Holderbaum	(813) 777-7626
St. Pete Main 14	Alan Pollard	(727) 667-4254
Alt	Dee Grant	(727) 225-9272

Bradenton Bch	Brian Andrews	(941) 807-5669
Dunedin	Chuck Cavicchio	(727) 798-8506
Alt	Scott Held	(727) 418-5742
Ellenton	Bert Lewis	(941) 266-2109
Englewood	Josh LaGrew	(763) 232-8954
Alt	Kris Beal	(813) 500-0841
Indian Rocks Bch	Denise Clark	(407) 474-9038
Largo 70/71	Jennifer Cohill	(727) 742-6161
Largo 73/78	Eric Short	(727) 251-9846
Palmetto	Sheldon Jones	(941) 580-1058
Pinellas Park 81/82	Alicia Gary	(973) 981-2174
Punta Gorda	Chris Kotonski	(330) 212-1777
PC Annex	(Branch Hall)	(727) 531-1477
Seminole 72/74	Anne Winkelbauer	(708) 692-6540
Seminole 76/77	Donny DeMilta	(727) 430-4413

Auxiliary 181

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The Twig of the Branch is published monthly by Branch 1477 West Coast Florida Letter Carriers. Articles and opinions printed herein are those of the writer and do not necessarily reflect those of Branch 1477 or the NALC. We invite all members to contribute material for possible publications. The editor reserves the right to edit or reject such material for reasons of good taste, legality, space, or the good of the Branch. Articles should be of general interest, be 350 words or less and be submitted by email to the branch by the 10th of the month.



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December, 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Executive Board	3	4
5	6	7	8	9 General Membership (at the Hall)	10	11
12	13	14	15	16 Steward's Meeting	17	18
19	20	21	22	23	24	25 Christmas Day
26	27	28	29	30	31	