

# Penalty Overtime Exclusion

As referenced in Article 8, Sections 4 and 5 of the National Agreement between the NALC and the USPS, the December period during which penalty overtime regulations are not applicable consists of four consecutive service weeks.

This year, the December period begins Pay Period 26-12—Week 1 (Dec. 1, 2012) and ends Pay Period 01-13—Week 2 (Dec. 28, 2012.)

## Interest arbitration update

**T**he interest arbitration board that will set the terms of a new National Agreement between NALC and USPS convened by telephone in executive session on Thursday, Nov. 1. The session was held after hearing dates scheduled for Monday, Oct. 29, and Wednesday, Oct. 31, had to be rescheduled because of the impact of Hurricane Sandy.

The chairman of the three-person arbitration board is Shyam Das, a member of the American Arbitration Association's labor panel and a full-time labor arbitrator since 1977. Das has served on

national arbitration panels involving postal workers since 1996 and was chairman of arbitration proceedings involving United Steelworkers as well as the Major League Baseball Players Association. The other members of the board are Bruce Simon, representing the NALC, and Robert Dufek for USPS.

The parties are discussing a schedule for submission of testimony, with several more hearing meetings scheduled over the next few months. The NALC anticipates that an award decision will be made in January, after the holidays.

Check [nalc.org](http://nalc.org) for the latest updates. ☒

## Comings and goings

**N**ALC President Fredric Rolando announced that Region 2 Regional Administrative Assistant Mary Martinez retired on Nov. 2. Martinez worked for more than 31 years with the Postal Service, half of that working full time for NALC, most recently as RAA for

Region 2 National Business Agent Paul Price.

"I decided it was time to ask Fred and Paul to decide on one of the many hard-working leaders as a replacement, and allow me to devote more of

my time to travel, golf, volunteering and other hobbies," she said.

Rolando also announced that Region 2 RAA Coby Jones, who has been detailed to NALC National Headquarters to work in the Compensation Department, would return to the regional office at the beginning of the year.

At Headquarters, Vickie Bowman, the longest tenured bargaining-unit employee in the Vincent R. Sombrotto Building, is retiring at the end of the year. Bowman started working at NALC as a floating secretary in 1976, and became the first and thus far only secretary for the Retirement Department since the National Convention in 1976 created the position of director of retired members. During her years at NALC, she worked for eight directors of retired members and met

her husband, Charlie Bowman, who worked for 35 years as a porter/driver before retiring from NALC in 2005.

"I want to congratulate and thank both Vickie and Mary for

their long years of service to NALC," Rolando said. "We wish them both all the best luck during their golden years." ☒



Mary Martinez



Vickie Bowman

## FSA Clarification

In an article about the Federal Employees Health Benefits Open Season, the November issue of *The Postal Record* reported that the limit for Health Care Flexible Spending Accounts (FSAs) for federal employees is \$5,000. The Postal Service subsequently announced a lowering of the maximum annual contribution for Health Care accounts to \$2,500 for 2013. The maximum for Dependent Care accounts remains at \$5,000 per family and \$2,500 for a married employee filing a separate income tax return.

# In memoriam



Robert Rochester



Autumn Pasquale

## Robert Rochester

Wilmington, DE Branch 191 member Robert Rochester died on Oct. 17 after complications from a dog attack on Friday, Oct. 12. According to WBOC-TV, police were called at about 4:15 p.m. on that Friday following reports that two dogs had attacked the 55-year-old letter carrier.

According to additional news reports, Rochester was retrieving mail out of a collection box when a German shepherd and a standard poodle approached him and became aggressive. He was bitten multiple times by the shepherd before he was able to flag a passing vehicle to stop. The driver was bitten as Rochester got into the vehicle. Once the carrier was in the vehicle, the dogs turned their attention to a woman who was walking her dog. Delaware State Police arrived and shot the shepherd when it charged them.

The carrier was taken to a hospital and was treated and released that same day. As part of his treatment, Rochester was taken off a blood-thinning medication he had been taking. After returning home, he had called his supervisor and said he wanted to extend his thanks to all the fellow workers who had called or e-mailed him. He said he was in a lot of pain, but was managing.

Rochester reported breathing problems on Oct. 17 and was rushed to the hospital, but died before arriving. Region 13 National Business Agent Tim Dowdy said local officials speculated that a possible attack-related blood clot formed,

which may have caused a fatal heart attack.

Rochester is survived by his wife, Mary, and two adult sons, Robert III and Christopher. He was a letter carrier for nearly eight years. Rochester's brother, Ronald, also is a letter carrier and NALC member in Wilmington, based at a different station.

## Autumn Pasquale

Autumn Pasquale, the 12-year-old daughter of South Jersey Branch 908 member Anthony Pasquale, was found dead on Oct. 22 after disappearing on Oct. 20. Police arrested two suspects, 15- and 17-year-old brothers, charging them with the strangulation death.

Police said Autumn disappeared while riding her BMX bike in her neighborhood in Clayton, a town about 25 miles south of Philadelphia. She was allegedly lured into a house by the younger brother who told her he wanted to trade bike parts. Police said he and his 17-year-old brother killed the girl and put her body in a bin near their home, where she was later discovered.

"I believe that a union is a family," NALC President Fredric Rolando said, "We all grieve with the friends and family of Robert Rochester and Autumn Pasquale. And we vow to do what we can, where we can, to make sure our union brothers and sisters and their families are safe on the job and in their communities." ☒

## Major ECAB decision on OIG surveillance video

The Employees' Compensation Appeals Board (ECAB) issued a decision on Sept. 26 (Docket 11-863) that addresses a number of issues involving U.S. Postal Service Office of the Inspector General (OIG) surveillance videotape. All branch contract enforcers and injured worker advocates should be familiar with this

important decision, because it addresses a critical distinction between use of surveillance videotape for the purposes of fraud investigation and of claims development.

OWCP has incorporated the holdings in 58 ECAB 478 into the *FECA Procedure Manual*, under provisions regarding Second Opinion Examinations and

Independent Medical Examinations. ECAB cautioned that its opinion should not be read as criticism of OIG fraud investigation efforts and that it did not have jurisdiction over USPS OIG investigative practices.

A link to this decision, and to background information, can be found on the Compensation page of [nalc.org](http://nalc.org). ☒