

ACTIVIST

NALC

A NEWSLETTER FOR BRANCH LEADERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS
VOL. 15, NO. 1

WINTER 2000

NALC vs carrot & stick: Strategies for safety

Without a doubt, NALC branch leaders share a common goal of achieving a safe and healthy workplace for all letter carriers. However, in many facilities numerous obstacles block the path to achieving this ideal, not least of which is management's historic reluctance to invest either time or money to resolve safety issues.

NALC local leaders now have a new tool to help in their fight for safety and health. As detailed in the

Summer 1999 issue of the *NALC Activist*, a significant change in the Occupational Safety and Health Act now enables OSHA to fine and/or prosecute the Postal Service for OSHA violations. The change, as NALC branch leaders noted in that story, is prompting some USPS managers to become more safety-conscious. Another part of the story also urged all branch leaders to establish and maintain joint safety and health committees

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At various points in your life you've probably been reminded that "first impressions count." So you get all dressed up for a first date and make sure you're on time for your first day of school or work. And if you think about it, you probably have vivid memories of various "firsts" in your own experience, from your first school dance to the first car you owned.

It makes sense, then, that NALC branch leaders should devote time and energy to ensure that a new letter carrier gets a **positive first impression**

of the union. Over the years, the *NALC Activist* has published a number of stories about ways that branches have succeeded in this endeavor. In fact, an early front-page story (Spring 1988) offered an in-depth perspective on a new-member program created by Buffalo, New York Branch 3 as a way of organizing and "unionizing" new letter carriers.

Today, 12 years later, Buffalo is still reaping the rewards of its new-member program. Over the years, Branch 3 has maintained one of the

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as a tool to achieve improvements.

However, in many locations NALC branch leaders are still struggling to achieve a safe and hazard-free workplace. Strong and concerted union efforts must continue and become stronger if true change is to occur. Admittedly the road is not free of obstacles. This story details how one branch confronted one especially thorny problem with pursuing safety

Incentive plans can discourage workers from reporting injuries.

issues—the fact that **carriers may feel intimidated** by management’s response to both accident prevention and reporting.

“What was happening time and again in our branch was that anyone reporting an accident or injury would like as not end up with some discipline as well,” says Jerry Fitzsimmons, safety officer for Portland, Oregon Branch 82. “It really didn’t matter what the circumstances were, management would keep poking around until they could

find some peg to hang a discipline action on the carrier who got hurt. Mostly it was something like, ‘Failure to work in a safe manner.’ Could have been a vehicle accident, or slipping on a sidewalk, or a lifting injury. Whatever, it was disciplined.”

Branch 82 decided to fight back. Its officers recognized that the Postal Service, following a popular trend in American business, was heavily promoting “behavior-based” safety programs that assume that workers themselves are the cause of most accidents and injuries. Two key elements define such safety programs. **The first is the establishment of ‘safety incentive’ programs that reward workers for not reporting accidents or injuries.** Whatever their original intent, these incentive plans end up discouraging workers from reporting accidents or injuries.

The second part of behavior-based safety programs involves **punishing workers that have accidents or injuries.** Because the workers are assumed to be at least partly at fault, management reasons that the imposition of discipline will further discourage accidents and injuries—or at least the **reporting** of such events.

However, research has shown that neither incentive programs nor discipline actually works to improve workers’ safety and health in the long terms. In many cases systemic problems at the workplace lie at the root of most accidents, and behavior-based safety programs make no attempt to look at these problems or make effective changes.

“We figured out that in the vast majority of cases, it was **management behavior** that lay behind the accident or injury,” says Branch 82 president Jim Cook. “Carriers having accidents either had not been properly trained, or were being pushed to work faster than was safe. Equipment,

processes or systems were flawed. Even with dog bite incidents, management would discipline carriers for not knowing the dog was loose—when it was actually management that had failed to follow up by sending letters to the owners of dogs that were known to be dangerous.”

Branch 82 has a strong record of getting safety discipline overturned. However, Fitzsimmons, Cook and other branch leaders and members believed that a more powerful message needed to be sent to management.

“We had already tried some one-on-one campaigns within the branch,” Cook says. “So it seemed like a good fit to use the one-on-one technique both to educate our members about problems with safety and health and to get their support to press for changes in management behavior.” (See the story on page 6, “Going one-on-one to build union strength.”)

So in 1997, branch leaders developed a one-on-one campaign focused on raising carriers’ awareness of the kinds of accidents and

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injuries that were happening at the workplace, and detailed management's knee-jerk response of issuing discipline to almost all carriers experiencing an injury or accident.

"We asked members to sign a petition to go to the district manager to work jointly with the NALC to change the safety 'program,' such as it was," says safety officer Fitzsimmons. "We wanted more training, more safety built into the working day and a reduction of safety-related disciplines."

Branch 82 officers knew that their approach to safety and health was also being endorsed by other unions across the country. The UAW, in particular, has been campaigning against behavior-based safety programs for years. And the 1999 AFL-CIO National Safety and Health Conference issued a resolution opposing behavior-based safety programs, stating that 'such practices undermine worker protection and are illegal and discriminatory under the Occupational Safety and Health Act.' The AFL-CIO also resolved to seek explicit regulations and enforcement policies that prohibit such practices.

Reframing safety

Some local NALC leaders—as well as many carriers—may have difficulty understanding the fallacy of 'blaming the victim' for accidents and injuries. After all, behavior-based safety programs have been around for many years. (See the story, "History of behavior-based safety programs," on page 4 for a history of these practices.) And in many cases, it seems clear that a carrier mistake did, in fact, lead directly to the accident or injury—for example, carriers who bump into or trip over objects they *could* have avoided if only they had looked where they were going—or weren't in such a hurry. These are the arguments that management uses, and to many people such remarks seem sensible, although no union leader would agree that such mistakes should *automatically* trigger discipline.

However, by focusing on worker behavior, such explanations miss—intentionally or not—the *underlying* causes of accidents and injuries: **systemic problems and workplace practices** that create hazardous conditions for all workers.

Take, for example, a carrier who files an injury report because she picked up boxes that were too heavy and injured her back. Postal management may decide that she used an inappropriate lifting technique—or perhaps tried to lift too many boxes at once and should have

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USPS BY THE NUMBERS

USPS Operations—AP3-2000	Number	Chg from SPLY*
Total mail volume year-to-date (YTD) (billions of pieces)	49.1	1.3%
Mail volume by class (YTD in billions)		
<i>First-class</i>	23.8	1.5%
<i>Priority Mail</i>	0.3	-1.9%
<i>Express Mail</i>	0.1	2.0%
<i>Periodicals</i>	2.3	-3.1%
<i>Standard A (bulk)</i>	22.8	1.7%
<i>Standard B (parcels)</i>	0.3	0.6%
<i>International</i>	0.2	-1.7%
Daily DPS letter mail volume (pieces)	174.8 million	20.6%
<i>Percent of total letter mail</i>	48%	—
City routes with DPS mail	141,238	6.3%
<i>Percent of total</i>	83.9%	—
Daily delivery points (millions)	131.0	0.9%
<i>Percent city</i>	74.7%	—
<i>Percent rural</i>	25.3%	—
City carrier routes	168,238	0.4%
Rural carrier routes	64,935	3.8%
Net Income (\$millions)	\$ 816	33.5%
<i>Total Revenue</i>	\$15,232	4.2
<i>Total Expense</i>	\$14,416	2.9
Employment/Wages—AP3-2000		
City Carrier employment	242,235	-1.0%
<i>Percent union members</i>	91.6%	—
<i>Percent career employees</i>	99.7%	—
City carrier casual/TE employment		
<i>Casuals</i>	5,370	5.4%
<i>Percent of bargaining unit</i>	2.2%	—
<i>Transitionals</i>	805	-45.2%
<i>Percent bargaining unit</i>	0.3%	—
City carriers per delivery supervisor	17.4	-10.5%
Career USPS employment	794,369	-0.8%
City carrier avg. straight-time wage	\$18.14/hr.	4.5%
City carrier overtime ratio (overtime/total work hours)	14.9%	—
<i>Ratio SPLY</i>	14.5%	—

*SPLY = Same Period Last Year

This information compiled by the NALC Research Department from USPS Reports.

History of behavior-based safety programs

The idea that a worker's own unsafe behavior causes the vast majority of work-related accidents and injuries is a claim that dates back to the beginning of American industrialization in the mid- to late 19th century. At that time, workers were viewed as simply cogs in the great machinery of the factory. Industrial "experts" convinced managers that the natural tendency of all workers was to slack off—that they were essentially unmotivated children who had to be watched every second.

These beliefs prompted the development of "scientific management," which has also come to be known as "Theory X." Workers could not be permitted to think for themselves, but rather had to be provided with specific directions and limited duties—hence the development of the assembly line in which each person had only one simple job, repeated over and over throughout the day.

In the 1930s, safety engineers who firmly endorsed the principles of scientific management began to look at industrial accidents and formulate theories about why accidents occurred. According to research compiled by the United Auto Workers, the foremost of these theorists was a top manager for the Travelers Insurance Company, H. W. Heinrich. Heinrich examined 12,000 insurance company accident claims and 63,000 injury and illness records submitted by plant owners. The cases had been classified as caused by either unsafe acts or unsafe conditions (physical or mechanical). In their reports, the plant owners had attributed 25 percent of the claims to unsafe conditions and 75 percent to unsafe acts. Upon reviewing the files, Heinrich reclassified a majority of the "unsafe conditions" cases, stating that

in fact a total of 88 percent of all cases were "man failures," or the results of unsafe acts by workers.

Also during the 1930s, the National Safety Council published a study stating that 87 percent of all industrial accidents were caused by unsafe acts and 78 percent by mechanical hazards. (The Safety Council study permitted the same accident to be classified with multiple causes.)

Heinrich claimed that "the ancestry and social environment" of workers led to injuries.

In explaining why workers caused so many accidents, Heinrich claimed that it was, in fact, the ancestry and social environment of workers that predisposed them to on-the-job injuries. Heinrich named such factors as "recklessness, stubbornness, avariciousness and other undesirable traits of character that may be passed along through inheritance." Heinrich also cited individual personality faults as lying at the root of industrial accidents—including such traits as violent temper, nervousness, excitability, inconsiderateness and ignorance of safe practice.

Heinrich's findings, which today sound not only insulting and degrading to workers, but also ridiculous, were nonetheless accepted as gospel by a majority of owners and managers. After all, it was much cheaper to blame workers than to fix system-wide hazards.

As reported by the UAW, behavior-based safety programs focus on controlling workers by providing training and detailed safety procedures and by offering personal protective equipment. If after these measures have been taken, accidents and injuries still occur, managers tend to believe that workers have actively ignored training, safe procedures and protective devices.

However, a recent OSHA study that reviewed a number of safety incentive programs concluded that there is no basis for employer claims that such programs actually make workplaces safer. The OSHA study commented specifically on the "chilling effect" that these programs have on workers' willingness to report job injuries and illnesses.

OSHA has also cited companies for having safety incentive programs that discourage workers from reporting injuries and illnesses.

So if workers are not the leading cause of workplace accidents and injuries, what is? For many years, the U.S. military has taken another view: that if workplaces and processes are *specifically designed* to be as safe as possible, accidents and injuries can be eliminated. These "upstream" changes include finding substitutes for hazardous materials; reducing the speed of work; removing hazards; providing guards, railings and other protective devices on equipment or work areas; and instituting effective warning systems. ■

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known they would be too heavy. If the carrier had been more careful, management states, the accident could have been avoided. So the carrier receives a reprimand or perhaps a letter of warning for “failure to work in a safe manner.”

However, larger questions remain unanswered. Why were the boxes too heavy? Had someone else filled the boxes too full because of faulty instructions or time pressure? Did the carrier use a faulty techniques, and if so, why didn't she use a better technique? Had carriers recently received training on lifting? Why did she have to move the boxes in the first

Safety issues require persistence—just refusing to give up.

place? And why would she try to move more than one at a time? Was she under pressure to increase her rate of work?

When vehicle accidents occur, the true cause of such accidents can also be swept under the rug by managers eager to find a scapegoat. Many carriers, including Branch 82 president Jim Cook, believe that the design of the LLV remains deeply flawed.

“Even with the mirrors, visibility is limited,” he notes. Another USPS delivery vehicle in the works has only one window on the side, he notes. “While that's better than no windows at all, by the time you see something in that window, it's already too late to avoid an accident.”

Many driving accidents can also be traced to managers' insistence on getting out the mail as quickly as possible. “We say over and over, the most important thing is to work safely,” Cook says. “But newer carriers particularly can feel intimidated by management pressure to speed up. So accidents happen—and as far as postal management sees it, the carrier and only the carrier is the one at fault.”

No perfect resolution

More than three-quarters of Portland's active branch members participated in the one-on-one campaign and signed the branch petition calling for an end to safety discipline. With that solid backing, Cook and other branch leaders approached the district manager to ask for changes.

“We got some things from the manager,” Cook says. “Not as much as we wanted. That idea of behavior-based safety is really rooted deep in Postal Service management, and that attitude hasn't changed yet.”

However, the branch won an agreement from the district manager to work jointly on a safety manual that would detail safe and healthy work practices. The manual lists all the elements of the carriers' job—from weather to dog attacks—that can lead to accidents or injuries. Joint training programs on safety were also initiated.

“We see what happened as a result of our one-on-one campaign as a start,” says safety officer Jerry

Fitzsimmons. “We don't intend to stop here, but will continue to press for basic, system-wide changes in the way management views workplace safety and health.”

Fitzsimmons and Cook stress that several elements worked together to help the branch make progress. “First, we do a great job with grieving discipline for so-called safety violations,” Fitzsimmons notes. “Our NBA's office has been a key part of that success as well.” Membership awareness and support has also been critical. “The one-on-one campaign is a great way to spread information,”

We're looking for system-wide changes in management's approach.

Cook says. “In this case, it really helped consolidate our members, and management knew that.”

Finally, Branch 82 is committed to continuing to fight for carrier safety and health. “This is such a long-term, ongoing kind of battle,” Fitzsimmons notes. “We may make a few gains—and get some crucial support, like the change in OSHA regulations. But it really requires persistence—just refusing to give up and go away. After all, we're talking about our lives here. We're the ones out there facing the hazards, and no amount of energy and effort can be too much to help ensure that our members are as safe and healthy as they possibly can be.” ■

Go one-on-one to build union strength

Effective communication is the key to any union's success.

Recognizing that fact, about 10 years ago leaders in several international unions—including the NALC—developed a structured process for building strong lines of communication between union members and leaders.

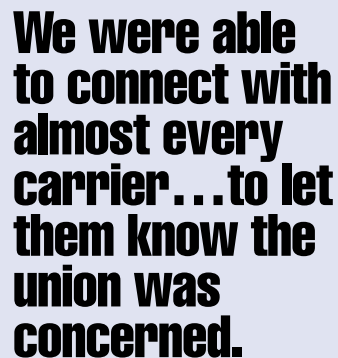
The strategy, called “Talking Union: One-on-One,” has been effectively used across the country in a variety of settings. NALC branches have used the process to help lobby against proposed anti-union state and national legislation. Some branches have also used one-on-one to get more union members registered to vote. An *NALC Activist* story in the Spring 1989 issue (Volume 4, Number 2) provides details of these and other campaigns.

Portland, Oregon Branch 82 turned to this strategy in 1997 to educate its members about management's practice of disciplining carriers for on-the-job accidents or injuries. As a result of the campaign, more than three-quarters of branch members signed a petition asking management to stop issuing such discipline. With the backing of an informed and supportive membership, branch leaders were able to negotiate with Postal Service district management to implement changes in the ways safety and health issues were addressed, winning an agreement for joint training and collaboration on a safety manual.

The one-on-one process relies on the basic principle of a “telephone tree.” The starting point is a coordinator, usually a union officer, who enlists the help of up to 10 members as organizers. The organizers in turn each find up to 10 members to be canvassers, and those canvassers commit to spending five to 10 min-

utes—usually during breaks or right after work—to talk one-on-one with up to 10 individuals. With this system, canvassing the entire membership can be accomplished in two weeks or less.

In Portland, branch leaders determined that all letter carriers needed to be surveyed about their views on safety discipline. Local leaders also



We were able to connect with almost every carrier...to let them know the union was concerned.

believed it was important to inform carriers about how management viewed safety issues and what the union's position was on carrier safety and health.

Portland's one-on-one campaign began with training on March 5 and 6, 1997 that explained the reasons for the canvass and the way that the one-on-one process worked. Canvasser training also included brainstorming possible responses that canvassers might encounter and how to deal with those responses. Canvassers then practiced giving the one-on-one survey to each other in pairs.

The canvassing itself took place March 7-20. Each canvasser surveyed one carrier a day for two weeks, usually during breaks or before or after work. The structure of the one-on-one interview consisted of questions concerning carriers' awareness of safety-related discipline. The canvasser asked if carriers had noticed an increase in such discipline in the last two years, and whether they believed that such discipline discouraged the reporting of accidents or injuries. Canvassers then asked for carriers' opinions about what could be done.

In the course of this discussion, each canvasser presented management's view that threatening and punishing carriers results in fewer accidents and injuries. Carriers were then offered the union's position that in fact, threats and punishment actively discourage safe work practices. First, such actions only make carriers more nervous and more liable to have accidents. Also, carriers are less likely to report injuries or accidents, resulting in the perpetuation of unsafe or unhealthy conditions.

The one-on-one session wound up with a discussion of the union's desire for more safety training and an end to safety-related discipline. Each carrier was asked to sign a petition calling for these changes.

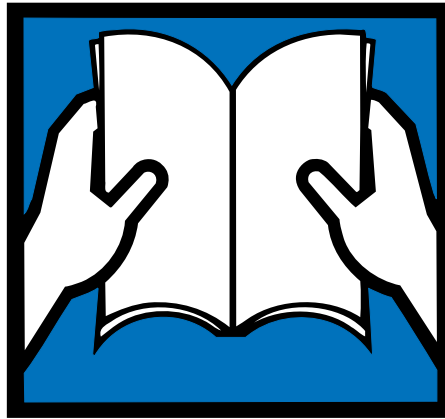
“The one-on-one campaign was a very successful way of getting out our message about safety,” says Jerry Fitzsimmons, Branch 82's safety officer. “And an added bonus was that we were able to connect with almost every carrier, even if they didn't agree with us. The whole process let people know that the union was deeply concerned, that we were pressing for changes and that we weren't going to let this issue slide.” ■

Dealing with repeated overtime violations

Perhaps one of the most frustrating aspects of any NALC steward's job is dealing with managers who continually make the same mistakes in violating the *National Agreement*. And most likely, such repeated violations usually concern the issue of overtime—who gets it and who doesn't.

Typically, here's what happens: A manager realizes that someone in the unit must put in overtime. As every steward knows, the contract foresees this likelihood and has provided detailed directions for assigning overtime. However, either out of ignorance or indifference, the manager violates these provisions, most frequently by failing to assign the overtime to an available carrier on the overtime desired list (ODL). The NALC steward grieves the violation and at some point in the grievance process if all goes well, the carrier who should have received the overtime is duly compensated for the loss. Normally, the carrier who actually worked the overtime in violation of the contract does not receive any further compensation beyond the OT pay he or she collected.

However, management somehow fails to learn from this experience. At some later date—perhaps even the next time a manager needs to schedule overtime—the same mistake is made. Once again, carriers on the ODL are wrongfully skipped over and a carrier not on the ODL gets the overtime. Again, a grievance and again, a settlement that makes the ODL carriers “whole” for the loss of the overtime that was rightfully theirs. The NALC steward feels frustrated. What's worse, in too many cases, even a second violation and settlement on this identical issue will



not deter management from making the same mistake again and again and again.

So what should the steward do? In such situations, when management repeatedly violates overtime provisions of the *National Agreement*, stewards and local officers should press for **remedies for all carriers affected by the overtime violation**. This article will present a recent case in which the arbitrator awarded remedies not only to carriers wrongfully deprived of overtime, but also those carriers who were forced to work overtime. Several other cases leading to similar resolutions will also be examined. However, although there are some similarities among these cases, it should be noted that no “standard remedy” can be proposed, as each overtime grievance must be evaluated on a case-by-case basis.

Before presenting the facts, arguments and resolution of these cases, however, a review of overtime issues in general may help clarify the problems that stewards face in attempting to enforce complex overtime provisions of the contract and supporting documents. (A more detailed analysis of mandatory overtime can be found in the Winter 1994 issue of the *NALC Activist* as well as on pages 8-3

to 8-23 of the *USPS/NALC Joint Contract Administration Manual (J-CAM)*.)

Overtime basics

For many years, the NALC has fought to insure that people who want to work overtime can do so, while people who don't want overtime cannot normally be forced to work it. For this reason, Article 8, Sections 5.A., B and C contain provisions for the creation of an Overtime Desired List and the rules that govern the distribution of overtime among full-time regular letter carriers who are on the list.

Also, a memorandum of understanding dated May 28, 1985 (M-00589), created the category of “work assignment” overtime for carriers who want to work overtime on their own route on their regularly scheduled days—but not other kinds of overtime that would involve coming in on days off or working on other routes.

Much of the confusion about overtime assignments arises from situations involving carriers who are not on either list being required to work overtime on their own routes on one of their regularly scheduled days. The background and details of such situations have been explained elsewhere in greater detail than is possible in this article (see the references cited above). It is, however, possible to summarize the various contract and memo provisions as follows:

Carriers who do not want to work overtime on their own routes are protected in several ways. First, before such carriers would be required to work overtime on their own routes, management must have exhausted

every other possibility, including all forms of auxiliary help such as PTFs, casuals or carriers from the ODL. However, if the only other option is to use ODL carriers who would as a result be paid overtime at the penalty rate, then and only then could management assign overtime to non-ODL carriers. And such overtime assignments would be limited to having those carriers work overtime on the carriers' own routes on their regularly scheduled days.

Management cannot require such carriers to work overtime on other than his or her own route or on a non-scheduled day on the carrier's own route as long as any ODL carriers are available, even if those carriers would be working at the penalty rate. The only time that management can require non-ODL carriers to work such overtime is if and only if management runs out of people on the ODL—that is, every ODL carrier is already working 12 hours per day. In such circumstances, management can either ask for volunteers from the non-ODL carriers or require these carriers to work overtime on a rotating basis with the first opportunity assigned to the junior employee.

Finally, NALC representatives must note that a positive showing of "good cause" by the Postal Service can offset violation of any of the above provisions. However, management must be able to prove good cause by providing firm proof of a genuine emergency or other rare circumstance.

Returning to remedies

Let us assume that an NALC steward is confronted by repeated violations of these overtime provisions without any showing of good cause by management. What seems to be happening is that Postal Service man-

agers seem indifferent to or ignorant of the contract. In such circumstances, NALC representatives must find ways to increase the severity of the consequences for managers committing such contract violations. One such way is to ask for remedies for all carriers affected by the overtime violation, as noted above. In the following case (C-19972), the NALC filed a grievance specifically to obtain remedies for those carriers who were forced to work overtime.

The facts

Evidence presented by the union, and not controverted by the Postal Service, revealed that during Thanksgiving week, management forced 11 letter carriers who were either on the work assignment overtime list or not on either overtime list to work overtime in violation of the *National Agreement*. The Postal Service agreed to compensate all those carriers on the ODL who did not receive overtime to which they were justly entitled. However, the Postal Service refused to further compensate those carriers who did work overtime. The NALC filed a grievance on behalf of these carriers and that grievance proceeded to arbitration.

NALC arguments

The NALC advocate maintained that asking for a remedy for those carriers who actually worked the overtime was appropriate in this case, as management had repeatedly violated the overtime provisions of the contract. The advocate stated that such an award would deter the Postal Service from similarly violating the contract in the future. Also, the carriers who were forced to work overtime deserved compensation for the loss of their free time.

USPS arguments

For its part, the Postal Service argued that it had already compensated those carriers who did **not** receive the overtime assignments, and that this compensation was a full and complete remedy for the admitted contract violation. Any additional remedy, the Postal Service advocate stated, would be "inappropriately punitive and an unjust enrichment" for those carriers who actually worked the overtime. Further, a number of circumstances existed at the time which provided "good cause" for the Postal Service to assign overtime to those 11 carriers in violation of the contract.

The arbitrator rules

In making his award, the arbitrator first considered those arguments that the Postal Service advanced as showing "good cause" for violating the contract. Such arguments were not appropriate, the arbitrator said, because management had already agreed that they had violated the contract without good cause by agreeing to compensate those ODL carriers who had not been assigned the overtime. Therefore, the arbitrator wrote, "It must be presumed that the requisite circumstances for mandating such employees work overtime did not exist in the circumstances."

The arbitrator agreed with the Postal Service that arbitral awards generally should be remedial and not punitive in nature. However, in this case, the arbitrator ruled that the Postal Service should have been able to make assignments without depriving carriers of "their right not to be subject to employment obligations outside their regularly assigned hours." A remedy to compensate these carriers for their loss was therefore appropriate and not inconsistent

with other awards made in previous cases.

The arbitrator's award was that the carriers who had been forced to work overtime in violation of the contract would receive one hour of administrative leave with pay for each hour or fraction of an hour of overtime that the carriers had worked. Such leave could be taken at the carriers' option, by providing management with 30 days' advance notice of the days on which they would wish to use the assigned leave.

Similar awards

The arbitrator in the above case cited "remedies already awarded in like circumstances." It is true that several other regional arbitrators have also awarded remedies to carriers who had been forced to work overtime, as well as making whole those carriers on the ODL who had been deprived of overtime. For example, in a decision rendered January 28, 1993 (C-12889), Regional Arbitrator Mark Lurie determined that every carrier who had been forced to work overtime in violation of the contract should receive \$7.00 for each hour of overtime worked.

In another regional case (C-13181), a carrier not on the ODL who had been forced to work overtime in violation of the contract was awarded an additional 50 percent—in this case, four hours pay—for overtime work he performed.

Finally, in a series of decisions rendered January 18, 1994 (C-13389 A-D), Regional Arbitrator F. Jay Taylor made clear that persistent and repeated violations of the overtime provisions of the *National Agreement* would trigger the imposition of "monetary damages." In the first of these four awards (C-13389 A), Arbitrator Taylor upheld the grievance that a carrier had been wrongfully

forced to work overtime, but did not award the remedy that the union requested, an additional eight hours' pay. However, Arbitrator Taylor issued a "cease and desist" order to call management's attention to the provisions of the contract that it had violated, and stated that any further violation of those provisions could reasonably lead to another arbitrator assessing a monetary remedy. (The other three cases dealt with different kinds of overtime grievances, including one in which a carrier on the ODL grieved not being awarded overtime. In that case the arbitrator ruled that the carrier should be paid the overtime to which he was justified.)

Finally, Arbitrator Nicholas Duda, in a regional arbitration case (C-13293), agreed with the union that management's continued violation of the overtime provisions of the contract warranted a monetary award to compensate carriers who had worked actually worked the overtime as well as the carriers on the ODL who did not receive overtime. In this case, there were six carriers who had worked overtime in violation of the contract, and Arbitrator Duda determined that a "fair and reasonable remedy" in this case was to award each of those six grievants a gross amount of \$100.00

Note to stewards

Generally, the advice about remedies is that stewards or local officers should not press for specific remedies, but rather leave the question of an appropriate remedy for the arbitrator to decide. In cases such as the ones cited above, however, union representatives must be prepared to argue that remedies are appropriate for **all carriers** who have been involved in management's violation of the overtime provisions of the contract. To bolster such arguments,

stewards should be prepared to cite instances in which management has repeatedly made the same mistake, so that the arbitrator will be convinced that management needs a more forceful reminder to abide by contract provisions.

Again, the question of what constitutes "repeated violations" is one that must be determined on a case by case basis, depending on the circumstances of each violation.

Finally, even though NALC representatives should make a strong case for remedies for all carriers, including those who actually worked the over-

**Management's
continued
violations
called for
monetary
remedies.**

time, it may be wiser to leave the actual amount or nature of that remedy to the arbitrator's discretion. Certainly there are enough arbitral precedents, including the cases cited above, to provide plenty of scope for an arbitrator's determination.

Remember, the steward is the front line of defense in protecting the rights of letter carriers. As such, one of the steward's most important jobs may be to constantly monitor overtime assignments and carefully track the circumstances of each overtime assignment. ■

New member programs

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highest percentages of carriers who belong to NALC—more than 97 percent. And the branch has a strong track record in helping new carriers get through probation.

Such a long-lasting success deserves a second look. What's more, Buffalo's branch leaders are not content to rest on their laurels—within the past six months the branch has developed additional new approaches to winning the hearts and minds of new carriers.

This article will look at three parts of Branch 3's new-member program: **orientation, the mentoring program, and new-member classes.** Each element works effectively on its own, but when the three are put together, the branch's appeal to new carriers rises exponentially.

"We're trying to make the union an essential part of each carrier's life," says Branch 3 president Robert McClellan. "People may come into the job thinking that a union is just an insurance policy, something that would only affect them if they received discipline. We want to turn that attitude around so carriers see NALC as something they simply couldn't do without—the union is there for them every day that they are on the job."

Getting to know you

Buffalo's leaders accomplish this goal by providing both **formal and informal socialization experiences** for new carriers. A "socialization experience" is any activity that helps introduce new members to the goals, values, traditions and accepted behaviors. Researchers who study organizations have discovered that the key to whether people achieve and maintain commitment to any organiza-

tion—whether it's a school, club, company or union—is the **quality** of these first social encounters.

Basically, if the initial social contact is positive and high-quality, new members will develop strong, positive attitudes about the organization. (For more about research findings related to organizing and "unionizing," see the box on page 12.)

For new hires in Buffalo, the first socialization experience is the union's orientation session for new hires. Branch 3 leaders have spent a lot of time evaluating their orientation practices and determining what a positive orientation should look like.

The first decision branch leaders made concerned the timing of orientation. As required by the *National Agreement*, Postal Service management must provide an opportunity for local NALC leaders to talk to new hires about the union. Usually management offers time to the union during the carrier's very first day on the job. After careful thought, Branch 3 leaders decided not to take management up on this offer. Says President McClellan, "We decided that the carrier would be overwhelmed by too much information at that point to really take in our message." Instead, the branch waits until the carrier has had four or five days of training at the Carrier Academy, where new hires are already receiving job instruction from NALC carriers.

"After a few days of training, new hires have had a chance to get their feet on the floor, so to speak," McClellan says. "They've also been around knowledgeable and helpful union members—the carriers who do the actual training." McClellan notes that the union members who are trainers do not attempt to inform new hires about the union. However, most new hires get the message that the professional, dedicated people who are in charge of their training are also

committed NALC members, which gives the union a subtle advantage.

Around day four or five, Branch President McClellan comes to the academy for a formal orientation session, which lasts about an hour. McClellan covers basic information about NALC, including a bit of history, the gains that the union has achieved for members, and other benefits including the health and insurance plans.

"We make it clear that carriers can make a choice about joining the union—but we also give them the numbers, that out of about 1,500 active letter carriers in Buffalo, all but 39 are union members. For most people, those figures stand as reason enough to join." McClellan notes that his presentation at orientation is as succinct as he can make it, so the bulk of the time can be devoted to questions from new hires. "We want to get out the message that the union is here to listen to carriers' concerns," he says. "So we encourage questions and spend time on the issues that people seem most concerned about."

This approach clearly works for Branch 3—in the past four months, all but 2 of 20 new hires have signed up at orientation. "And the two who held out told us they wanted to wait until they got through probation," McClellan says. "So their stewards are on notice to approach them as soon as the 90 days is over."

The personal touch

Like many branches, Buffalo's standard practice is to notify stewards when new hires are due to begin work at their stations. As part of their union duties, stewards are expected to "touch base" with these new carriers during their first few days on the job. However, recognizing that stewards are often overloaded, branch officers

recently decided to institute an additional program to maintain informal contact with new hires.

“As each new carrier signs up, we assign that carrier to one of our 14 officers, who will act as the carrier’s mentor throughout the probation period,” explains Peter Priziotte, who is chair of the branch’s Education and Information Committee. “We do this because we noticed that a lot of times new hires would have problems, but they were reluctant to speak up at meetings or in front of a bunch of people.” By giving each new carrier a personal mentor, the carrier can share difficulties in a much more relaxed, private atmosphere. “We figured that if we made the effort to seek these people out, they would feel comfortable about saying more about what’s happening to them,” Priziotte adds.

Each officer has the flexibility to develop such mentoring relationships in whatever ways seem appropriate. McClellan himself makes a point of phoning his “mentoree” either at home or on the job within a couple of days of orientation.

“Some of these people have been in other work situations where they were told that the union would be in touch with them—but that contact never happened,” McClellan says. “Here, we make contact right away, instead of making promises about some indefinite ‘someday’ that never comes. People really seem to appreciate that personal touch.”

McClellan also makes a point of stopping to say hello to “his” new hires when he visits stations. “I try to get a few private minutes with the carrier, unobtrusively so they don’t feel singled out. But I also want to give them the opportunity to share any problems or questions they may have. And if I don’t have an answer right then, I make sure I get back to them as soon as I can.”

Mentors also call new hires in



Newly hired letter carriers in Buffalo, NY Branch 3 learn the basics in branch-led education sessions.

advance of regular branch meetings to encourage attendance. “We stress that the union meetings are a great opportunity not only to learn more but also to meet other people,” Peter Priziotte says. “There’s always a social time both before and after the meetings when we try to make it easy for new people to get to know some of the more experienced carriers.”

By paying attention to the needs of new hires and being available as a resource, Branch 3 leaders usually succeed in helping new carriers get through probation. “We’re there to tell the carriers what to watch out for,” McClellan says. “And if they get in trouble, we try to find a way to help.”

The final contact between Branch 3 mentors and new hires comes when the carriers reach the end of their probationary period. “We always make sure to call the carriers when they get through their 90 days to congratulate them,” McClellan says.

Back to school

Passing probation successfully also

qualifies Branch 3 new members for another formal socialization experience—a new-member class that is offered only to union members. These classes, which have been a part of Buffalo’s new-member program for more than 15 years, are eagerly anticipated by new carriers. “The word seems to have gotten out that these classes can really help,” notes Peter Priziotte, who conducts most of the classes. “We started out with only about 5 or 6 carriers, but now we routinely get 20 or more for each session.”

Branch 3 President Bob McClellan kicks off the three-hour class, which is usually held on a weeknight at the union hall. “I take the opportunity to stress the importance of the union, what we do, all the activities that carriers can get involved in,” he says. “And I make sure people understand the grievance procedure and the role of the steward.”

After McClellan’s talk, Peter Priziotte and other members of the Education and Information Committee facilitate a discussion with the new hires. “Originally we

would go through the manuals, covering the basic stuff,” Priziotte says. “Then we discovered that people got more out of a question-and-answer type format.” Commonly asked questions concern seniority, how long until PTFs become regular carriers, the Family Medical Leave Act, and carriers’ rights to union representation in discipline situations.

“Every session is a little different,” Priziotte notes. “But we make sure that we cover what’s most important—the rights and responsibilities that carriers have. Safety is a big concern, and we make sure everyone understands the procedures when they believe they are being asked to perform unsafe work.” In

many ways, Branch 3’s new-member class remains a work-in-progress, Priziotte says. “Every group seems to have its special concerns,” he says. “So we have to be flexible, ready to revise and update what we offer.”

From time to time, the Education and Information Committee will put together separate classes on more complex topics, such as route inspections. “When inspections are coming up, we want everyone to know what’s going to happen and how to work like a professional during the inspection.” Many times, veteran carriers come to such classes, Priziotte says. “Sometimes it can be years between inspections, and people forget a lot of

things. The classes are good reminders for everyone, whatever their level of experience.”

For many carriers, the new-member classes add another layer of bonding between members and the union. “It’s like another drop of glue helping cement the relationship,” comments Priziotte. He notes that in a number of cases, new members who had so far resisted coming to branch meetings will begin regular attendance, and may also volunteer to take on some responsibilities within the branch. “The classes help people recognize their common bonds,” McClellan explains. “Then it starts making sense for them to be more active in the union.” ■

Proof that new-member programs work

Some people may read about a new-member program like the one developed by Buffalo Branch 3 and think, “That’s nice, but it couldn’t happen here. Our new hires are different.” Actually, there is hard evidence that programs similar to Buffalo’s can work in almost any location. And that evidence appears in a soon-to-be-released book, *Building More Effective Unions: Lessons From Behavioral Science*.

The book’s main author, Paul Clark is a professor at Pennsylvania State University’s Department of Labor Studies. In the early 1990s, he and his associates, working with the NALC, began research that looked at socialization experiences in a union setting. Through surveys of new union members, the researcher made several important findings.

First, the existence of a union orientation program did not in itself guarantee that new hires would commit to the union. The key element of any orientation, Clark discovered,

was the **quality** of that program. Specifically, the greater the amount and range of information presented at orientation, the more likely that people hearing that presentation would not only join, but also become more deeply committed to the union.

The researchers also discovered **informal socialization programs** might have an even greater impact on commitment than any formal orientation or other structured activity. Clark found that frequent and positive informal contacts—phone calls, conversations, invitations to union events and the like—between union members and new hires were likely to generate high levels of interest and commitment in those new workers.

Several chapters in Clark’s forthcoming book are devoted to strategies to improve the quality of both formal and informal socialization experiences. Among the activities he suggests are giving each new hire a “New Member Kit” containing brochures and other information about the

union; offering a token gift—a hat, union button, T-shirt, bumper sticker, etc.—to workers who join the union; and offering copies of union videos to workers to watch at home.

In terms of informal socialization experiences, Clark suggests that stewards make a point of speaking to new hires—not just once, but fairly frequently—to ask how they are doing. A mentor or “buddy” system, like that set up by Buffalo Branch 3, also offers opportunities for multiple informal contacts.

As Clark sums up, “Research on members’ attitudes toward unions suggest that the early period of employment presents unions with a critical opportunity to shape the attitudes of new and prospective members...New members are the future of the labor movement. If unions work effectively to socialize these individuals early in their union careers, these efforts will likely have a significant impact on the attitude of the next generation of union members.” ■

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 complete index of the *NALC*
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 ing the NALC Information
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 N.W., Washington, D.C. 20001.
 The Cumulative Activist Index
 covers Volumes 1-14, 1986-1999.

Regional Training Seminars

Listed below are regional training and educational seminars scheduled to begin before June 1, 2000.

For more information, contact your national business agent.

Atlanta Region (Florida, Georgia, North Carolina and South Carolina)

March 4-5, South Carolina State Association State Training Seminar, Hickory Knob State Park, McCormick, SC.

March 24-25, North Carolina State Association State Training Seminar, Holiday Inn, Salisbury, NC.

April 28-29, South Carolina State Association State Convention, Ramada Inn, Columbia, SC.

April 28-30, Florida State Association State Training Seminar, Holiday Inn, Gainesville, FL.

National Business Agent Matthew Rose, (954) 964-2116.

Minneapolis Region (Minnesota, North Dakota, South Dakota and Wisconsin)

March 18, Wisconsin State Association NW District Training, Ladysmith, WI.

March 21, Wisconsin State Association NE District Training, Appleton, WI.

March 22, Wisconsin State Association SE District Training, Watertown, WI.

March 23, Wisconsin State Association SW District Training, Janesville, WI.

April 14-16, South Dakota State Association Spring Training Seminar, Holiday Inn (Northern Hills), Spearfish, SD.

April 28-30, North Dakota State Association Spring Training Seminar, Williston, ND.

May 1-5, NALC Region 7 Regional Training Seminar, Holiday Inn Metrodome, Minneapolis, MN.

May 19-20, Wisconsin State Association Convention, Stevens Point, WI.

National Business Agent Barry Weiner, (612) 378-3035.

Pacific Northwest Region (Alaska, Idaho, Montana, Oregon, Utah and Washington)

March 8-11, Oregon State Steward's College.

April 14, Washington State Train the Trainer.

April 25-27, Utah State Steward's College.

May 1-4, Montana/Idaho State Steward's College.

National Business Agent Jim Williams, (360) 892-6545.

St. Louis Region (Iowa, Kansas, Missouri and Nebraska)

April 8-9, Nebraska State Convention-Training, Lincoln, NE.

May 1-2, Iowa State Convention-Training, Sioux City, IA.

May 5-6, Kansas State Convention-Training, Manhattan, KS.

National Business Agent Joe Miller, (314) 872-0227.

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