The path to branch leadership

When you think of all the energy and time that NALC local leaders invest in their work for the union, you have to wonder why people are willing to take on such a commitment. Seems like these days, most people are stretched too thin simply trying to keep up with the pace of normal life. Having a job, raising a family—these are activities that seem to grow more demanding day by day.

Yet across the country, there are people who not only volunteer for more work, but actually become devoted to jobs that most of us would characterize as difficult and draining. So what drives these people—the NALC branch leaders who keep the union strong and solid through good times and bad? Why did they choose to get involved? What has helped—and what has hindered—their progress?

This article attempts to answer these questions by offering brief profiles of a handful of successful NALC branch leaders—presidents from both large and small

Jeanne Robshaw, president of St. Augustine, FL Branch 689, believes in positive role models.

Keeping an eye on route inspections

Most NALC stewards can testify that one of the most stressful events for letter carriers are those times when management performs route inspections and mail counts. Even if carriers have themselves requested a special route inspection, the procedure can be difficult for everyone involved.

That’s one good reason why alert NALC stewards need to monitor route inspections and mail counts to make sure that they are performed properly. As many stewards have discovered, the manuals say that everything must be absolutely normal at these times—and yet managers seem to create situa-
Leadership
continued from page 1

branches. Some have been in office only a short time; others have years of experience. But all share a common goal—to help all letter carriers attain justice and equality on the workroom floor.

Although this survey of branch presidents is small and highly informal, certain key similarities emerge from their stories. First, every one of these leaders can remember exactly why they became involved with the union. Those reasons for taking the first step toward union leadership have remained with these people throughout their careers, helping them sustain and even increase their commitment.

Second, each of these leaders can point to a mentor who helped guide their initial steps. Having a strong role model and source of personal support seems to be an essential part of ultimate success for branch leaders. In some cases, these mentors provided long-term, ongoing help—but for other people, their mentor was a person who happened to come along at the right time, offering just that amount of encouragement that was needed to keep on with the job.

Finally, each branch president interviewed for this story remembers constantly asking questions as his or her interest in the union grew. Undeterred by their initial ignorance, each local leader persisted and even pestered—not giving much thought to their own image but instead focused on discovering key information that would help them help other letter carriers.

Here, then, are the stories of how six people traveled the path to branch leadership.

For each of them, the road has not been smooth but the journey has been well worth making.

The right to know

Although Jeanne Robshaw’s career as a letter carrier and branch leader stretches back 14 years, she still remembers the exact incident that inspired her to become involved in NALC. “One day I saw a supervisor forcing a carrier to work overtime, and the carrier just didn’t want to do it,” says Robshaw, who is president of St. Augustine, Florida Branch 689.

“It just didn’t seem right to me, the carrier was so upset, so emotional. And I knew that we were supposed to have an Overtime Desired List, I knew there were rules that should be enforced.” Robshaw had recently transferred to St. Augustine from Jacksonville, Florida, and quickly discovered that the much smaller branch (today it has 55 members) lacked many resources.

Robshaw describes herself in those days as “hungry for knowledge.” She located a copy of the National Agreement and began studying it. She attended an NALC state training seminar, along with three other carriers who were new to the branch.

When branch elections came up in December 1989, she ran for branch president. “I went around to all the carriers to ask them to vote for me,” she says. “The people who ran against me were saying that because I was a woman, I couldn’t do the job.” Although Robshaw soon proved her competency, opposition from management continued to be fierce.

“They thought I was kidding about the ODL,” she says. “We had to fight for everything—but with so much resistance from management, it became easier to rally the membership behind me.”

In those early days, when life looked its bleakest, Robshaw found a mentor who offered substantial help and advice. “A carrier transferred here from New York State, where he had been very active in a strong NALC branch,” she says. “He brought us all kinds of ideas—we had never had a local memorandum of...”
understanding, but he told us about that and how to negotiate for one.” Most important, she remembers, was his continuing encouragement. “He kept telling me I could do it, and it really helped get me through those tough times.”

To some extent, Robshaw today is a victim of her earliest successes. “People really began to lean on me,” she says. “My main advice to other new presidents or anybody seeking leadership would be to delegate as much responsibility as soon as possible.” She acknowledges that delegation can be tough—”You know you can do it faster and better yourself”—but ultimately a branch leader has to learn how to develop the strengths and talents of other people.

“We’ve been very lucky to have a lot of really good people get interested in the branch,” she says, noting that for a time, her entire executive board was composed of women. “Kind of an old-girl network,” she jokes. “But it’s true that you become a positive role model, encouraging more people who are like you to take the risk. It’s really important to provide support for everyone who wants to be involved.”

Father knows best

Brunswick, Georgia Branch 213 president Kenneth Gibbs grew up with a role model in his own home—his father, Kenneth, Sr., who has been treasurer of Branch 213 for the past 27 years. Oddly enough, however, the younger Gibbs had no real knowledge of unions until he became a letter carrier himself, in November 1980.

“My dad never talked about the union,” Gibbs remembers. “He never complained; he never brought his job home.” As a result, when Gibbs began working for the Postal Service, his original idea was to become a manager. But even in his first days on the job, he realized that his path lay in a different direction.

“I remember when I started, the NALC had an informational picket going about the contract,” he says. “That caught my attention and I started going to union meetings right away.” Two years later, Gibbs was elected trustee, then sergeant-at-arms, then vice-president. At the same time, he got involved with the state association, serving on the state executive board as treasurer and chairman. Today Gibbs is president of the 87-member Brunswick branch and also serves as state treasurer. Two years ago he became an arbitration advocate for the NBA’s office.

“I got here by asking a thousand questions about everything,” he says. “I would say, never be afraid to talk to anyone in leadership. Never be afraid to ask those questions.”

BY THE NUMBERS

<table>
<thead>
<tr>
<th>USPS Operations—AP7-2000</th>
<th>Number</th>
<th>Chg from SPLY*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total mail volume year-to-date (YTD) (Billions of pieces)</td>
<td>114.0</td>
<td>2.3%</td>
</tr>
<tr>
<td>Mail volume by class (YTD in billions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First-Class</td>
<td>57.1</td>
<td>1.7%</td>
</tr>
<tr>
<td>Priority Mail</td>
<td>0.7</td>
<td>2.9%</td>
</tr>
<tr>
<td>Express</td>
<td>0.1</td>
<td>3.1%</td>
</tr>
<tr>
<td>Periodicals</td>
<td>5.6</td>
<td>-0.6%</td>
</tr>
<tr>
<td>Standard A (bulk mail)</td>
<td>49.2</td>
<td>3.5%</td>
</tr>
<tr>
<td>Standard B (parcels/printed material)</td>
<td>0.6</td>
<td>3.6%</td>
</tr>
<tr>
<td>International</td>
<td>0.6</td>
<td>-3.2%</td>
</tr>
<tr>
<td>Daily DPS letter mail volume on city routes (pieces)</td>
<td>188.0 mil.</td>
<td>16.9%</td>
</tr>
<tr>
<td>Percent of total letter mail</td>
<td>72.2%</td>
<td></td>
</tr>
<tr>
<td>Daily delivery points</td>
<td>131.5 mil.</td>
<td>1.0%</td>
</tr>
<tr>
<td>Percent city</td>
<td>74.6%</td>
<td></td>
</tr>
<tr>
<td>Percent rural</td>
<td>25.4%</td>
<td></td>
</tr>
<tr>
<td>City carrier routes</td>
<td>168,189</td>
<td>1.9%</td>
</tr>
<tr>
<td>Rural carrier routes</td>
<td>66,083</td>
<td>4.3%</td>
</tr>
<tr>
<td>Net Income ($millions)</td>
<td>$1,048.6</td>
<td>25.1%</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$34,392.8</td>
<td>3.8%</td>
</tr>
<tr>
<td>Total Expense</td>
<td>$33,554.6</td>
<td>3.3%</td>
</tr>
</tbody>
</table>

Employment/Wages—AP7-2000

| City carrier employment | 241,612 | -1.6% |
| Percent union members | 91.9% |
| Percent career employees | 99.7% |
| City carrier casual/TE employment | | |
| Casuals | 6,159 | 2.1% |
| Percent of bargaining unit | 2.5% |
| Transitionals | 662 | -45.2% |
| Percent of bargaining unit | 0.3% |
| City carrier per delivery supervisor | 17.4 | -13.0% |
| Career USPS employment | 791,640 | -1.3% |
| City carrier avg. straight-time wage | $18.18/hour | 5.3% |
| City carrier overtime ratio (OT hrs/total work hours) | 12.9% |
| Ratio SPLY | 12.4% |

*SPLY = Same Period Last Year

This information compiled by the NALC Research Department from USPS Reports.
‘dumb’ questions, because people really want to share their knowledge.”

Perhaps because the NALC had always been a part of his family as he was growing up, Gibbs finds it easy to include his own family in union events. “People say this job eats up your family time,” he says. “I say, bring your family with you. Everyone comes with me to conventions, training events, branch events—I try to set up events myself so that carriers can include their families.”

Gibbs also makes an effort to explain what he’s doing to his family. “I talk about issues in a way that everyone can understand,” he says, noting that this practice has served him well as an arbitration advocate.

The challenge, as Gibbs sees it, is reaching out to younger carriers who seem uninterested in the union. “The world has changed,” he notes. “Used to be working people had to fight for everything they got. Now we have people coming in who don’t remem-

ber those struggles, who think that their working life is always going to be what it is today, that the union isn’t necessary any more.” Gibbs try to engage these carriers by setting up informal discussions between new and veteran carriers.

“The older people remember what it was like, and they can tell people that management is always looking to take away what we have. That’s why we need to keep the NALC strong.”

Don’t cop out

Although Ray Fong is president of a large and active branch—San Francisco, California Branch 214, with 2,700 members—he too faces the same challenges as Kenneth Gibbs. “There are always people who feel as if the union isn’t necessary,” he says. “And those are the people who, when they get unhappy with something you do, they decide to drop out and not get involved.”

Fong remembers being at just such a point himself at one time during his 20 years as an NALC member. “There were some problems within the branch, and a lot of people were talking about leaving the union,” he says. “To me, that seemed like the easy way, a cop out, we used to call it.” As Fong sees it, choosing to leave the union takes away any chance of ever being able to make a difference or work for positive changes.

“What I did at that point—and what I would tell anyone to do—was to get more involved, to take on more responsibility myself for making things better,” he says. In his years with Branch 214, Fong has served as alternate steward, steward, trustee, health and safety officer, vice-president and executive vice president. He was elected branch president in October 1999.

“If you told me back when I was a steward that I would be branch presi-

dent, I would have laughed out loud,” Fong says. “There was so much I didn’t know—I had so much help from other people just explaining the contract, the basics.” He learned how to research grievances on his own and frequently spent his days off at the branch office, immersed in Postal Service manuals.

“If there’s one thing I would do differently, I’d have stayed longer in school to get more of a formal education,” he says. “Coming to the steward’s job with barely a high school education was tough—I could have used more skills, especially with the writing.”

Like other branch leaders, Fong believes his predecessors in office provided key support. He also received encouragement from leaders in the AFL-CIO’s Asian-Pacific-American Labor Alliance. “People wanted me to go for leadership to help set an example,” he says. “And I think it’s true that as a result of my involvement, more Asian-Pacific Americans in our branch may be interested in the union.”

The biggest challenge, however, continues to be Postal Service man-

If you can explain a grievance in down-to-earth terms to one of your family, you can do the same with an arbitrator, and your case becomes that much more powerful.”
“Made for it.”

And now that she is president, she actively encourages participation in branch activities. “When I put a committee together, I’ll go right to the people who don’t come to branch meetings,” she says. “I’ll tell them that we value their input, I want to see new faces.” The direct approach usually works, she says, and as a result she has drawn in a number of younger carriers.

“All you really need is compassion and the ability to communicate,” Bates says. “Anybody can do this job—as long as you are not afraid of going after what you want.”

Tackle problems head-on

Robert Henderson considers himself one of the luckiest people in the world because he has gone after what he wanted—and gotten it. “For years, people would ask me what I really wanted to do,” he says. “And I would say, I want to be president of Atlanta, Georgia Branch 73. Now I’m here.”

Henderson, who became president of the 2,500-member branch in June 1997, remembers facing a lot of challenges on his way up. He served as a steward, then became a full-time Union-Management Pairs (UMPs) representative. When that program ended in Atlanta in 1995, he was elected vice-president.

“When I was elected president, I realized that I faced some real problems taking over after a really strong president who had been in office for 20 years,” Henderson says. That man, J.C. Taylor, had been Henderson’s mentor and the person who challenged Henderson to keep going, to keep moving up. “But I decided to address the whole thing directly and honestly with our members,” he says. “At the first meeting, I said that I couldn’t be J.C. Taylor, but I wanted a chance to show the members who I was and what I could do.” Members responded positively. “I had made it more of a problem in my own head than it turned out to be,” he says.

Today his constant challenge is finding ways to relax. “The union can eat you up if you let it,” he says. When Henderson developed health problems as a result of stress, he realized that he had to put distance between himself and the union. Now he plays softball three times a week. “You’ve got to find some way to forget about things, even for a few hours a week,” he says.

That Limbaugh cup of tea

Stress is also part of the job for Rapid City, South Dakota Branch 1225 president Bob Sukut. You might think that Sukut, whose branch has 110 members, might have fewer problems than many branch presidents. And even though he is also president of the South Dakota State
For Sukut, however, the answer is, “Plenty tough.” South Dakota is a fervent right-to-work state, and most people, even those in the union, seem committed to a political agenda that comes down hard on workers’ rights. “You talk to people out here, and most of them like that [Rush] Limbaugh cup of tea,” Sukut says. “It’s a tough thing to fight.”

As Sukut sees it, when people experience problems on the job, the first target they find is the union. “It seems to happen all the time: people get angry with management—and then drop out of the union,” he says. “It’s like they believe they have no power against the Postal Service, but they know they can take it out on their union leaders.”

At times, however, the state’s overall atmosphere of opposition to union goals can actually help the NALC, Sukut notes. “Along with the anti-worker stance, people here are pretty much anti-women as well,” he says. “And management has really fought the idea of women as letter carriers, pushing hard on those physical requirements. We pursued a lot of grievances for women to help them keep their jobs.” Today, that commitment seems to have paid off—all the other officers in Branch 1225 are women. “We have a lot more interest in the union today, with more people volunteering,” Sukut says. “Even though the anti-union bias is still strong, people are beginning to realize that management is really the force to fight.”

**Many threads, one fabric**

So what’s the point in hearing these stories from successful branch presidents? Although differences exist, and each branch leader has his or her own perspective on the job, a single purpose binds these people together. As noted above, all these leaders can claim some common ground. Each began with the idea of helping other people; each survived challenges and obstacles by continuing to persevere. Help appeared along the way. And although frustrations were many and rewards few, no one chose to “cop out,” in Ray Fong’s words.

As this article reveals, the road to branch leadership can begin in a number of ways. For Jeanne Robshaw, the turning point was witnessing another carrier suffering needlessly while management violated the contract. For Kenneth Gibbs, an informational picket was a real eye-opener. And Ray Fong, although he already had years of involvement in the NALC behind him, had a moment of truth when he decided to stay with the union despite problems at the branch level. Bob Sukut keeps up the good fight even when faced with a powerful anti-union subculture.

What seems important, then, is the strength of that initial commitment. Taking the first step may be the hardest part. After that, resources and people seem to appear as needed to offer support and encouragement. Each of the branch leaders quoted in this story discovered that once they affirmed their basic commitment, they had the power they needed to seek out the knowledge and abilities they needed. No one person can have all the answers—however, everyone can learn where to go for answers when they are needed.

Finally, these branch leaders testify that the job has its own unique rewards. You may not get more money, or be honored with testimonial dinners, but the members that you help find ways to let you know how important your work is. “Sometimes people will come back to me, maybe years down the road, and tell me how much it meant to them that I pursued their grievance, that I went to bat for them with management,” says San Francisco’s Ray Fong. “And each time that happens, it’s like a shot in the arm for my energy and it gives me renewed strength to keep doing what I do. With the union, we really have a way to ensure that we are all treated fairly and share together the rewards that we have earned. It’s really true, in unity there is strength.”

Association, the entire state has only 410 NALC members. So how tough can things be?

Robert Henderson, president of Atlanta, GA Branch 73.
One of the most significant developments in the NALC during the past 30 years has been the creation of larger branches through the constitutionally mandated merger process. The merger provision in the NALC Constitution—which developed first in a 1970 Executive Council document and eventually found its way into the Constitution in Article 2, Section 3—has remained in its present form since 1980. This provision has had a dramatic impact upon the NALC. From an astounding 6,600 branches serving a mere 212,000 members in 1970, the union now has slightly over 2,800 branches comprised of some 314,000 active and retired members. By creating fewer but larger branches—many of them with part-time or full-time officers—mergers have enabled more and more NALC branches to develop the expertise necessary to best represent the membership in an increasingly contentious and pressure-filled work place.

Not surprisingly, the merger provisions in the NALC Constitution have given rise to questions, concerns—and Presidential Rulings. As was discussed in the initial article in this series (Fall 1999), Article 9, Section 1(j) of the NALC Constitution empowers the National President to interpret the Constitution and its related constitutional documents—the Constitution for the Government of Subordinate and Federal Branches and the Constitution for the Government of State Associations. This provision requires the president to determine whether particular actions of a branch or state association—either actual or contemplated—violate the Constitution. Presidential Rulings are issued in response to written requests from the members—usually but not always from branch officers—and they are compiled every two years in the President’s Report to the Biennial Convention that is printed in the Postal Record and also distributed to convention delegates. The following discussion, like all those in this series, sets forth answers to commonly asked questions and does not attempt to anticipate new questions or serve as a complete explanation of the merger provisions of the NALC Constitution.

Over the past 25 years, there have been numerous Presidential Rulings issued that have clarified the meaning of Article 2, Section 3 and have also demonstrated how this constitutional provision must be applied in actual situations. Key to an understanding of Article 2, Section 3 is paragraph (b) which states that once a merger “is formally voted upon and put into effect, it is final and binding”—that is, a merger of branches is marriage without divorce. This has been restated and cited in numerous rulings. In fact, once a merger has taken place, there is no way to undo the action even if the members who voted on it change their minds, or future members object (January 7, 1994). This “no divorce” principle applies even when none of the carriers within the jurisdiction of a small branch that had merged into a larger branch belong to the NALC but claim they would join if they could reconstitute their old branch (June 30, 1997).

However, for a merger to be considered inseverable, it must be “legally executed”—that is, it must be consistent with the requirements set out in Article 2, Section 3 of the Constitution (February 14, 1984; see also May 5, 1981, where it was held that branches may merge only in accordance with the procedures set forth in Article 2, Section 3 of the Constitution). Underlying these requirements is the principle that because mergers are “final and binding,” branches considering merger must communicate to their respective memberships full “details” of the proposed merger such as the names and terms of officers and the disposition of branch assets so that the members can vote the merger up or down based upon a careful consideration of the implications of the proposed merger.

Usually, the path to a successful merger begins with the officers of two or more branches discussing the feasibility of merger and then attempting to reach an agreement on the “details” of the merger that will govern the actual integration of the branches.
should the merger be completed and approved by the National President (see Article, Section 3 (g), as well as paragraph (i), the ruling of December 11, 1996, and the discussion below). But nothing in Article 2, Section 3 bars a member from seeking to bring about a branch merger (November 28, 1989). Regardless of whether the drive to merge is led by branch officers or rank-and-file members, the procedural requirements set forth in Article 2, Section 3 of the Constitution must be followed.

Paragraph (a) of Article 2, Section 3 provides that branches contemplating a merger provide “at least thirty (30) days notice...to each member” of the “regular or special meeting” that will consider “a resolution calling for a merger.” Two rulings have clarified this provision. For example, a new vote has been ordered when there has been reasonable confusion on the part of some members as to whether the vote would take place at a particular meeting (August 17, 1993). However, a complaint against a merger vote based on the fact that the notice indicated the meeting was a “special meeting” when in fact it was a regular branch meeting was rejected on the grounds that there was no indication that members were misled by the notice or denied the opportunity to attend the meeting (August 3, 1994).

Article 2, Section 3(a) also provides that the “notice shall set forth the details of the proposed merger.” Paragraph (d) of this same section describes what must be contained in the notice: “any agreement or agreements between the applying Branches concerning by-laws, dues structure, terms and identity of officers, disposition of assets, assumption of liabilities, if any, and proposed effective date of the merger or absorption shall be specified.” Consequently, paragraphs (a) and (d) must be read together because the “details” of the proposed merger that paragraph (a) requires to be part of the notice to the members must include, at a minimum, the elements set forth in paragraph (d) (April 1, 1992). Thus it is inappropriate for members to vote on a merger proposal where there have been no discussions between the branches and no tentative agreement on the details of the merger (December 11, 1996).

It is absolutely essential that this notice providing the requisite details be communicated to the members of the merging branches at least 30 days before the meeting held to vote on the proposed merger. In fact, failure to do so has been regarded as “a fundamental failure, and fairness and due process require a new vote to be taken among all members in each branch” (November 2, 1979; see also January 29, 1985; June 6, 1990; November 21, 1996; April 7, 1996; May 12, 1999). The Constitution does not define the “members” who should receive the notice, but Presidential Rulings have logically held that those entitled to vote on a merger proposal—“all regular members in good standing”—should also receive notice (June 6, 1990). Fittingly, then, individuals who forfeit their membership due to non-payment of dues are ineligible to vote on a merger (February 29, 2000). Retirees—including those retired from other crafts (April 25, 1995)—are eligible to vote on the proposed merger (see below), and consequently, they must also receive notice of the meeting when the merger will be considered (November 16, 1987). The same is true for active non-supervisory members, regardless of craft (January 25, 1996). However, retirees who are solely NALC Health Benefit Plan members may not vote on a merger and thus need not receive the notice—only retirees who were regular branch members when they retired and who pay regular retiree dues may vote and thus must receive notice (June 6, 1990).

How the notice must be disseminated is not specified in Article 2, Section 3(a), except that the notice must in some manner be directed “to each member” (emphasis added). Consequently, in most situations, timely mailing of the notice and statement of the details of the proposed merger is necessary (January 29, 1985), although under certain circumstances hand-delivery of the notice and details to each member, active and retired, presumably would meet the requirements of Article 2, Section 3(a). There is no requirement that branches must post a copy of the merger resolution in each station (May 12, 1999) and, in fact, posting in each station is, by itself, insufficient to provide adequate notice under the Constitution since there is no guarantee that every regular member of the branch, including retirees, will see the bulletin board (October 26, 1999).

Not only must the voting on the merger proposal be held at least 30 days following notice, but Article 2, Section 3(a) requires that each branch proposing to merge vote on the merg-
er proposal within a 90-day period. A proposed merger has been disapproved because both branches did not conduct their merger votes within the specified 90-day period (February 23, 1999). When the vote is conducted, “a majority affirmative vote of all regular members in good standing, present and voting...” at the regular or special meeting is required for approval in accordance with Article 2, Section 3(e). The “present and voting” requirement has been held to prohibit absentee ballots (May 12, 1992; April 7, 1998), but not require a secret ballot (May 29, 1996).

If a merger proposal is defeated, nothing in the Constitution prohibits the branch from considering the proposal again at a subsequent meeting, provided the notice requirements of Article 2, Section 3 (a) have been followed. Nor would such a second vote be considered a motion for reconsideration for purposes of Robert’s Rules requiring a two-thirds vote (August 31, 1994). However, a branch may properly pass a motion to prohibit the membership from having another merger vote for a set period of time. In such a case, the branch would be free within that period to rescind the restriction, as long as the time limitation had not previously been codified in the branch by-laws (August 31, 1994; see also September 18, 1996).

Once all branches party to a merger have approved the merger proposal in accordance with the constitutional provisions discussed above, an application for merger signed by the President and Secretary of each of the merging branches must be sent to the National President for approval as prescribed in Article 2, Section 3 (f). The application must include “a copy of the resolution adopted by each Branch; a certification by each Branch Secretary of the vote of his/her Branch, including the date and place of its meeting, the number of its eligible voters, and the number of affirmative votes cast; and a statement of the reasons for desiring the merger.”

Presidential review of merger proposals is not entirely spelled out in the Constitution, for Article 2, Section 3 (h) sets forth only two specific criteria, “among others,” for determining whether to approve the merger application—that all mergers will be on a voluntary basis, [and] a merger may not cross the geographical boundaries of a state, unless a consolidation of post offices across state lines puts the Branches under one installation head.” But in addition, the President has the responsibility of ensuring that branches wishing to merge adhere to the procedural requirements of Article 2, Section 3—principally paragraphs (a), (d) and (e). To help ensure that these requirements have been followed, Article 2, Section 3 (i) provides that if within 30 days of the voting the National President receives a “substantial complaint...[with] documentation and supporting evidence” alleging a violation of the procedural requirements set forth in Article 2, Section 3, the President, after reviewing the complaint and evidence, has the authority to order a new vote.

Finally, a merger application may be denied if in the opinion of the National President, the proposed merger is detrimental to the interests of the members who would be affected by the merger. For example, an application for merger has been denied when the two branches wishing to merge were not contiguous—that is, other branches were located geographically between the two.
branches wishing to merge. In addition, the two merging branches were located a substantial distance apart which would have prevented many members from attending meetings in person. “Branch meetings,” it was held, “are important for discussion, debate and voting on significant issues” (March 9, 1992).

Merger applications can be approved in general with one or more provisions being struck down. For example, although the portion of a merger agreement establishing a minimum meeting attendance requirement for convention delegates was struck down on the grounds that this provision conflicted with Article 5, Section 10 of the NALC Constitution, the rest of the merger application was approved (February 4, 1991).

In sum, mergers do not become final until the merger application has been approved by the National President, and thus a branch approving a merger proposal is simply authorizing the branch to submit an application for merger, not completing the process (September 10, 1997). Consequently, a vote in favor of a merger has no impact on the nominations for branch office, and, in fact, nominations can be held at the same meeting where a merger vote takes place (September 10, 1997). In contrast, once a branch reaches an agreement with its merging branches concerning disposition of assets and assumptions of liabilities pursuant to Article 2, Section 3(d), the branch must abide by it (July 9, 1985) in order to ensure that should the merger become effective, the financial condition of the merged branch is consistent with the merger proposal itself.

The exact date the National President approves the merger can be significant.

The exact date the National President approves the merger application and the merger becomes effective—which must be at least 30 days after the last vote of the merging branches—can be significant in resolving issues pertaining to the election of officers and convention delegates. For example, if the effective date of the merger precedes the date of the surviving (or “receiving”) branch’s election, members of the “disappearing” branches are considered to be members of the surviving branch and, if otherwise in good standing, are eligible to vote in the branch election (May 27, 1992).

The effective date of the merger can also be significant in resolving issues pertaining to the election of convention delegates. For example, as long as all of the merging branches agree to postpone the effective date of a proposed merger, it can be postponed until after the convention so that each of the merging branches could send their full complement of delegates (February 11, 1997; June 9, 1998). If the effective date of the merger is not postponed and the merger agreement states that a particular delegate previously elected by the “disappearing” branch would be a delegate of the “surviving” branch, then that agreement must be honored. On the other hand, if the merger agreement is silent as to the delegate status of a delegate elected from the “disappearing” branch, then that member cannot represent either branch—that is, he or she cannot represent the branch that no longer exists or the “surviving” branch that did not elect this member as a delegate (June 9, 1998).

However, when the election of delegates is to be held following the effective date of the merger, the merger resolution cannot reserve delegate slots for members of the original pre-merger branches in an effort to guarantee representation to the original component branches but can suggest that voters act to achieve this result (November 1, 1989).

Once a merger has been approved, the merged branch is generally free to amend its by-laws in accordance with the procedures provided in the NALC Constitution. There may, however, be exceptions to this rule. For example, if a merger agreement called for the establishment of a specific elective office, the branch cannot eliminate this office—or remove the officers of the merged branch as set forth in the merger agreement—by means of a by-law change until the expiration of the current term of that office (April 27, 1993; December 9, 1994).

The Presidential Rulings discussed above amplify and refine the merger provisions in the NALC Constitution. As a result, these Rulings clarify such issues as what constitutes proper notice of a merger, who is eligible to vote on a merger proposal, and the status of delegates elected by the merging branches prior to the effective date of the merger.

In a broader sense, however, these Rulings demonstrate—as was true of those discussed in the first article in this series—that the bare bones language of the Constitution often serves only as a guide for both NALC members and the National President. By applying the language of the Constitution to real-life union situations, the Presidential Rulings turn the NALC Constitution into a truly useful document.
For many NALC branch leaders, meetings can be the low point of any day. Seems like whenever you get people together—whether they are other officers, stewards, or members—things tend to bog down and it feels as if nothing much gets accomplished. Actually, you’re not alone in feeling that way. A survey conducted by professional meeting planners reveals that from 30 to 60 percent of all meetings are rated “unproductive” by the participants.

But it doesn’t have to be that way. A variety of techniques—some tried and true, some a little riskier and more inventive—can add energy and direction to even the most routine meeting. Here are some ideas suggested by planning experts that may add some bounce to your next union meeting.

**Why are we meeting?**

Before you even begin, ask yourself why you are having a particular meeting. Of course, monthly branch meetings are required by the NALC Constitution—but what about those other gatherings of committees, officers or stewards? As you schedule meetings for the branch executive committee or for stewards, think about possible goals for the meeting. Here are some ideas suggested by planning experts that may add some bounce to your next union meeting.

**Set an agenda and stick to it.**

This is basic advice, but too often the agenda gets pushed aside when other, “hot” issues come up. If you plan to cover certain points, or have objectives that must be reached at the meeting, make sure you refer to your agenda frequently. You can distribute the agenda ahead of time, or wait until participants get there, but it’s always smart to let people know what’s going to happen ahead of time.

**Time agenda items.** Allot time in five-minute blocks—this makes it easier to plan the length of the entire meeting. A brief, non-controversial item might get one block (five minutes) while an important item might get six blocks (30 minutes).

**Prepare focus questions.** If you are going to present a complex issue to the group, write some pointed questions beforehand that can help get discussion going.

**Arrange seating so most members can have eye contact.** Granted, if your membership meeting routinely draws 100 people, this suggestion will not be workable. But for smaller meetings, consider arranging chairs ahead of time in a U-shape or a circle. In addition to enhancing the quality of discussion, such seating arrangements can also help people get to know one another better and build feelings of solidarity within the branch.

If people are in the habit of coming late, try shaking things up by scheduling the meeting for an “odd” starting time, like 7:14 or 6:54 p.m. And be sure to start exactly on time.

If you suspect that an agenda item may generate some controversy—and you have a personal stake in the issue under discussion—appoint an “outside” facilitator for that part of the meeting. Someone who can be more objective and detached can help move the discussion along and keep everyone to the point.

**Set talk limits.** Decide ahead of time how much time can be given to each participant, and have another “outsider” enforce those limits. To help speakers stay on track, position a large ticking clock or an hourglass prominently before the group.

If certain people tend to dominate discussion or seem to be looking for conflict and disagreement, appoint those people to subcommittees that would investigate aspects of the topic under discussion. Ask them to research the issue and report back to the main meeting only when they have achieved consensus on the issue at hand.

If escalating or unfocused discussions continue to be a problem in small-group meetings, try changing tactics. If you normally permit open-ended discussions, move toward a format in which you call on each member of the group in turn to offer comments—once and only once. “Making the rounds” as a strategy should impose some orderliness without sacrificing every attendee’s right to participate.

**Getting creative**

If your biggest problem is simply getting people to show up for meet-
ings, it may be time to invest in more inventive techniques that will draw members in, rather than turn them away. Generally, adults don’t learn much when they sit and listen to someone talk to them. They need to do something, to get involved in some active, physical way. Finding appropriate activities for union meetings may take some thought, but the effort will pay off when people begin talking on the workroom floor about what a great time they had at the branch meeting!

Don’t hesitate to borrow ideas from other sources. For example, a lot of training sessions, including those for Employee Involvement, use the “rumor game.” If you believe that morale of members is suffering because there are a lot of rumors flying about, you may want to illustrate in a branch or other meeting how messages can get garbled in transmission. Start the meeting by saying that you are going to whisper something very important to the person next to you, who then will whisper the message to the next person, and so on. You may have played this game as a kid; if so, you know that the message that is received by the last person in line is invariably completely different from the starting message—often in hilarious ways.

Another kick-off game that has its roots in EI-type training can help stimulate members’ creativity and can be particularly appropriate if you are going to be asking for suggestions on how to tackle a branch project or goal. As participants come in, they find on their chairs some unusual items, like Band-Aids and tea-bags. As the opening activity, put people into teams and ask each team to develop a list of products that could be made and sold from those items. Some groups have come up with such ideas for the Band-Aids as making spaghetti in bags made from Band-Aid gauze so the spaghetti cooks in its own strainer. Tea bags inspired everything from home remedies to earrings. One group even proposed items fashioned from the tea bag’s staple. If games aren’t your style, at least consider trying to vary the way in which you present information in the meeting. Encourage discussion if you don’t normally do so. Put people into small groups to discuss problems that may come up in the meeting, then have the groups share their ideas. Although these ideas may seem best suited to small groups such as executive board or stewards’ meetings, you could also try them in branch meetings as a change of pace when you have a bit of extra time.

Go visual

Another way to enliven routine meetings is to think of ways to present information visually. Using an overhead projector can be a quick, cheap and simple way to make dramatic points. Almost any copy machine can turn a chart or picture into a transparency, and the projectors themselves may be available for rent at your local library. The power of pictures should not be underrated—very often a pie chart in color showing the branch budget will make a much greater impact on members than a handout with columns of numbers.

Investment in a flip chart can also pay off. Members may pay more attention to a speaker who is moving and writing, and at the same time they can see their own ideas taking shape in front of them. Encourage more participation by letting members use the flip chart to illustrate their ideas or note their key points. Such activities, which get people up and moving around, can be valuable in stimulating more energy and enthusiasm.

Finally, think about using visual aids that members can review either before or after a meeting. Poster board presentations can offer lively, colorful interpretations of activities that the branch may want to set as goals. Craft and office-supply stores sell three-part folding cardboard panels that could provide supplemental information, illustrations and photographs that can inform and motivate members. For example, a poster board presentation of the food drive can combine facts and figures about past drives, photos of members in action, and representations of goals for the next drive. With some thought, branch leaders might be able to create a poster board focused on local negotiations, safety issues, or other branch concerns that could serve as a center for informal discussion before or after the regular meeting.

Branch leaders who can begin to think “out of the box” about ways to enliven branch meetings may discover any number of effective and enjoyable activities that can not only pull more members to meetings, but also motivate those members to become more involved. What about a songwriting contest about a branch problem or issue? The contestants could perform at a branch meeting and be awarded prizes. Or perhaps stewards could role-play some common situations that lead to grievances, and offer do’s and don’ts for members who get into such situations.

Although trying new activities may seem risky, and branch leaders may worry about trivializing problems or appearing silly, experienced meeting planners have discovered that the more energy you can put into planning even routine meetings, the greater the reward in terms of greater attendance, deeper involvement, and more lasting commitment to the union.
Route inspections
continued from page 1

tions where it’s anything but normal for letter carriers whose routes are being inspected. Schedules get changed, mail comes at different times, inspectors don’t follow the rules, and on and on. Carriers who are themselves under stress at this time may not be aware of such violations or may believe that nothing can be done.

And when challenged, managers will offer a dozen reasons for such changes, always hastening to state that the changes actually had nothing to do with the fact that a route inspection was going on. Management’s excuses may sound like good intentions gone awry—but NALC stewards have a duty to remain skeptical. If need be, the steward should be prepared to file a grievance about how the supposedly irrelevant changes have violated the contract by interfering with the performance of a fair and equitable mail count and route inspection.

Regional arbitrations protect carrier rights

This article details some of the ways management has tried to affect route inspections both directly and indirectly. In a series of regional arbitrations, NALC representatives have been able to counter management’s arguments and protect the rights of letter carriers. Stewards should note that these cases by no means address all the tactics that management has employed to affect the results of route inspections. Therefore, local NALC representatives need to be especially alert during times when route inspections are being performed. Check in with the carriers who are experiencing inspections; ask questions and then follow up with management if anything seems unusual.

Know what’s normal

The first step is to become familiar with the provisions of the handbooks and manuals that address route inspections and mail counts. As noted in Article 19 of the National Agreement, handbooks and manuals relating to wages, hours and working conditions are considered part of the National Agreement. Therefore, language contained in the M-39, Management of Delivery Services, and the M-41, City Delivery Carriers’ Duties and Responsibilities is as binding on both parties as anything in the contract itself, and the NALC can file grievances if management violates any provision contained in those manuals.

In general, these handbooks state that processes used in route inspections and to determine mail count should be fair, reasonable and equitable. As each of the cases outlined below illustrates, management in each instance violated this standard. Arbitrators pinpointed these violations and assessed appropriate remedies.

Schedule changes

Section 221.133 of the M-39 states that management is prohibited from making changes in normal distribution procedures or clerical schedules during the period of mail counts and route inspections. In a recent regional arbitration decision (C-20372, Danbury, CT), the arbitrator determined that management had violated this provision by requiring clerks to come in at least one to two hours earlier than normal to sort mail on overtime, thereby artificially reducing the work load for letter carriers.

This schedule change took effect during the period from May 8 to May 14, 1999, when management was conducting route inspections and mail counts throughout the station. As a result of the inspections, routes were changed and at least one carrier lost his bid route and became an unassigned regular carrier. The NALC grieved the route inspection and mail count as being in violation of both Article 19 and Section 221.133 of the M39.

When the grievance was progressed to arbitration, the union representative argued that the clerk’s schedule change was in direct violation of language that states, “There should be no changes in normal distribution procedures or clerical schedules during the period of mail counts. The normal cutoff time for distribution should be observed.” (Section 221.133, M39).

By calling in clerks two hours earlier to work overtime operating the automated DBCS machines, management was able to substantially reduce the amount of mail delivered to carriers to case. As a result, the NALC representative argued, the mail count and route inspection were flawed and should be disregarded.

The union also argued that management’s selection for the time for the route inspection, mid-May, also violated provisions concerning route inspections and mail counts. Mail in mid-May is traditionally at a low volume; therefore, the union argued, Postal Service management was attempting to obtain the most favorable results by selecting such a time period.

For its part, Postal Service management argued that it has the right to change schedules, as stated in Article 3 of the National Agreement, which deals with management rights. Management stated that its intent in
The arbitrator rules

After reviewing all language concerning route inspections and mail counts, the arbitrator dismissed the union’s argument that the selection of mid-May for inspections had invalidated the results of those inspections. As the arbitrator stated, “In and of itself, the selection of the time of the conduct of an inspection has not been shown to violate any of the several provisions [concerning route inspections and mail counts].”

However, the arbitrator went on to find that by changing the clerks’ schedules, management had indeed interfered with the process of obtaining a fair and equitable mail count and inspection. The arbitrator acknowledged management’s argument that it was trying to avoid the curtailment of mail. However, the section prohibiting such curtailment specifically refers to accumulation of curtailed mail “on the day preceding the beginning of the count” and “on the last day of the count.” (Section 221.134, M39). As the arbitrator stated, “Clearly this provision was meant to insure that all and only regular mail volume would be considered in a mail count and that there should be no mail held back intentionally or accidentally on the day prior to the commencement of the count {or} on the last day of the count.”

The fact that the clerks worked overtime throughout the entire period of the count was evidence enough, the arbitrator ruled, to overturn management’s defense of the practice. That this overtime did in fact affect the mail count and route inspections was evident, the arbitrator concluded, noting that at least 10,000 letters were sorted by the clerks working overtime. Although no specific connections could be drawn from this fact to the result that at least one carrier lost his route, the clerks’ overtime clearly had an effect on the route inspection.

Therefore the arbitrator declared the mail count and route inspection of May 8-14, 1999 to be null and void. All adjustments made as a result of that count and inspection were voided.

The evil stopwatch

Another recent regional arbitration case (C-17815, Largo, FL) also supported the NALC’s right to grieve a single action of management as being a violation of the provisions concerning route inspections and mail counts. This case also reveals the importance of having an alert NALC steward monitoring all aspects of such inspections.

Route inspections were scheduled at the post office in this case for the period May 7 through May 13, 1994. As this process began, the NALC shop steward walked by the desk temporarily assigned to the route examiner and noticed a stopwatch on the desk. The steward asked the examiner why a stopwatch was being used. The examiner took the question to the inspection team leader, who stated that stopwatches were used to time carriers casing mail to determine how efficient those carriers were.

The shop steward then filed a grievance stating that nowhere in the provisions concerning route inspections was there a requirement for the use of stopwatches, and further, the use of a stopwatch is intimidating to carriers. The grievance also stated that stopwatches are not required for route inspections because all relevant forms contain blanks to enter the starting and ending time for each operation. Therefore stopwatches are irrelevant. The grievance proceeded to arbitration, at which time the NALC representative presented these arguments to the arbitrator.

The Postal Service representative argued that because there is no language forbidding the use of stopwatches, management is free to use them. Also, route inspections in the past have been conducted using stopwatches.

Arbitrator analysis

Interestingly, the arbitrator did not address the issue of intimidation, but rather restricted himself to a thorough discussion of the paperwork on which times are to be recorded during route inspections. Every form requires that the examiner enter the time a task was begun and the time it was ended, i.e. “Space is provided for entering starting and ending time of all actual time entries.” Because all of these forms require “actual time entries” as opposed to “cumulative time entries,” the arbitrator saw the use of a stopwatch as totally unnecessary. For that reason, even though the arbitrator admitted that there was no language specifically prohibiting stopwatches, the arbitrator determined that using a stopwatch was in fact in violation of the provisions concerning route inspections.

The arbitrator’s award, therefore, was that “management was to cease and desist the utilization of stopwatches in all future route inspections” at the post office in question.
Although the above cases have concerned only one management action—whether changing clerks’ schedules or trying to use stopwatches—there have been cases in which Postal Service managers seemed to disregard almost every provision designed to ensure a fair and equitable route inspection and mail count. In another recent regional arbitration (C-17180, Cleveland, OH), the NALC grieved management’s conduct during a special route inspection for a single letter carrier. The grievance progressed to arbitration, and during that proceeding the NALC representative argued that managers had committed no less than six violations of the procedures outlined in the M39 and M41.

These violations included not allowing the grievant to make a dry run before the formal start of the inspection; counting an abbreviated day that the grievant worked as a full day for the purposes of the inspection; not allowing the grievant to count his mail; providing an hour of auxiliary assistance to the grievant during the inspection but not factoring that assistance into the final analysis of the route; and two violations committed by the route examiner—actually setting the pace for the carrier, and continually stopping the carrier to give him instructions on the day of inspection.

The result of the route inspection was that the route was abolished and the grievant became an unassigned regular carrier.

In the arbitration hearing, the management representative contradicted many of the union’s statements, denying that the grievant was not given an opportunity for a dry run, that the grievant was instructed as to his pace, or that the examiner continually gave the grievant instructions. Management further argued that it was evident that the route was substantially underburdened and was justifiably abolished.

The arbitrator’s view

Before beginning his analysis of the case, the arbitrator commented that frequently special route inspections are conducted in an adversarial manner. As the arbitrator stated, “The result is a tirade of acrimony and vindictiveness based on minute variations and violations. The present case is adequate proof.”

In looking at the testimony presented by both sides, the arbitrator found some evidence that the carrier himself impeded the process of making a fair route inspection, and some doubt could be cast on the carrier’s own credibility. However, the arbitrator also found strong evidence supporting the union’s contention that the inspection contained serious errors and omissions. For example, there was no hard evidence that the carrier had ever been offered a dry run, specifically that the carrier had signed a verification of the mail count on the day of the dry run. The arbitrator commented on other “trivial mistakes, errors and omissions” and stated that in his opinion such occurrences might not have altered the ultimate finding of the route inspection.

However, as the arbitrator stated, “Both parties must have confidence in the route inspection procedure.” In this case, there was enough evidence to support the union’s contention that the route examiner was being vindictive and that the examiners did not comply with the rigid instructions of the M-39.

For those reasons, then, the arbitrator ruled that the results of the special route inspection should be set aside and a new route inspection be conducted “with due regard for all the specific requirements of the M-39.” However, due to discrepancies in testimony of the grievant, the arbitrator did not award any damages or restitution to the grievant.

Points to note

Most NALC stewards can add to the above examples of ways that Postal Service managers have tried to alter the outcome of mail counts and route inspections. As the arbitrator in the above case stated, these procedures are usually conducted in an atmosphere of hostility and ill will. Management has a clear agenda—to try to reduce the number of routes so that costs will go down. Letter carriers have the best of reasons to oppose such action—they stand to lose routes that they hold by right of seniority, and may ultimately end up with no route at all.

However, it is important to remember that for these very reasons, the rules and procedures concerning route inspections and mail counts have been described in elaborate detail. At times both carriers and managers may see reasons to cut corners in the process—but again, if carriers are to be truly protected, stewards and local officers must closely monitor these procedures to ensure that route inspections and mail counts are performed in a fair and equitable manner.

For stewards who already have a heavy burden of responsibility, the task of keeping up with route inspection procedures can seem daunting at times. It may be difficult to monitor the progress of such inspections as they happen. But as the results of these arbitrations reveal, such close attention to detail can pay off. In each case cited above, carriers’ rights to be treated fairly were once more upheld—as a result of hard work and careful attention by the NALC stewards and local officers.
Regional Training Seminars

listed below are regional training and educational seminars scheduled to begin before November 1, 2000. For more information, contact your national business agent.

**Boston Region (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont)**
June 2-4, New Hampshire State Association State Training, Red Jacket Inn, North Conway, NH.
National Business Agent John Casciano, (617) 363-9299.

**Denver Region (Arizona, Arkansas, Colorado, Oklahoma and Wyoming)**
September 30-October 1, Region 4 Regional Rap Session, Arkansas at the Clarion Resort on The Lake, Hot Springs, AR.
National Business Agent Gil Barela, (719) 595-9762.

**Minneapolis Region (Minnesota, North Dakota, South Dakota and Wisconsin)**
September 9-10, South Dakota State Association Fall Training Seminar, Pierre, SD.
October 1-4, Minnesota State Association Convention, Brainerd, MN.

**October 27-29, North Dakota State Association Fall Training Seminar, Minot, ND.**

**Pacific Northwest Region (Alaska, Idaho, Montana, Oregon, Utah and Washington)**
June 2, Washington State Training, Spokane, WA.
June 23-25, Washington Steward’s Workshop, Toledo, WA.
September 27-30, Regional Assembly, Big Sky, MT.
National Business Agent Jim Williams, (360) 892-6545.

**St. Louis Region (Iowa, Kansas, Missouri and Nebraska)**
October 14-15, Nebraska Fall Training, Holiday Inn Midtown, Grand Island, NE.
October 15-17, Iowa Fall Training, Holiday Inn, Amana, IA.
National Business Agent Joe Miller, (314) 872-0227.

**Delta Region**

**New England Region**

**Upper Midwest Region**

**Midwest Region**

**Southern Region**

**Southwest Region**

**California Region**

**Washington DC Region**