

The GARDEN STATE

LETTER CARRIER



"130 Years Serving Letter Carriers"

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President's Report

Richard P. O'Connell, Jr., President



The presidential election will be held on Tuesday November 5, 2024. The President of the United States nominates the Boards of Governors (BOG) pending the consent of the US Senate. The BOG is responsible for overseeing the executive management of the United States Postal Service. These are the same managers that make the everyday decisions

on how the Postal Service operates. It is important to have members of the BOG nominated by a President that is aware of our interests as a union and supports those interests. Any legislation concerning the Postal Service passed into law by Congress and the President will affect every letter carrier.

Thirty-four Senate seats are also up for election. Currently, the Senate is comprised of Democrats holding the majority 51-49. Of the thirty-four seats up for election, Democrats hold twenty, Republicans hold eleven, and Independents hold three. I must stress the importance of voting in the Senate elections on November 5, 2024. In the New Jersey Senate race, Democrat Andy Kim is facing Republican Curtis Bashaw. Representative Kim has been a strong supporter of letter carriers and USPS issues and deserves your consideration.

Mr. Bashaw is a hotel entrepreneur and preservationist. It is unclear what his position is on issues affecting the Postal Service. The outcome of the 2024 Senate elections

will affect the partisan balance of the Senate in 2025. This may not seem important to the average individual, but for letter carriers it is monumental. These elected representatives control legislation affecting letter carriers and their families. It is important that we have our voices heard as to who holds these offices.

The 290,000 NALC members are diverse in every way, including politically. Each letter carrier will make decisions on how to vote on issues in their own personal lives. How each of us vote is of secondary importance to exercising your right to vote. Maybe you think that your vote will not count, why make the effort? Voting is a chance for the citizens of our country to have a say in the people who will represent them on issues that impact them directly. You have a say on who holds the open New Jersey Senate seat and the office of President of the United States.

Lastly, NALC President Brian Renfroe recently provided an update on our contract negotiations. I know many members are frustrated that a tentative agreement has not been reached. The process of achieving an agreement is not an easy task and is a lengthy process. I am confident President Renfroe, and the Executive Council are working tirelessly to present an agreement worthy of the membership's consideration. The members will be asked to vote to ratify the National Agreement. It is important for every member to participate in that vote. Once again, you have a right to have your voice heard, and a responsibility to participate. I ask that you take the time to review all the relevant information when making your decision to ratify the agreement. ☐

Postal Service Health Benefit Plan (PSHB) Open Season

November 11, 2024 through December 9, 2024

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-Affiliates-

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VIEWPOINT

Jeff Fox, Editor

Well, this is as close as we have ever been to repealing the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP), which reduces or eliminates Social Security benefits for those hired prior to 1984. This hits home for me because, as a Civil Service Retirement System (CSRS) employee mine and many

of our retired members have their Social Security slashed by as much as two-thirds simply because they were hired prior to the change in the retirement plan to the Federal Employees Retirement System (FERS).

The House Bill H.R. 82 has 329 cosponsors, keep in mind, you only need 218 votes to pass any legislation. Yet, the Speaker of the House refused to move the bill through committee and call for a vote. This is where Republican Congressman Graves of Louisiana and Democrat Congresswoman Spanberger of Virginia stepped in to initiate a discharge petition. A discharge petition requires the Speaker to bring the bill to the floor if 218 Congressional Representatives sign onto the petition. On September 19, 2024, the 218th representative signed the discharge petition that will force the bill onto the floor for a vote. The Senate companion Bill S. 597 has 62 of the necessary 60 cosponsors for passage in the Senate.

We've been close before but never this close. I've been doing this for a long time so I will attempt to temper my excitement until the votes actually take place. But, the support we and other federal employees have received on this bill is very encouraging and we are grateful for their work. I am hopeful we will see passage before the end of the year, if we do not; we have to start all over again when the next Congress is seated in January 2025. Keep your fingers crossed.

This all places an emphasis on how important it is to vote and communicate with your elected representatives. Don't simply vote for your "team", Democrat or Republican, vote for those who support your issues and your livelihood. Find out where the candidates stand on the issues, where they stand on unions, whether they support working families or the ultra wealthy and vote based on their past statements and their actions. ☐

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Know What Your Rights Are

Bruce Didriksen, NBA Region 15



Anyone who has acted in the role of Steward, or in any other capacity that requires him/her to represent our members, learned a long time ago that USPS management knows only one contractual provision, Article 3 ("Management Rights"). A close reading of Article 3, however, illustrates that management's rights are limited by the following clause at the end of the

first sentence, "subject to the provisions of this Agreement and consistent with applicable laws and regulations". So, when an employee's legal or contractual rights are at odds with management's determination to act however they please, the employee's rights take precedence. To enforce this principle, however, it is imperative that the impacted employee *knows what those rights are*.

A perfect example of this is the Weingarten doctrine. An employee who is required to submit to an investigative interview that could potentially lead to discipline has the right to Union representation at that interview, *but only if he/she requests it*.

When an individual is arrested, the law requires that he/she be given Miranda warnings, which advise of the right to remain silent and have an attorney present during questioning. Weingarten is different from Miranda, in that under Weingarten the Employer does not have to inform you of your right to Union representation. As a Union, therefore, we should be taking great pains to ensure that every member, regardless of how new they might be, knows what to do when brought into the office.

If you suspect you might be facing disciplinary consequences for something you did, or did not do, you should ask directly whether or not something you say during the interview can lead to discipline. If the answer is in the affirmative, you should immediately request the presence of a Steward. Once the Steward arrives, the employee and the Steward have the right to meet privately before the disciplinary interview starts.

If the employee is told that the interview will not lead to discipline, the interview can still be terminated if the line of questioning leads the employee to believe that disciplinary action may result from his/her answers to the questions. In such a case, the employee should interrupt the interview and request a Steward and wait for the Steward to arrive before answering any additional questions. Any

deviation from the Weingarten protocol can form the basis for a due process challenge in an appeal of any subsequent disciplinary action.

Sometimes disciplinary interrogations can also involve potential criminal charges, and those interviews can be conducted by United States Postal Inspectors or OIG Agents. When this happens, the employee under investigation is entitled to receive a pre-interview warning from the interrogator because a Postal Inspector or OIG Agent can initiate an arrest as a law-enforcement officer. Most people may be familiar with the previously referenced Miranda warnings, but there are two other types of warnings that may be given in lieu of Miranda. Whenever one of these warnings is administered, the questioner is obliged to identify the type of warning being administered. Besides Miranda, a Garrity or Kalkines warning could be given.

Under Garrity, the employee has the right to remain silent and will not be cited for refusal to cooperate. Any testimony given voluntarily can, and likely will, be used against the employee in both the disciplinary and criminal proceedings. An employee's silence may be cited as evidence in a disciplinary hearing on the merits of the charges against him/her, but will not constitute a charge on its own.

Under Kalkines, the employee must answer questions posed by the interrogator. The employee's responses to the questions can be used against him/her in disciplinary action, up to and including removal. However, under Kalkines, the employee receives immunity from criminal prosecution.

Knowing what the law entails is beneficial to our members, but should not be substituted for legal advice and representation from a licensed attorney. A letter carrier facing criminal prosecution should always be advised to enlist the services of a lawyer. ☐



It's An Election Cycle Like No Other

Chuck Goushian, Executive Board



L It's an election cycle like no other! An incumbent president withdrawing from the race and endorsing his vice president for president. A former president running again after losing the last election. Don't let the drama and the chaos confuse you. We have only one goal. To elect the people who are going to help us succeed in our fight to protect our rights and benefits. Yes, I said people. Don't forget about the down-ballot. There's more than just the presidency up for grabs.

We've got US Representative Andy Kim, a true and steadfast supporter of the letter carriers, running for the US Senate. And, Herb Conaway is running to fill Congressman Kim's seat in New Jersey's 3rd Congressional District. Donald Norcross and Jeff Van Drew are running for re-election in NJ's 1st and 2nd districts respectively. It is important that we elect the supporters of letter carrier issues in all the offices up for election. Because remember, it takes money to keep a roof over your head, raise a family, and enjoy your hobbies and leisure time. And, unless you're independently wealthy, it takes a good job with good pay and benefits to be able to do all that.

We've been working without a contract for quite some time now. But it is thanks to our supporters in Congress we are able to negotiate for a contract at all. Never forget, we can lose all our collective bargaining rights with the stroke of a pen on Capitol Hill. We need the right people in office to push our agenda of protecting our rights and benefits, as well as pushing through the bills we want passed. Bills like the Protect Our Letter Carriers Act, the Federal Retirement Fairness Act, and the Social Security Fairness Act. The letter carrier has long been the target of various money grabs over the years. Money that has been grabbed right out of OUR pockets! Thanks to the NALC, and the Letter Carrier Political Fund, we've been able to better protect our employment for the future (the Postal Service Reform Act), and we are getting closer than ever to the repeal of the Windfall Elimination Provision and the Government Pension Offset.

Now it's great if we can get the House and the Senate to pass our bills, but we would still need a supporter in the White House who will, not only sign those bills into law, but also be a president who understands and believes in the

necessity of a vibrant and thriving Postal Service. All you have to do is look at what has been said and done by both candidates for president.

In April of 2020, after calling the Postal Service "a joke", President Trump said he will block emergency corona virus aid for USPS. Then Senator, Kamala Harris said "USPS workers and the countless people who rely on the USPS for their small business, prescription drugs, as well as casting their ballot deserve better. Congress must immediately step in to ensure the USPS can continue delivering the mail." Later that year, in August, President Trump said he opposed additional funding for the USPS in order to make it more difficult to deliver mail-in ballots. After the passing of the Postal Service Reform Act, in April of 2022, VP Harris said, "The United States Postal Service is vital to ensuring that people can receive essential goods like medicine, toiletries, and voter ballots. With the Postal Service Reform Act signed into law, we can help improve mail delivery and better connect communities across our country."

Just for giggles, I decided to go on-line and look at both the Republican's and Democrat's National Platforms. The Democratic platform mentioned labor unions several times. They talked about partnering with labor unions to help expand job training partnerships high schools, community colleges, unions and employers. It also spoke about how the middle-class built America—and unions built the middle class. They boasted about President Biden being the first president to walk a picket line, and said that when unions win, all workers benefit. The Democrats say they will keep fighting to pass the Protecting the Right to Organize (PRO) Act, and they appose right to work laws (which among other things, drive down wages). The Republican platform did not mention labor unions at all. It was very clear to me who thought more about working men and women, and who didn't think about us at all. ☒



Vote By Mail Ballot Application (The Stories)

Ozzie Lecky, Jr., Executive Board



Examples are stories of what does work on the application and what doesn't.

Joel Rosenberg is a 25-year-old Pharmaceutical Tech who works for Express Scripts. Since April 2024, Joel has lived in a 2-bedroom apartment in the city of Bayonne. Before April 2024, Joel was living with his parents in Jersey City. A few months after Joel turned 18 years old, he became a registered voter. In every election that has taken place under his registration as a voter (local, state and national), Joel has gone in person to a polling place to cast his vote. Immediately after Joel moved in April of this year, he put in a change of address for his new place in Bayonne. In addition, he went to the New Jersey Motor Vehicle Commission to change the address on his driver license. On September 30th, Joel contacted The Hudson County Clerk Office to request a VBM Application. Joel works an overnight shift at Express Scripts (12am to 8am, Monday to Friday). Joel decided to do VBM because he needs his rest during the day and he doesn't want to wait in long lines to cast his vote. On October 3rd, Joel received his application in the mail. In the early evening of Friday (October 4th) Joel fills out the portions required in ink and drops off the application at a postal collection box before he starts his shift. After his shift ends on Saturday morning, Joel decides to visit family members in Trenton for the weekend. Late Saturday evening (October 5th), tragedy happens to Joel. The apartment he was renting in Bayonne suddenly becomes inhabitable due to fire damage. Joel finds out the horrible news on Sunday (October 6th). The American Red Cross places Joel in a hotel as a temporary living arrangement. During his time of transition, Joel completely forgets to notify the Bayonne Post Office about holding his mail. However, the City Letter Carrier (who delivered to Joel's apartment) graciously puts the hold in for one month (October 7th to November 7th). While this is happening to Joel, the County Clerk received Joel's application back on October 8th. The application was filled out correctly, except his date of birth (Section 5 on the app, the

year was hard to read). The Hudson County Clerk Office attempted to reach out to Joel on the day, time, and phone number provided (Section 6 of the app), but the phone wasn't in service. However, the representative at the office was successful with the email Address Joel left on the app (Section 7). After no response back in his email, the County Clerk Office sent a letter to Joel's address in Bayonne. The letter was sent on Thursday, October 10th. The following week, Joel called the Bayonne Post Office to check and see if there was any hold mail on file for him. The Post Office verified that there was. The very next day, Joel received all of his hold mail (including his letter from the Hudson County Clerk Office). On October 16th, Joel went to the Hudson County Clerk Office with proper identification (Birth Certificate, Driver License and Social Security Card) and changed the date of birth correctly on his application.

Karen Ramirez is a 52-year-old disabled machinist from Burlington County, because an unfortunate on-the-job injury that left her dominant (writing) hand in paralysis. On September 12, 2024, Mrs. Ramirez decided to contact the Burlington County Clerk Office in Mt. Holly to request a VBM Application. Like Joel, Mrs. Ramirez for years was going to her local school or church to vote. However, this life-changing event required someone to assist her with her VBM application. In steps Lois Grandal to help, Lois is a Home Health Aide for Bayada Home Health Care. Lois has been working for Mrs. Ramirez for a little over a year. When the VBM application arrived at Mrs. Ramirez's home on September 17th, there was a section on the app (Section 10) called the Assistor. The Assistor (in this case Lois) will fill out all of the following: Name Of Assistor, Signature Of Assistor, Date, Assistor's Address (Apartment #, City or Town), State and Zip. Also under this guideline, the Assistor doesn't need to be a registered voter or live in the same county as the person they are assisting. Before Lois sent the VBM app back on September 19th, she attached a written note with the app stating Mrs. Ramirez's medical condition. When the office received the paperwork in the mail, the office worker mailed out a VBM ballot to Mrs. Ramirez.

Michael Lawson is an 80-year-old retired schoolteacher from Atlantic County. Recently, Mr. Lawson sold his car because he wanted to save money on gas, car repairs and auto insurance. Currently, Mr. Lawson's closest polling place is 5 miles away from his house. To add insult to injury, public transportation is not accessible in his area. After looking at the application online, Mr. Lawson decided to contact the Atlantic

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2024 Scholarship Recipients

Chairperson - Christine Strasser, Director of Education



President Richard O’Connell, Jr. and the entire Executive Board of The New Jersey State Association of Letter Carriers proudly congratulates the recipients of the 2024 Richard P. O’Connell, Sr. and the Tony Massa Scholarships. Both recipients were recognized at the recent NJSALC Biennial Seminar.

team. Tim is attending Rutger’s University, where he will be majoring in Computer Science. Tim was active in the Boy Scouts from an early age and was awarded the prestigious rank of Eagle Scout.

We all wish Xyzel and Tim the best of luck in their college endeavors. Both recipients were selected from a very qualified list of applicants entering their freshmen year of college in the fall. The applicants submitted SAT scores, class rank, honors, clubs, achievements, and an essay to compete for the scholarships. The professor, who reviewed and made the final determination of the applicants, noted that, “There quality if the students involved was outstanding.”

Xyzel Peral Sanchez was the recipient of the Richard P. O’Connell, Sr. Scholarship. Xyzel is the daughter of Branch 444 letter carrier Juan Peral Bustamante. Xyzel had a grade point average of 4.19. Xyzel is attending Connecticut University, where she will be majoring in Physiology and Neurobiology, with a minor in Neuroscience on the pre-med track. Xyzel has been part of the Girl Scouts since she was eight and will be a competitive cheerleader at the collegiate level. After receiving her bachelor’s degree Xyzel has ambitions of completing medical school and becoming an anesthesiologist.

At the beginning of each year, both scholarships are announced in the Garden State Letter Carrier and posted at NJSALC.com. All requests for applications must be sent to the scholarship committee chair. The Chairperson will send scholarship packets to all applicants to complete. Completed packets must be returned to the Chairperson by a determined date. The scholarships are available to the dependent children of members of NALC Branches within the state of New Jersey. The applicant’s parent/guardian must be a member in good standing of the NALC for at least one (1) year prior to making application. Applicants must be a high school senior when completing the application. Both scholarship awards are issued in the year of high school graduation only. ☐

Tim Creelman was the recipient of the Tony Massa Scholarship. Tim is the son of Branch 903 letter carrier Scott Creelman. Tim had a grade point average of 4.18. Tim graduated tenth in his class at Atlantic County Institute of Technology, where he was on the varsity volleyball



Xyzel Peral Sanchez



Tim Creelman

What Is Our Legacy For the Next Generation of Letter Carriers?

Richard Folmer, Executive Board

PAs a new member of the NALC in 1994, our President at the time regularly spoke of what each generation of letter carriers' legacy would be to the next generation.

He spoke about the striking letter carriers of 1970 and what they risked so we could have a better union, a better postal service, and a better career. We don't have to do anything as risky as striking to help secure a better future for the next generation of NALC letter carriers.

But there are some things we can all work on for the next generation. Two things off the top of my head are, address the non-career employee's ability to buy back their non-career time. The other is reducing the FERS retirement fund contribution to the pre-2013 rate of .80 percent.

After the Das arbitration agreement in 2013, a group of non-career carriers called City Carrier Assistant (CCA's) was created. A CCA's service time is not credited to their total federal career service time. I feel this must be changed; every day from day one of employment should count towards a carrier's total career service time.

There is currently the Federal Retirement Fairness Act HR 5995. This bill would address this issue and the bill currently has 125 co-sponsors (6 of 12 from N.J.).

The other issue affecting carrier take home pay, is that a carrier hired prior to 2013 like myself pays .80 percent of their check for their contribution to the FERS retirement

fund. Those hired in 2013 pay 3.3 percent; after January 2014 and up to the present, pay 4.4 percent. Over the course of a carrier's career this extra percentage adds up. I do not believe there is current legislation that would address this issue.

Now I understand these issues take congressional action. It also takes time for issues to gain attention and momentum to be passed into law.

In the future, the people running our great organization will all be from this group of individuals, members with both prior non-career time and paying 4.4 percent to their FERS retirement fund. By then we can have laid the groundwork for their success.

To do this takes time and money to educate both letter carriers and members of Congress. This is why we always ask for money to help fund our Letter Carrier Political Fund (LCPF).

Our Letter Carrier Political Fund is a powerful tool; when you donate to the political fund and contact your representatives, you are taking action to address change.

Our Representatives in the House from New Jersey are great supporters of Letter Carriers and working families. If we can start something here in New Jersey now, support can and will spread throughout America and these two issues can and will be resolved. ☐

Vote by Mail: Ozzie Lecky, Jr.

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County Clerk Office to ask a few final questions about Authorized Messenger (Section 11) of the app. After being satisfied with what he heard, Mr. Lawson requested a VBM Application. When the app arrived in the mail, Mr. Lawson selected his neighbor Mark Bradley to be the Authorized Messenger. There was one problem; Mark is not a registered voter in Atlantic County. The application states in Section 11: "Any voter may apply for a Mail-in Ballot by Authorized Messenger. Messenger shall be a family member or a registered voter of this County". Apparently, Mr. Lawson didn't read the fine print online and happily gave his application to Mark to deliver at the clerk's office. When Mark went into the downtown Mays Landing building and handed over the application, he was instantaneously denied Mr. Lawson's ballot. The clerk showed Mark (the fine print in Section 11) to explain why Mr. Lawson was denied. Therefore, if Mark was a registered voter in

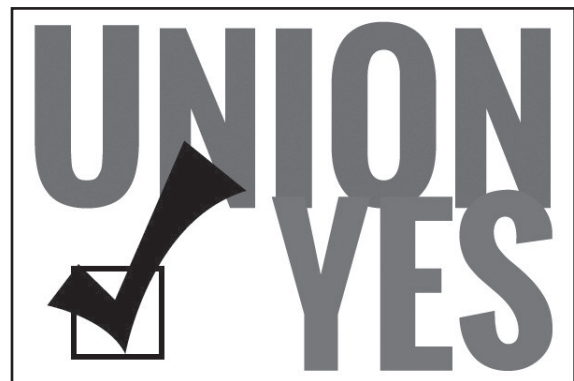
Atlantic County, the clerk would have handed over Mr. Lawson's ballot to him (no questions asked). Later that afternoon, Mark went back to Mr. Lawson's house and explained why his app was rejected. Mr. Lawson understood and luckily had a back up messenger, Scott Lawson. Scott Lawson is Mr. Lawson's nephew. Scott checked off a few important boxes to be the Authorized Messenger. Scott was an immediate family member and a registered voter from Hammonton (Atlantic County). The plan worked and Scott was able to pick up Mr. Lawson's ballot a week later.

Each VBM Application has a name on it. Yes, the stories are different. However, there is one common denominator...they all believe in Vote By Mail. To learn more about voting info in New Jersey, go to nj.gov or call 1-877-NJ-VOTER. ☐



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