

EXECUTIVE COUNCIL

The Executive Council is the governing body of the NALC between national conventions and is responsible for determining the direction of the union. In accordance with Article 9, Section 11 of the *NALC Constitution*, the Council consists of the president, executive vice president, vice president, secretary-treasurer, assistant secretary-treasurer, director of city delivery, director of safety and health, director of life insurance, director of the Health Benefit Plan, director of retired members, the board of trustees and the national business agents.

At this writing, the Council had convened 19 times since the 2010 National Convention, with an additional meeting scheduled July 18-20 just prior to the 68th Biennial Convention in Minneapolis.

Meetings of the Council are important opportunities for national officers and key staff to focus on the important issues facing letter carriers. NALC leaders learn about the latest developments from the field and tackle significant issues of national importance. Often, staff members in attendance report on departmental activities. By meeting as a group, Council members gain the perspective needed to make important decisions on behalf of the membership.

Here is a summary of Council meetings during the past two years:

July 2, 2010 (Teleconference): The specific topic addressed at this meeting concerned proposed resolutions and amendments for the 2010 national convention. The Council discussed and made recommendations of approval or disapproval on all resolutions and amendments submitted for the consideration of delegates to the Anaheim Convention.

Aug. 4-5, 2010 (Anaheim, CA): In addition to preparing for the national convention, the Council also heard reports on the Postal Regulatory Commission hearings concerning the Postal Service's proposed postage rate increase; key pieces of legislation, including appropriation bills in both the House and Senate; and several issues related to the Postal Service's proposed plan to move to five-day delivery, including an advisory opinion required by the Postal Regulatory Commission.

The Council also discussed obtaining a property manager and leasing services for the NALC Headquarters building in Washington. The Council approved obtaining property manager services and leasing services.

Sept. 7-9, 2010 (Washington, DC): The Council heard reports on efforts to obtain statements from businesses about Saturday mail delivery, Labor 2010 plans, the state of the economy and of the Postal Service, and the NALC Field Plan.

Other agenda items included the Cities' Readiness Initiative, regional training, JARAP, Article 12, Dispute Resolution meetings, future national convention sites, the New Deliveries Committee, the MDA Bowllathon and contract negotiations.

Sept. 24, 2010 (Teleconference): The specific topic addressed at this meeting concerned the Annuity Trust Fund. The Council passed a resolution approving an amendment to the ATF.

Nov. 23, 2010 (Teleconference): The Council passed a resolution concerning the rates for the NALC Health Benefit Plan for employees and staff, based on the staff plan actuary's analysis.

Dec. 6-7, 9-10, 2010 (Washington, DC): The changes in Congress after the mid-term elections and a change in the leadership at USPS were discussed by the Council in addition to many legislative items, including the Postal Regulatory Commission's advisory committee report, testimony by President Rolando before the Senate, the presidential debt reduction commission and federal pay freezes.

The Council also discussed contract negotiations and elected the trustees and officers of the Nalcrest Foundation.

Other topics of discussion included the "Save Saturday Delivery" campaign, COLCPE, plans for a memorial at headquarters for letter carriers killed in the line of duty, NRP, OPM delays in finalizing retirement, the upcoming combined HBP and MBA seminars and the National Rap Session.

(The Council did not meet on Dec. 8, so that officers and national business agents could attend a DRP Leadership meeting with the Postal Service held in Washington, DC.)

Feb. 24, 2011 (Teleconference): The AFL-CIO Labor Unity Table Fund was discussed amidst the attacks on unions and collective-bargaining rights of workers in

statehouses around the country. The Council approved a donation from NALC to the Labor Unity Table Fund. In addition, the Council approved amendments to the NALC Flexible Benefit Plan required as a result of provisions of the Affordable Care Act.

March 24, 2011 (Electronic Mail): Proposed amendments to the *NALC Regulations Governing Branch Election Procedures* were distributed to the members of the Council for consideration. The proposed changes were for clarification purposes and to provide updates to the references in the law. The proposed amendments were approved by the Council and the *NALC Regulations Governing Branch Election Procedures* were updated and reprinted.

May 16-19, 2011 (Phoenix, AZ): The showdown over the national debt ceiling, the rider maintaining six-day delivery, the "Saturday for Saturday" campaign, We Are One rallies and several other legislative items were key items discussed by the Council. In addition, preparations for the upcoming Postal Innovation Conference to be held in Washington, DC, in conjunction with the Global UNI Conference, were discussed.

The Council also took a field trip on May 17, traveling by bus to MDA headquarters in Tucson, AZ, for a tour of the facilities, meetings with staff and doctors, and for promotional filming.

June 29, 2011 (Teleconference): The specific topic addressed at this meeting concerned the Annuity Trust Fund. The Council adopted a resolution to the ATF.

Aug. 15 & 17, 2011 (Washington, DC): The "white papers" that the Postal Service distributed to Congress were discussed by the Council in addition to collective bargaining, key legislation and other contractual issues. A detailed discussion of the convention site committee report on potential sites for the 2016 convention led to the selection of Los Angeles for the 70th biennial meeting. The Council broke away on the 16th for individual meetings between the resident national officers and the national business agents.



NATIONAL FOOD DRIVE

Sept. 2, 2011 (Teleconference): The specific topic discussed was the Sept. 27 “Save America’s Postal Service” national rally to be held in each congressional district. The focus of the rally was to ask for support of H.R. 1351 and to ask patrons to sign petitions in support of saving America’s Postal Service.

Sept. 15, 2011 (Teleconference): The creation of national television and radio commercials addressing the true financial issues facing the Postal Service and asking for support of H.R. 1351 was discussed by the Council. Funds necessary to pay for the commercials were approved by the Council. In addition, the Council approved the hiring of a consultant to look into ways the USPS can grow and expand services.

Oct. 12-14, 2011 (Las Vegas, NV): Prior to the National Rap Session, the Council held abbreviated meetings to discuss the ongoing campaign to get support for H.R. 1351, media coverage, the petition drive for 1 million signatures that would be announced at the Rap Session, and the hiring of consultant Ron Bloom and Lazard Frères & Company. The afternoons were spent by the Council members in committees as preparation for national negotiations continued.

Nov. 21, 2011 (Washington, DC): The Council passed a resolution concerning the rates for the NALC Health Benefit Plan for employees and staff, based on the staff plan actuary’s analysis.

Dec. 7, 2011 (Teleconference): President Rolando informed the Council that the parties had agreed to extend the deadline for contract negotiations to Dec. 16. The council also elected the trustees and officers of the Nalcrest Foundation.

Dec. 16, 2011 (Teleconference): President Rolando informed the Council that the parties had agreed to extend the deadline for contract negotiations to Jan. 20. President Rolando also updated the Council on key legislation affecting the Postal Service.

Jan. 20, 2012 (Teleconference): President Rolando informed the Council that the Postal Service would be declaring an impasse for contract negotiations. President Rolando also updated the Council on legislative efforts.

May 9-11, 2012 (Washington, DC): Some of the items the Council addressed included the continuing preparations for interest arbitration for a new national agreement, key legislative items, the upcoming National Convention in Minneapolis and several contractual issues. In addition, the Council took a break from the meetings to attend the kickoff event for the 2012 National Food Drive. ☒

In 2010, letter carriers set another record in our effort to help “Stamp Out Hunger,” collecting a record 77.1 million pounds of food to help provide for needy families across America.

This is especially critical for children and the elderly. Late in 2010, Feeding America and the Department of the Agriculture announced that food insecurity in this nation—involving families that do not know for certain whether they will have sufficient nutrition available that day—had risen to one in six, or 50 million people.

The second Saturday in May is the largest one-day food drive, when more Americans are aware of the devastating issue of hunger in this nation and, more importantly, is the one day they do something about it.

The top five branches for 2010 are Tampa, FL Branch 599 (2,062,529), West Coast FL Branch 1477 (1,763,514), Buffalo-Western NY Branch 3 (1,697,528), Garden Grove, CA Branch 1100 (1,456,282), and Clearwater, FL Branch 2008 (1,392,267).

In 2011, the NALC National “Stamp Out Hunger” Food Drive supplied nearly 5,000 food banks and pantries across the country with 70.2 million pounds of food, reaching 1.1 billion pounds for the nationwide drive, which began in 1993.

The drive is relied upon yearly by food banks and pantries in all 50 states, Puerto Rico, Guam and the District of Columbia as a mainstay in their efforts to provide for needy families.

It is the principal source of donations to feed the hungry over the summer months, when donations are at a low point and school lunch programs are suspended. In 2010 and 2011, the situation worsened as the poor economy lingered, and many families that had never faced hunger found themselves seeking assistance from food banks, pantries and shelters.

Campbell Soup and the U.S. Postal Service continued as the major national supporters of the drive, again joining together to provide more than 126 million full-color postcards for delivery to postal customers a few days before the drive.

The top five local NALC branch collections were: West Coast FL Branch 1477 (1,770,814 pounds), Tampa, FL Branch 599 (1,729,382), Oklahoma City, OK Branch 458 (1,485,118), Buffalo-Western NY Branch 3 (1,383,220), and Garden Grove, CA Branch 1100 (1,112,083).

The top branches in 10 membership categories are announced in the July issue of *The Postal Record*, and the top branches in each category receive an NALC plaque at the convention. In each case, they also will receive 1,000 cans of soup from Campbell Soup Company for the food bank or pantry of their choice.

Donations delivered to food banks across the nation provide enough to stock the nearly empty shelves through the summer and into the fall when the traditional holiday giving season begins. The drive is another example of the long tradition of letter carriers unselfishly devoting their time and energy to help those less fortunate in their communities.

Also joining in the drive were thousands of other postal employees, retirees, Auxiliary members and civic volunteers.

Campbell Soup provided 80 million postcards—sporting the faces of radio and television personality Nick Cannon and Upland, CA Branch 2168 member Paula Miller—that were delivered by letter carriers the week before the drive.

Our newest sponsor, AARP, donated more than one million paper bags for delivery by letter carriers in the 10 hungriest cities for the elderly.

Joining again as a major national supporter was Cox Target Media, operator of Valpak Directing Marketing Systems, which mailed more than 40 million envelopes promoting the drive, along with inserts to further support the effort. Other partners with the NALC in the drive were the AFL-CIO, United Way Worldwide, Uncle Bob’s Trucking and Storage, and Feeding America.

The Postal Service gets a great deal of positive publicity from the drive—the best it receives all year—and has strongly supported the drive since its inception. That policy has been bolstered by the strong backing from Postmaster General Patrick Donahoe and Chief Operating Officer Meg Brennan.

Letter carriers feel a great sense of pride and accomplishment in being able to serve as the conduit between their postal customers and the many needy families and homeless individuals that benefit from this voluntary effort.

Finally, in 2011 we lost our beloved cartoonist Bil Keene (Family Circus), who passed away. The 2012 cartoon reproduced and displayed on our advertising by his son Jeff Keane is dedicated by NALC to Bil’s memory. ☒

HEROES OF THE YEAR

Six days a week, letter carriers can be found in every neighborhood of every city in every state delivering the nation's mail. The nature of the job puts them in constant contact with the American public. They are the only public servants to make regular rounds and come into daily contact with the customers on their routes.

As a result, letter carriers often are the first to arrive at the scene of a crisis—an accident, a fall, a crime—and the first to offer assistance. Letter carriers also have a direct view of the needs and problems in a community—a family without fuel or food, a child without a coat or shoes, a senior citizen in need of medical or social services.

The NALC is proud of the heroism and good deeds performed by our members each year. To acknowledge these actions, in 1974, the NALC established the Heroes of the Year awards to pay tribute to letter carriers who perform selfless and heroic acts, ignoring the risk to themselves. In 1978, the Humanitarian of the Year award was initiated to honor letter carriers for significant, sustained, personal contributions to a worthy cause. A Branch Service award was added in 1986 to recognize an NALC branch involved in ongoing community service. Finally, in 2002 a fourth category was created—a special Carrier Alert award to select an individual carrier who, due to their alert observations of conditions and people on the route, saves customers' lives.

Each year a panel of independent judges—representing the labor movement, community service organizations and emergency public services—reviews *Postal Record* features and items published in its "Proud to Serve" pages. In 2010, judges were Shelby Hallmark, director of the U.S. Department of Labor's Office of Workers' Compensation Programs; Jordan L. Biscardo, vice president, AFL-CIO Community Services Liaison, United Way Worldwide; and Fire Chief Richard Bowers of Montgomery County, MD. In 2011, Judge Hallmark retired and Richard Daschbach, Chief Judge for the Employees' Compensation Appeals Board at the Department of Labor, graciously replaced Mr. Hallmark. The judges select a National Hero, a National Humanitarian, three regional heroes, a special Carrier Alert award winner, and a local NALC branch for its service.

The heroes are invited to Washington, DC, to receive their awards in person. The official ceremony is held at a hotel near NALC Headquarters in conjunction with a luncheon reception. The heroes event has become an important occasion in the nation's capital, and is attended by members of Congress, government dignitaries, the postmaster gen-

eral and other postal officials, AFL-CIO affiliated labor leaders, community service representatives and reporters, along with NALC officers. The guests honor NALC's proud tradition of service by joining the heroes, their family, and branch presidents for this special awards presentation. Each of the winners receives a certificate and a monetary award.

NALC believes it is important to bring the outstanding activities of our members to the attention of the public. For that reason, every effort is made to publicize what each hero did and to highlight the annual heroes reception itself. Local, regional and national print and broadcast media outlets are informed, voice and video interviews are distributed to radio and television outlets, and the festivities are taped for transmission to TV stations in the heroes' home cities. Over the years, numerous NALC heroes have won the prestigious Carnegie Award for Heroism.

The National Hero for 2010 was **James Dupont, a member of Rogers, AR Branch 1514**, who encountered a head-on collision involving a truck and a car, both engulfed in flames. Brother Dupont risked his life and sustained serious injuries himself while frantically working to free the three occupants of those vehicles.

2010 Humanitarian **Larry Gunkel, a retired letter carrier from Wichita, KS Branch 201**, became director of the Kansas Food Bank shortly after his retirement in 2005. As part of the NALC's 10-city pilot food drive in 1991, Gunkel has made it his personal mission to help "Stamp Out Hunger" year-round.

Eastern Regional Hero of 2010 **Jeffrey Vollmar of Freehold, NJ Branch 924**, ran into a smoke-filled house and up the stairs to rescue a woman who had become disoriented and was having trouble breathing, but he wasn't finished. Vollmar continued to fight the fire until the fire department arrived.

Tom Nehlen of Youngstown, OH Branch 385, the 2010 Central Region Hero, noticed smoke billowing through the window of a home on his route and entered to find the home's residents huddled in the kitchen. After moving the family to safety, Nehlen put out the flames. Later that afternoon, the letter carrier saw a child crash his bicycle into the side of a van in traffic. After calling 911, Nehlen rushed to the youth's side, keeping him calm until paramedics arrived.

Western Regional Hero of 2010 **Salli Hislop, of Salt Lake City Branch 111**, was making a delivery when a customer's dog came running to her truck barking urgently while trying to enter the postal vehicle. Hislop spied her customer lying on his front porch suffering

a heart attack. Hislop began CPR and continued until paramedics arrived and were able to revive him.

The special Carrier Alert award for 2010 was given to letter carriers **Deborah Czarny and Penny Bell of Muskegon, MI Branch 13** for their joint effort in looking after an elderly woman on Sister Bell's route. Bell's customer did not have her TV on at high volume as she normally did, so Bell wrote a note to her relief carrier, Czarny, to check on the woman while Bell was off work for the long weekend. Czarny arrived at the house to accumulated mail and immediately sought help from a neighbor to try to reach the elderly woman, who had been lying on the floor for a few days. Medical responders found her responsive, but the medical alert device she was wearing was not working—luckily for her, Bell and Czarny were.

At the 2011 awards ceremony this past September, **Keith McVey of Akron, OH Branch 148** was honored as the National Hero of the Year. Brother McVey is a three-time hero. Last year, while delivering mail to an apartment complex, he performed CPR on a man who was not breathing until paramedics arrived. Two years ago, he pulled a drowning girl from a lake. Twenty years ago, McVey saved a teenager who had tried to take his own life by jumping off a bridge.

National Humanitarian **John Conde, a member of Wilmington, NC Branch 464**, is a Bronze Star winner, serving his country as a TE letter carrier after two deployments to Iraq. In his off-duty time, Conde added a medical mission in the Dominican Republic to his résumé. With a team of doctors including his wife, Jenifer, Conde assisted in 30 surgeries and helped with 50 seriously ill patients during his week on the impoverished island.

Eastern Regional Hero **Paula Johnson from Lynchburg, VA Branch 325** detected smoke pouring out of her 95-year-old customer's home. Seeing the woman inside apparently unaware of the fire, Johnson pounded on the door, then kicked it to get the woman's attention while calling 911.

David Bartaway, a member of Western Wayne County, MI Branch 2184, earned his second Central Region Hero Award when he noticed an unfamiliar man knocking on doors in the neighborhood on his route. Keeping an eye on the man, he found him walking around a customer's yard looking for an open door or window. Bartaway called police, and the man—an habitual offender—was arrested.

The Western Region Hero, **Dustin Lawson of Shawnee, OK Branch 883**, heard crying as he entered a pharmacy to deliver the mail. When shots rang out, he ran to his LLV

to call 911 and report an armed robbery. As the robbers fled, Lawson stayed on the phone with police to provide eye witness information, then returned to the store to ensure that no one was injured. Fortunately, because of Lawson's identification of them, both robbers were caught.

The 2011 Special Carrier Alert Award was presented to **Laura Garibaldi of Garden Grove, CA Branch 1100**. Garibaldi jumped into the swimming pool of an 86-

year-old customer to help the man and his daughter escape drowning when their vehicle became submerged in a backyard pool.

Members of **Wheeling, IL Branch 4739** received the Branch Service Award for working with the USPS to make certain that a boy with inoperable brain cancer was given his lifelong dream of becoming a letter carrier. Twelve-year-old Joel Hasken was later buried in his own postal uniform. ✉



COMPENSATION DEPARTMENT

NALC's Compensation Department, headed by Assistant to the President for Compensation Coby Jones, provides information and advice to the membership on the Federal Employees' Compensation Act (FECA) and its administration by the Office of Workers' Compensation Programs (OWCP). The department assists national officers who represent members in their claims before OWCP and who deal with the Postal Service in FECA-related matters. It also provides direct representation for members who file appeals with the Labor Department's Employees' Compensation Appeals Board (ECAB).

Compensably injured letter carriers currently face significant challenges on several fronts.

On April 25, 2012, the U.S. Senate adopted S. 1789, the 21st Century Postal Service Act, despite the NALC's strong opposition to it. This deeply flawed bill includes a reform of the FECA that would cut the compensation benefits of injured workers. In addition, injured workers who reach retirement age would see their benefits cut to 50 percent of their salary at the time of their injuries. This would significantly decrease the monthly income of those with long-term disabilities, especially given their inability to save through the Thrift Savings Plan (TSP) and their inability to earn Social Security credits. As of this writing, the bill still has legislative hurdles to clear before it becomes law. The NALC is actively working with its external financial advisers, collective-bargaining partners and members of Congress on alternative plans for preserving the USPS that do not have the negative impact of S. 1789.

Although the Postal Service officially ended the National Reassessment Process (NRP) on Jan. 31, 2011, it continues unabated in its efforts to shed itself of injured employees. Postal Service employment statistics between 2006 and 2010 paint a grim

picture of the realities faced by injured employees. Between 2006 and the end of 2010, the career complement was reduced from 696,000 to 584,000, a 16 percent reduction. This was accomplished virtually 100 percent through voluntary attrition. There were no layoffs, no involuntary separations, no reductions in force for any classification of employees—except for one. During the same 2006 through 2010 period, the Postal Service reduced its complement of injured employees from 33,777 to 22,678, a 33 percent reduction. This percentage is more than double the total career force reduction. Worse, the reduction of injured employees was accomplished virtually 100 percent involuntarily.

The NALC has devoted considerable resources to protecting injured letter carriers' legal and contractual rights to limited-duty work. The NALC has taken hundreds of NRP and post-NRP cases to regional arbitration. To date, the NALC has won more than 86 percent of these cases. Over and over again, arbitrators have found that the Postal Service violates the National Agreement when it withdraws or fails to provide limited-duty work.

In addition, on Feb. 24, 2012, the Merit System Protection Board in its landmark precedential decision—*Latham et al.* 117 MSPR 400—significantly expanded the legal rights of partially recovered injured postal workers to restoration of their employment with the Postal Service. The NALC supported the *Latham et al.* appellants both through an amicus brief and through oral arguments in front of the Board.

The Compensation Department continues to provide information and advice to the membership through *The Postal Record*, the *NALC Activist*, the compensation section of the NALC website and national convention workshops. The department's comprehensive CD-ROM, including the *Injury Compensation Manual*, may be downloaded from the NALC website. Direct access to OWCP's

procedure manuals and FECA laws also is available at the NALC website, including the new regulations for the administration of the FECA that became effective on Aug. 29, 2011. The Compensation Department's column in the August 2011 *Postal Record* summarizes the more significant changes in these new regulations.

Training is an important part of the Compensation Department's responsibilities. The department has provided OWCP presentations at each session of the Leadership Academy. The department also has offered advanced OWCP training at the national level to qualified applicants at the George Meany Center. There were two trainings in 2011 that covered a variety of advanced OWCP topics. There also was an advanced training in April 2012 that focused on lost wage-earning capacity determinations. The department remains available for consultation with NBAs regarding OWCP training.

The Compensation Department works closely with the Contract Administration Unit on grievances that deal with OWCP issues. It also assists the CAU with USPS handbook and manual changes and Postal Service programs to ensure that they are in compliance with the FECA.

All national business agents have been directed to ensure that OWCP compensation cases are handled at the local and regional levels rather than at NALC Headquarters—with the understanding that national business agents can seek assistance from the Compensation Department when such assistance is needed.

Members and branches also are requested to refrain from contacting the Compensation Department except in serious emergencies, so that the department can devote time and energy to legislative and administrative matters affecting the FECA and the union as a whole, as well as to national-level appeals before the ECAB. ✉

INFORMATION CENTER

As has been explained in previous president's reports, the work of the Information Center (IC) can be divided into three sections: the Information Center itself, records management, and the NALC archival collection. All activities share a focus on obtaining, organizing and protecting the information resources needed by the union's officers, staff and membership. Each section will be discussed individually below.

INFORMATION CENTER

The mission of the NALC Information Center is to harness the power of information for the union's important task of advancing and protecting the interests of letter carriers.

Yes, things are increasingly online. And yes, there is still a need for a physical repository of hard-copy resources. The recently enlarged Information Center makes it easier for the staff to answer reference questions and fill other information requests. The most important components of the Information Center are NALC documents, USPS documents and general interest publications.

NALC documents—Retaining past publications preserves the union's historical record and provides resources for ongoing work. Besides official publications such as *The Postal Record*, convention documents, and various guides and handbooks, the Information Center includes transcripts and supporting materials from past interest arbitrations. This last section of the collection is likely to be frequently consulted as the union enters into arbitration this year.

USPS documents—The Postal Service is increasingly putting its material only online. This can pose a challenge for the Information Center, since NALC has always collected all the USPS documents we can obtain. In this new digital environment, some online documents are printed out for the shelves, while others are simply downloaded to protect future access, no matter what USPS does on its website. Postal Service documents—whether manuals, handbooks, publications, forms or posters—are among the most heavily used sections of the Information Center. None is ever discarded—it can be important to have an historical record of developing Postal Service positions over the years. The Information Center also retains all old congressional, GAO or other government studies, as well as monographs about the

Postal Service and the mail industry, both here and abroad.

General interest publications—Of course, the NALC operates in a larger context than just the Postal Service. From the *New York Times* to *PostCom Bulletin* to *Labor Notes*, the IC receives a wide variety of publications, including three daily newspapers and more than 30 magazines and newsletters. Current government documents, such as standard regulatory and statistical sources, also fall into this category.

The IC has a new assistant, Sean Crosbie, who, among other duties, handles all subscriptions as they arrive. He also keeps USPS documents current as the Postal Service issues revisions, and has recently updated an inventory of all postal documents in the IC collection.

RECORDS MANAGEMENT

The union's records are among its most vital assets. We may have moved from pens and paper to computers and laser printers, and from file folders to floppy disks to CDs to thumbdrives, but the need to manage the records of the union hasn't changed over the years. The NALC headquarters record management program is now entering its third decade. Records management focuses not on formal publications, like most of those kept in the Information Center, but on the papers and files that NALC, like any large organization, generates as it carries out its work. The aim of every records management program is to ensure that the organization can easily access information in those files, whether for practical, administrative or legal reasons.

A well-functioning records management system works the same from year to year—and so any report inevitably covers the same ground. Officers and staff members obviously have files—both on computers and in filing cabinets. Retention schedules for officers and departments detail how long a given class of records should be kept, whether in the office or in storage, and if or when it can ultimately be destroyed. Once files are no longer needed on a daily basis, they are sent to records storage, where they can be kept as long as legally required and can be accessed if needed. Approximately 2,400 boxes can be stored in the Washington office. Once a file has passed any legal retention requirement, and no longer fulfills any practical purpose, it can be either destroyed or sent

to the union's official archive at the Reuther Library in Detroit (the archives program will be discussed in more detail below). To safeguard any confidential information they may contain, all documents slated for destruction are pulped by a professional document destruction company.

It may seem that computers have solved our storage problems. An ongoing, consistent scanning program certainly can help ease space constraints caused by dozens, if not hundreds, of boxes of records. Just as with paper documents, however, the key is to spend time and money scanning only the records that you need and organize them systematically to aid retrieval. How documents are labeled and described is even more important for digital files. How do you find the specific document you need among the hundreds, if not thousands, stored on the computer? How do you ensure that you locate the most up-to-date version?

Every level and every office of the union should pay attention to records management, not just Headquarters here in Washington. So the Information Center director keeps the records retention schedule for branches current and participates in an ongoing outreach program, most often through the secretary-treasurer's seminars, to educate branches about retention requirements.

ARCHIVES

Although some historical documents and artifacts are kept here in Washington, the bulk of the archival collection is housed at the Walter Reuther Library at Wayne State University in Detroit, the site of NALC's official archives since 2001. There have been some changes at the Reuther Library lately. Mike Smith, the director for the past 10 years, has stepped aside. (He continues to work at the archives.) The university is currently collecting résumés from applicants and will conduct interviews during the summer, probably around the time we will be in Minneapolis. It is anticipated that the new director will be in place no later than September.

In the meantime, Acting Director Kathleen Schmelling has kept the archives on a steady course. The archives' latest annual report shows continued growth and expansion of the collection, further enhancing Reuther's reputation as the foremost repository of labor records in the country. More than 1,200 researchers used the Reuther reading room last year, while

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Postage	\$8,628
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THE NALC ACTIVIST

the website (reuther.wayne.edu) had more than 66,000 hits.

An announcement on a postal blog in January of this year implied that the NALC records at Reuther had just been opened. But as was noted in the last president's report, all the NALC records at the Reuther Library had been processed and available for research in 2009. No new records had been added since that date.

In the archival context, processing means the records have been organized, described in a finding aide to help researchers locate the information they need, and stored in acid-free folders to guard against deterioration. Processing does not mean all the records have been scanned and are available in a digital format. The Reuther website gives access to the finding aids, so you can know exactly what is included in the NALC collection. But to do actual research in the NALC archives, you must go to Detroit. Once at the Reuther Library, you must go to the reading room and request that specific folders in which you are interested be brought to you. For obvious reasons, this material must be used in the reading room. Archives are not like libraries—you cannot check the material out, although you can make copies of specific items.

Delegates at the last convention enjoyed a display covering NALC history since its founding. This was produced by the Reuther and then-NALC archivist Katie Dowgiewicz (she has since left Reuther). After Anaheim, the display traveled around the country, from Pennsylvania to Alaska and many points in between. Branches and state associations took advantage of this resource to educate their members in NALC's inspiring history. The display can still be borrowed, as can an earlier display produced for the Boston convention that focuses on the 1970 strike. Unfortunately, due to funding constraints at Wayne State, there will not be another display in Minneapolis.

Our archives will continue to grow. We anticipate adding more records to the NALC collection once the new Reuther director is in place. The records stored here in Washington will be evaluated for their potential interest and value to the researchers of the future. The remainder of the Sombrotto presidential papers (covering 2000-2002), as well as some interesting files dating back to the strike and the early 1970s (recently discovered in Region 2), are likely candidates to be sent to the Reuther. We will continue using Reuther archives for the important job of safeguarding the record of the NALC's accomplishments, and making that record available for generations to come. ✉

Seven issues of the *Activist* have been published since the last convention report. This number reflects the fact that, since the demise of the *Arbitration Advocate*, the *Activist* is now issued quarterly. In the future, the *Activist* will include articles dealing with important arbitration issues as they arise. As previously noted in the president's report, the *Activist* goes to branch officers, stewards and those NALC members actively working in their branches to further the NALC's interests, whether contractual, political or in the community. The mailing list has been revamped to eliminate duplications and ensure that the newsletter reaches those in the NALC most likely to profit from the material it contains.

The Office of the Executive Vice President supervises the content and production of the *Activist*. Articles are written by many different headquarters staff members, with the result that the newsletter covers a wide range of subjects. Every issue contains training seminars and state conventions scheduled in each NBA region, along with the latest USPS data.

In addition to these regular features, topics covered since the last report include:

- One-day mail counts
- Undisputed facts in grievance handling
- Salaries, stipends and expenses
- NALC history exhibit
- Filing complete grievances and grievance packets
- Reversion
- Job offers under NRP
- Non-compliance
- Local negotiations (three articles)
- JARAP 2011 and route adjustments
- MDA fundraising
- OWCP communication basics
- Dispute Resolution Process intervention
- Building quality case files
- Failure to comply
- Stewards' right to information
- Rights and warnings during investigatory interviews
- Grieving improper excessing
- Joint Statement on Violence at 20
- Customer Connect teleconferences ✉

MUSCULAR DYSTROPHY ASSOCIATION

Who knew in 1952 that the association between NALC and MDA would turn out to be as productive as it is? We were MDA's first national sponsor and we are still a leader in helping MDA in its fight to provide help and hope to those stricken with muscular dystrophies.

The last two years have seen a steady increase in our contributions to this worthy charity. MDA is the only charitable cause that has been formally adopted by our union. While many branches take part in local charitable causes, MDA has our devotion. We have never stopped working for these families and our commitment is to be there until a cure is found.

MDA helps those afflicted with more than 40 neuromuscular diseases and provides clinics and other help for the families. From wheelchair repair to flu shots, MDA is actively involved with each child who comes through the door at no cost to those families. Your contributions fund all these efforts. Since 2010, we have raised an additional \$3.6 million. You all should be proud of what we've accomplished.

But that is not nearly enough. Since I assumed the office of president, we have added national bowlathon and "Fill the Satchel" events to help us add to our totals. My goal is to increase our totals every year. Can we do it? I think we can. We're asking

each branch to put forth more effort. We now have about 600 branches actively raising funds for MDA and we have more than 2,200 total branches. Please consider joining us on the second Sunday of September for "Fill the Satchel" and the second Sunday of January for the national bowlathon. We will schedule these events for the same time each year so branches can plan accordingly. More details will be following in coming months in *The Postal Record*.

Dramatic changes are occurring every day in research and we are seeing drugs and therapies that offer those afflicted a better quality of life. The support the MDA gives to families makes a huge difference. When NALC MDA Coordinator Jim Williams and I visited MDA Headquarters this year, we were struck by how MDA shares research gains with other genetic scientists to benefit those with other genetic diseases. You can rest assured that many benefit from their work in addition to those with the neuromuscular illnesses covered by MDA.

So what is my message to you, the members? If your branch is actively involved with the Muscular Dystrophy Association, seek to increase your efforts. If your branch is not involved, why not? Appoint an MDA coordinator for your branch today. Start small, but, by all means, start. These kids are dying every day without a cure. Please, help. ✉

ECONOMIC ANALYSIS AND POSTAL RESEARCH

The NALC Research Department serves as the source of research and analytical support to NALC's Executive Council and the staff of each of the union's major departments. Since the Anaheim convention, the department was composed of research director Jim Sauber, who also serves as chief of staff, and Stephen DeMatteo, a research analyst. Together, they work closely with Nancy Dysart, director of the Information Center at NALC Headquarters. (Recently, DeMatteo accepted a position with UNI Global Union, our global union federation, and a search for a successor is ongoing.)

The department follows and analyzes developments in the labor market, the economy and in the policy and regulatory arenas affecting the U.S. Postal Service and federal employees. Their work aims to expand the union's understanding of the many trends and developments that affect NALC's interests in collective bargaining and contract administration, political and legislative advocacy, communications and other activities.

Major projects since the last convention in Anaheim include:

- Developing and supporting NALC's case in the Postal Regulatory Commission's review of the Postal Service's five-day delivery proposal.

- Contributing research to the labor movement's push to create jobs for the millions who are unemployed.

- Assisting officers and the Education Department in training and educating NALC members at national meetings, Leadership Academy, state legislative conferences and other venues.

COMBINED FEDERAL CAMPAIGN

The NALC has long been an enthusiastic supporter of the Combined Federal Campaign, which is designed to allow postal and federal government employees to make charitable donations through payroll deduction.

Each year, I have issued an endorsement of the annual CFC campaign and suggest that NALC members use the opportunity to make regular donations to the Muscular Dystrophy Association, Postal Employees' Relief Fund, Union Community Fund, the United Way, or any charity of an individual's choice. ☒

- Building the case in support of the NALC's demands for a new National Agreement with the Postal Service.

- Shaping NALC's fight in Congress to reform the Postal Accountability and Enhancement Act of 2006 and its onerous retiree health pre-funding provisions.

Over the past two years, the Research Department has participated in preparations for and conduct of the 2011 round of collective bargaining. As talks were extended and the dispute resolution process unfolded, the department analyzed the labor market and the Postal Service's financial situation in shaping NALC's bargaining strategy.

Beyond the walls of the Headquarters building, the research team often serves as NALC's liaison in our activities with the AFL-CIO and its affiliates, our sister unions of UNI Global Union and in the broader research and policy world.

A more detailed description of some of the activities and responsibilities of NALC's Research Department follows:

TRAINING AND EDUCATION

A well-informed and well-educated membership is a key component to any union's success. Recognizing the importance of this, NALC's resident officers and the Education Department have built a robust structure for training and educating NALC members at all levels. The Research Department regularly contributes to these activities.

At the Leadership Academy, the department works with young NALC leaders to develop their understanding of the many factors that affect the Postal Service and the union's activities. This includes studying developments in the general economy and how they influence the Postal Service's performance. The department also reports on the changing composition of the NALC by examining a demographic profile of the union's membership today and throughout the last 40 years. The research team also presents on the union's collective bargaining history and its position in the labor market. Additionally, in conjunction with staff from other departments, the research team provides training on writing skills that will be critical to the future success of NALC's young leaders.

The Research Department also provides educational training at the semiannual state chairs conference in Washington. By deepening state chairs' understanding of the key issues affecting letter carriers and the Postal Service, the department has improved

NALC's ability to lobby Congress effectively on behalf of its members. In the two years since the Anaheim convention, research staff has briefed state chairs on the impact of health care reform legislation, the effects of the recent economic crisis and the intricacies of the Postal Service's pension surplus and retiree health care pre-funding requirements.

POSTAL REGULATORY COMMISSION

Since the last convention, the Postal Regulatory Commission has conducted two major investigations regarding proposed changes in national service standards—the Postal Service's plan to eliminate Saturday delivery and its network optimization plan to dramatically reduce the scope of its mail processing networks. NALC intervened in both cases to defend high-quality universal service and to protect letter carrier jobs.

In the Saturday delivery case, the department worked with the unions' attorneys to recruit witnesses and develop testimony to challenge the Postal Service's claims about cost savings and potential revenue losses. It also worked with consultants on a grassroots lobbying campaign that recruited small business opponents of five-day delivery. President Rolando provided testimony on behalf of NALC, as did Professor Michael Crew of the Rutgers University Center for Research in Regulated Industries. In both presentations, NALC punched holes in the Postal Service's case—proving that USPS' cost-saving projections were inflated and its revenue forecasts were faulty. The PRC leaned heavily on the NALC's evidence in its final decision, which concluded that the USPS had overstated the savings by 45 percent and that the negative impacts on small business and rural communities would be significant. The PRC's final report was instrumental in Congress' decision to retain six-day delivery in 2011 and 2012.

In the network optimization case, Professor Crew—aided by the Research Department—provided powerful testimony to prove that reducing the quality of service was a misguided business strategy. The union worked with the APWU and the NPMHU to question the strength of the Postal Service's case. A final decision by the commission was pending as this report went to press.

POSTAL REFORM AND LEGISLATIVE SUPPORT

NALC's top priority since the Anaheim convention has been to make the case for reform of the Postal Service's pension issues

and the future retiree health care pre-funding requirements. In the past months, the Research Department has tracked and analyzed each development regarding these two issues, briefing union leadership and developing an action plan to ensure the future viability of the Postal Service.

Studies conducted by the Office of the Inspector General of the Postal Service and the PRC have each shown that the Postal Service has made \$75 billion in overpayments to the federal government for the USPS share of pension liabilities. Additionally, the future retiree health care pre-funding requirement has driven the Postal Service from profitability to deep losses in the past three years.

Research staffers have provided the background research in support of NALC's positions on these two issues. They've discovered that the pension surplus is a product of faulty accounting methods and that the pre-funding requirement is both unprecedented and unfair to the Postal Service and its employees and customers. Ultimately, if the pension surplus were to be restored to the Postal Service, the retiree health care obligation would be fully funded and the pre-funding burden would become unnecessary.

Working with the Legislative Department, the department helped build a bipartisan majority in the House of Representatives for H.R. 1351, a bill that would fix the pension overpayment and resolve the retiree health

pre-funding problem. Fact sheets, talking points and research briefs were prepared. More than 225 representatives signed up as co-sponsors of H.R. 1351. Sadly, the GOP majority in the House has blocked a vote on this bipartisan bill—opting instead to advocate a draconian downsizing bill developed by Rep. Darrell Issa of California. That legislation, H.R. 2309, would gut our collective-bargaining rights, end Saturday delivery and eliminate 200,000 jobs. Meanwhile, a less draconian (but still unacceptable) bill was drafted in the Senate. That legislation, S. 1789, delays the onset of five-day delivery for two years but fails to adequately reduce the pre-funding burden. The Senate passed S. 1789 in April, but the union did not give up. The research and legislative departments were geared up for a major campaign to stop H.R. 2309 in the House as this report was being prepared.

OTHER RESEARCH ACTIVITIES

In addition to its research duties, the department regularly contributes to various NALC publications, including *The Postal Record*, legislative e-Activist messages, nalc.org, and the *NALC Activist*. Research staffers have contributed material on foreign post offices, the economic crisis, health care reform and a number of other subjects. The department regularly provides the printed

EQUAL OPPORTUNITY EMPLOYER

NALC continues to honor and subscribe to its affirmative action program, which provides for a continuing analysis of the association's human resources and personnel policies and practices and formalizes our commitment to recruit, hire, train and promote all persons without regard to race, color, creed, religion, sex, marital status, age, handicap, veteran status or national origin. This program has the strong support of this administration.

updates on cost-of-living adjustments, Postal Service finances and the "USPS by the Numbers" in each *Activist*.

NALC is an active affiliate of our global union federation, UNI Global Union. In addition to participating in many of UNI's meetings and conferences, the research staffers sit on a number of UNI steering committees.

The research department also represents NALC on the Employee Thrift Advisory Council (ETAC), a group of 15 employee group representatives that advises the Federal Retirement Thrift Investment Board on the investment of retirement savings invested in the Thrift Savings Plan. Jim Sauber has ably served several terms as chairman of ETAC and can often be seen testifying before Congress on issues relating to the TSP. ✉

REPORT OF THE PRESIDENT OF THE NALC AUXILIARY

Our NALCA 2010 Convention theme was "Membership...The Key to Our Success." This motto is even more important this year, and so your national board has decided to keep this theme for the 2012 National Convention as well. I would also like to remind everyone that your NALCA board wrote a six-part series on attracting new members and retaining current members. This series was printed in *The Postal Record* and if you would like a copy, please let me know. Our goal through that series was to assist local auxiliaries as much as possible in growing and keeping members, which is vital to the realization of our goals and objectives. Membership has remained fairly steady but is showing a national trend among volunteer organizations of declines over the last two years. It is our hope that we will see an increase as we get closer to National Convention (which is a trend for our organization). Firm numbers will be reported during the National Convention.

Auxiliary members continue to be active partners in the legislative arena, and NALC recognizes our efforts. It has asked the NALCA to track our members' activities and to report them to NALC. You will find this form on our page of the website at nalc.org. We will also have this form available at the National Convention. As elections heat up and recall efforts increase, we are certain we will see quite a bit of activity from our solid auxiliary members. Your national board also wrote a four-part series for *The Postal Record* on Auxiliary legislative involvement. This is just another way your national board is leading by example. Remember to record all of your activities, calls to elected officials, rally attendance, letters to the editor, etc.

Your national officers have worked diligently to ensure all local and state auxiliaries are in compliance with the IRS in regard to filing of 990-e-postcards. This seems to be an ongoing (never-ending) process, but your officers continue to

update the list and contact local and state auxiliaries to make sure information is current and accurate. Of course, we respond in as timely a manner as possible to questions from local/state auxiliaries on this matter, too.

Since Convention 2010, eight states have requested a national officer to attend their conventions. I have been able to assign an officer to seven of the eight requests. Every effort is made to attend conventions as requested; however, schedules do not always allow this to happen. We appreciate the invitations and, of course, the welcoming and gracious hospitality shown to national officers at conventions.

Your national board looks forward to a successful convention in Minneapolis in July. Please do not hesitate to contact any of your national officers should you have questions.

I remain yours in Auxiliary activism.

Linda Kirby, NALC Auxiliary President ✉

LEGISLATIVE AND POLITICAL AFFAIRS

The Department of Legislative and Political Affairs advocates for letter carriers in the halls of Congress, engages carriers at the grassroots level, and coordinates electoral and issue campaigns. With all eyes on Congress as the future of the Postal Service is debated on Capitol Hill, the goal of the department (and the union) is to strengthen the rights and benefits of postal employees. The legislative focus of the union has been to advocate for a legislative plan to return the Postal Service to health without compromising the mission of the USPS: delivering the mail to every household in America six days a week. While 2010 was certainly not a victory for working families at the ballot box, the department's political program is focused on building the union's PAC and ensuring that worker-friendly candidates are elected to office in 2012. These two efforts are supported by NALC's field program designed to engage NALC's members to take action on behalf of the union's political and legislative agendas. The department has focused on empowering the membership through increased education and communication to achieve the legislative and political goals of the union. Below is a brief overview of the department's activities since the NALC convention in Anaheim.

FIELD PLAN FOR THE FUTURE AND GRASSROOTS ACTIVISM

The Field Plan provides states with a blueprint for building and maintaining an infrastructure, enabling letter carriers to be effective legislative and political activists. The Field Plan, when introduced in 2006 by President William H. Young, started with three phases implemented over time, providing each state association with the essential building blocks for legislative and political success.

President Fredric V. Rolando continues to build on President Young's legacy, understanding that a quality legislative and political program is critical to the vitality and health of the NALC.

In 2010, the Field Plan was restructured to include all phases as chapters so that the Field Plan became one continuous document. The plan now includes assistance to state associations to achieve the legislative and political goals of our union, accountability to meet those goals, a plan to increase participation of NALC leaders at all levels and a redefinition of congress-

sional district liaisons' roles and responsibilities. Furthermore, the plan expands the involvement and contributions of NALC's Department of Legislative and Political Affairs.

The success of the Field Plan depends on the work of NALC's state chairmen who lead their respective state associations. The department has worked with each state association to strengthen and build their programs to ensure they align with the goals of the union. After a constitutional change at the National Convention in Las Vegas, the work of each state association now is to advance the legislative and political program. While the work that the department does in Washington, DC, is necessary, all NALC state associations need to be prepared to take action on behalf of the NALC.

This Field Plan outlines an infrastructure and builds on NALC's impressive legislative and political accomplishments. Every NALC leader and member is encouraged to commit to furthering the goals of the union.

Through the creation of the e-Activist Network and Carrier Corps program, we have mobilized and organized letter carriers across the country. The e-Activist network continues to grow and is used to communicate quickly and effectively with NALC's members when timely action is needed. By providing the union with their e-mail address, letter carriers can easily become e-Activists. By strengthening the e-Activist network, NALC is increasing its clout on Capitol Hill. The department has worked to improve the program since the Anaheim convention and, as a result, there are now more carriers with active e-mail addresses in the network.

The Carrier Corps program was developed going into the 2010 election cycle to increase NALC's network of volunteers. While the initial program was successful, it has been revamped to increase participation in 2012. It's a simple concept: Letter carriers who take action to advance NALC's political or legislative action should be recognized. Therefore, those members who complete at least one NALC-approved legislative or political action during the 2012 election cycle receive a T-shirt. Letter carriers who continue to contribute to the program and complete three actions are elevated to silver status and, after completing five actions, they become part of NALC's elite activists, gold status. Silver and gold Carrier Corps members receive special pins. While letter carriers should

understand the importance of being involved in the legislative and political programs—to ensure that letter carriers are protected in the halls of Congress and at the ballot box—a little recognition goes a long way. Everyone should do his or her part as we prepare for the 2012 fall election. Visit nalc.org to join the Carrier Corps program.

TRAINING AND EDUCATION

As we federal employees know, Congress can undo many benefits and put letter carrier jobs at risk with the stroke of a pen. It is essential that letter carriers be armed with the skills necessary to successfully move NALC's legislative and political agenda. Recognizing that a well-educated membership is a key component to the union's success, the department has strengthened its education program. Communications between NALC HQ and the field have drastically increased to ensure that the members know how their elected officials are voting, when and how we should be contacting them, and the message to deliver. To that end, the department established a blog, the NALC Activist Alert, that is updated routinely and that covers a wide range of topics, such as labor issues, election updates, featured news articles, and postal reform information. You can visit the blog at nalcactivistalert.com.

The Department of Legislative and Political Affairs creates content and materials to train letter carriers through interactive trainings, allowing letter carriers to develop the skill set to lobby Congress, get out the message about NALC's legislative agenda, recruit automatic contributions to COLCPE, and volunteer on behalf of the union in issue and electoral campaigns. The majority of these trainings take place out in the field at NALC branch meetings, regional trainings and state conventions. Semi-annually, the Department hosts NALC's state chairmen from across the country for a legislative and political training to lobby their members of Congress and to keep them up to date on the necessary information to lead states' legislative and political agenda.

SAVE AMERICA'S POSTAL SERVICE CAMPAIGN

As noted earlier, the NALC believes that Congress should reform the pre-funding requirement and return the pension surplus to provide the Postal Service with much-

needed financial relief. Congress should not jeopardize Saturday delivery, phase out door-to-door delivery and downsize the USPS to pay for unfair congressional mandates. Since Anaheim, NALC has developed field plans to help ensure that the postal network is not dismantled.

Immediately following the 67th Biennial Convention, delegates hit the streets in their communities to enlist support from small businesses to save Saturday delivery. Carriers collected signed statements from more than 4,000 businesses in support of Saturday delivery that were forwarded on to the Postal Regulatory Commission and submitted into the official record.

In the fall of 2011, letter carriers from almost every branch across the nation organized rallies in their communities to encourage members of the U.S. House of Representatives to support H.R. 1351, legislation that would transfer surplus CSRS and FERS assets to the Postal Service's retirement health fund and give the USPS much-needed financial relief. On Sept. 27, 2011, more than 500 "Save America's Postal Service" rallies were held, occurring in nearly every congressional district in the country. About 50,000 people gathered on street corners all across America to pass out fliers, hold signs and circulate petitions to deliver the truth on the financial struggles facing the USPS. The rallies received positive news coverage in local newspapers and on drive time radio and the evening news. Within a couple of weeks, 10 more members of Congress signed on to co-sponsor H.R. 1351, achieving a majority. The work of letter carriers across the country to make these rallies a success cannot be understated.

After these rallies were held, the NALC launched a petition drive to urge Congress to maintain six-day delivery. To convince Congress not to adopt drastic measures that would lead to the radical downsizing of the Postal Service, NALC set out to collect one million signatures by the end of 2011. Every NALC branch was tasked with collecting 10 times its membership size in petition signatures. Americans everywhere sent petitions to Headquarters, where they were organized by congressional district and then sent to the appropriate representative. With more than one million signatures collected, it became clear that Americans were determined to save one of their most valued and trusted institutions, the U.S. Postal Service.

After Rep. Darrell Issa's (R-CA) draconian postal reform bill was marked up in committee, the Legislative Department worked with NALC's state chairmen to identify like-minded allies in their commu-

nities who would contact their representatives about the value of the USPS.

In preparation of S.1789 debate in the Senate, NALC's grassroots efforts were in full swing. NALC's state chairmen met with their respective senators during the conference in March. On April 12, 2012, NALC organized a day of action in opposition to S. 1789. More than 200 events were held outside Senate offices, generating media coverage in print and on radio and television.

President Rolando held three telephone town halls to update the membership on NALC's legislative agenda, and more than 50,000 members joined the conferences. As a result of these telephone town halls, about 40,000 calls were made to Senate offices to voice NALC's opposition to S.1789.

COLCPE

The NALC has remained successful in its efforts to increase the number of letter carriers who automatically contribute to COLCPE. Since its inception in 2006, the "Gimme 5" campaign has increased the percentage of automatic contributors from 2.3 percent to 9.56 percent of total membership as of April 2012.

During the 2010 election cycle, NALC raised approximately \$5.2 million through voluntary letter carrier contributions. COLCPE gave \$3.3 million to candidates, incumbents, national party committees, state parties, leadership PACs and super PACs.

COLCPE additionally spent approximately \$1.25 million on activities relating to the Labor 2010 program. These activities included taking more than 150 letter carriers off their routes and releasing them in 26 states to mobilize union households in support of labor-endorsed candidates. The NALC also worked with state associations and branches in these battleground states to send out mailings to our members in support of NALC-endorsed candidates.

It is imperative that the NALC have the resources it needs to communicate our agenda to candidates and members of Congress. Since the creation of COLCPE, the NALC has relied on the hard work of our NBAs, state chairmen, branch presidents and COLCPE coordinators to grow the ranks of contributors. These leaders do



an outstanding job of convincing all NALC members of the importance of contributing to COLCPE.

NATIONAL STAFF

Director Of Legislative and Political Affairs Jennifer Warburton: Jennifer has served as the NALC president's chief legislative and political advisor since October 2006. Since she took over as leader of the department, NALC has won numerous legislative and political victories, and our work both in the field and on Capitol Hill continues to draw admiration and respect throughout the labor movement.

Political Director Tucker McDonald: Tucker manages our political action committee, the Committee on Letter Carrier Political Education (COLCPE), and makes recommendations for COLCPE contributions to selected candidates and campaigns each election cycle. Before taking this position in October 2006, Tucker served as special assistant for political education.

National Field Director Meaghan Slater: Meaghan was appointed national field director in July 2009. Prior to that, she served as a regional field coordinator for the union. Meaghan oversees the implementation of the Field Plan for the Future, develops grassroots training programs for activists, mobilizes members for political action and legislative advocacy, and works with the regional field coordinators to inform and educate NALC's state and local leadership about the union's legislative and political priorities.

Regional field coordinators: The NALC employs five legislative and political regional field coordinators (RFCs) who are based in Washington, DC. RFCs monitor political campaigns within their regions and provide lobbying support as needed. RFCs travel across the country to assist NALC state chairs at state conventions and other events, provide training, and conduct briefings on political and legislative activities. They will join the many letter carrier releases this fall to work with the AFL-CIO's Labor 2012 campaign. The RFCs' states are:

Mid-America: AZ, CO, MN, NM, ND, OK, SD, TX, WI, WY

Southern: AL, AR, FL, GA, LA, MS, NC, SC, TN, VA

Northeastern: CT, DE, ME, MD/DC, MA, NH, NJ, NY, PA, RI, VT

Western: AK, CA, HI, ID, MT, NV, OR, UT, WA

Central: IA, IL, IN, KS, KY, MI, MO, NE, OH, WV

EDUCATION DEPARTMENT

The NALC Education Department continues to provide educational opportunities and training materials for NALC officers, stewards, activists and rank-and-file members. Director of Education Jamie Lumm works closely with national officers and Headquarters staff to develop training modules on a wide variety of subjects as well as to present educational programs at training events across the country.

ACTIVE TRAINING

NALC Leadership Academy

Started in 2005, the NALC Leadership Academy continues to reflect the national leadership's belief in the importance of developing and preparing current and future NALC leaders for the challenges of today and those that are surely ahead. May 2012 saw the graduation of the 13th class, bringing the total number of graduates to 388. Director Lumm works closely with retired national officers Jim Williams and Jim Korolowicz as well as Nancy Dysart, director of the NALC Information Center, to coordinate and conduct the Academy.

Admission to the Academy begins with completion of a written application form available on the NALC website or from the national business agent's office during the application acceptance period, which in 2012 is June 1-Aug. 31. Applicants must be endorsed by a union leader who commits to being their mentor throughout the Leadership Academy experience, and to provide them with additional learning opportunities. Each fall, 60 students are selected from among the hundreds of applicants to attend either the winter/spring or the summer/fall class in the following year.

The rivers of NALC talent and dedication continue to run deep, as evidenced by the high quality of each new Leadership Academy class. We are constantly encouraged by the commitment and willingness to work hard and help others that we see in each successive class. If what we see in the Leadership Academy is any indication of the future leadership of the NALC, and we believe that it is, we have a bright future.

The Leadership Academy consists of three week-long sessions over a five-month period. For the past seven years, classes have been held at the National Labor College (aka the George Meany Center for Labor Studies) in Silver Spring, MD. Sadly, after nearly 40 years of service

to the labor community, the campus is shutting its doors. Although the Labor College will continue to provide online educational and degree programs, the campus is being sold, which means the Leadership Academy will have to relocate. In light of this surprising and sorry news, we had to scramble to find a place for Class 14, which will be held at the William F. Bolger Training Center until we can find a more permanent home for the Academy.

In between the three weeks of classroom sessions at the Academy, students are required to complete outside learning projects based on the curriculum covered during the previous week's session and submit a written report about it. Each project must receive prior approval by the Academy staff and each report is edited and critiqued by Headquarters staff writers.

The Academy curriculum is designed to develop and enhance the knowledge base and skills that are essential for NALC leaders. In addition to the Academy staff, each of the resident national officers as well as dozens of Headquarters staff help teach these topics, providing students with the NALC's top experts in each field. As the Academy has developed over the past seven years, so has the curriculum. While much of the original core of subjects remains, many have been added, deleted or changed as the Academy constantly strives to provide the best educational experience possible for each class. Although adjustments are sometimes necessary due to the demanding schedules of the resident officers, the subjects presented are as follows:

Week 1: Building effective unions, leadership approaches, leadership self-assessment, labor and NALC history, NALC bargaining history, how adults learn, learning styles, teaching techniques, preparing a teaching outline, *NALC Constitution* and bylaws, effective meetings and committees, leadership and character, and ethical decision-making. Students also are required to prepare and teach a class on a subject of their choosing.

Week 2: The legislative process, community services, grammar and writing skills, writing tools, clear and effective writing, computer resources, getting our message out to media, creating newsletters, communication and active listening, workers' compensation, Mutual Benefit Association, retirement programs, NALC Health Benefit Plan, public speaking for union leaders, contract administration, and the dispute resolution process. Students also are required to

give three speeches, one before a small group, one before a large group and one "after dinner" speech before their classmates and the resident officers.

Week 3: NALC demographics and diversity, strategic planning, one-on-one campaigns, the Postal Service and the economy, negotiating techniques, interest-based dispute resolution, LMRDA and reporting requirements, fiduciary duties of branch officers, branch record-keeping, NALC dues and membership, basic tax rules for local unions, city delivery, safety and health, recruiting union activists, developing and mentoring new leaders. During the course of the week, students are also required to develop, in groups, strategic plans to deal with a specific problem in a branch and make a presentation of their plans to the class.

The wide variety of subjects covered along with the expertise of the instructors and the dedication of the students have a synergistic effect, with the total Leadership Academy experience far greater than the sum of its parts. Academy graduates already have made a considerable impact upon the NALC, as many have gone on to leadership positions at their branches as well as at the state, regional and Headquarters staff levels.

National secretary > treasurer training

The NALC conducted national secretary-treasurer workshops in the winter of 2011 in San Diego and Orlando that were attended by several hundred branch presidents, secretaries, treasurers and other financial officers. Director Lumm worked with NALC Secretary-Treasurer Jane E. Broendel to conduct each of these two-and-a-half-day sessions. Other presenters included NALC Information Center Director Nancy Dysart, Director of Membership Wayne Nicely and outside auditors David Dorsey and Scott Price.

The sessions covered a variety of topics of interest to those with branch fiduciary responsibilities, such as reporting requirements under the Labor-Management Reporting and Disclosure Act, payroll systems and controls, preparing Forms LM-3 and IRS 990, basic tax rules, branch fiduciary responsibilities, branch records management, strategic budgeting, dues and membership, and branch self-audits. Director Lumm also worked with Secretary-Treasurer Broendel to produce updated versions of the *Secretary-Treasurers Training Manual* and the *Branch Officer's Guide to Finance and Administration*.

Step B training

The NALC continues to work with USPS Headquarters to prepare and conduct joint training for Step B candidates as part of the Dispute Resolution Process. There are currently 58 teams actively employed to cover the 67 USPS districts around the country. This means that providing replacement and backup training is an ongoing process. Since the Anaheim convention, week-long Step B training sessions were held at the Bolger Training Center in November 2010, March 2011, and January and March 2012. Director Lumm, along with his counterpart from the USPS, head a training team consisting of USPS and NALC Headquarters staff, regional administrative assistants, area labor representatives and experienced Step B Team members.

Step B candidates receive training on various sections of the contract, *JCAM* and postal manuals as well as in contract application, computer research and decision writing. To become certified as a Step B Team member, candidates must satisfactorily complete all work assignments, demonstrate proficiency in decision writing and pass a comprehensive written examination on the contract. The NALC continues to work with the Postal Service staff to improve and update this training.

Arbitration advocacy training

Although the Dispute Resolution Process has dramatically reduced the number of cases going to arbitration each year, there are still a number of disputes that must be appealed to a neutral third-party arbitrator for final adjudication. Because of the high resolution rates at Step B, those appealed to arbitration tend to be ones with complex and/or high-stakes issues requiring careful attention to case selection and advocacy.

Based on information supplied by the national business agents, NALC Headquarters continues to evaluate each region's need for new advocates and holds training as warranted. Basic advocacy training was held at the National Labor College in January 2011 and April 2012. An advanced advocacy session was held in June 2011. Director of Safety and Health Manuel L. Peralta Jr, Assistant to the President for Contract Administration Bill Bothwell and retired CAU staff member Stephen Hult assist Education Director Lumm in presenting these classes.

OWCP representative training

In 2011, the NALC offered a week-long advanced training session for experienced NALC members who actively represent letter carriers injured on the job. This class,

which was chiefly conducted by retired Assistant to the President for Compensation Ron Watson, provided in-depth and hands-on instruction for representatives who deal with pending, accepted, denied or appealed claims. It also dealt with ECAB decisions, schedule awards and the Postal Service's NRP program. The class was so popular that a second session was held in April. Region 14 RAA Rick DeCecca and Director Lumm assisted Watson in these sessions.

In April 2012, Watson, along with current Assistant to the President for Compensation Coby Jones, conducted a week-long session dealing with LWEC decisions made by OWCP. Such decisions can have a devastating impact on injured letter carriers, depriving them of future wage-loss compensation should the Postal Service eliminate their limited-duty job. The class provided in-depth instruction for OWCP representatives on modifying and overturning LWEC determinations.

National convention

For the first time at the National Convention, the NALC is offering shop stewards a week-long training school that will cover grievance handling from the investigation of an incident through the arbitration of a grievance. The school will consist of five classes, one offered each morning and repeated in the afternoon to enable those interested to attend other offerings as well. As the class moves through the week, the students will learn about the various aspects of investigating, preparing and presenting grievances at Informal A, Formal A and Step B of the grievance procedure. The class will also follow a specific grievance as it moves through this process and is ultimately heard before an arbitrator at a mock arbitration hearing conducted on Friday morning. Students will see how various events that occurred during the processing of the grievance affect the ultimate outcome of the case.

PUBLICATIONS

Arbitration Advocacy Training Manual

This DVD-based training manual, which is chiefly the work of retired longtime member of the NALC Headquarters Contract Administration Unit Stephen Hult, summarizes more than 30 years of experience of NALC officers, business agents, staff and advocates. It is a comprehensive manual covering a range of subjects related to arbitration. It explains the key principles, court decisions, contract language, national settlements and arbitration decisions that NALC advocates need to know to be effective.

HONORING LONGTIME MEMBERS

The National Association of Letter Carriers honors its retirees in a unique way. Our retirees are an integral part of our organization and, as such, retain both their membership and union rights. But more than that, when they have belonged to the NALC for 50 years or more, we honor them with either a gold membership card, a lapel pin or a plaque. The gold cards are presented to our 50-year members; the lapel pins are given to our 60-year members and the plaques are awarded on the members' 70th and 75th anniversaries.

Most of our branches make quite an occasion of the actual presentations, and I write a letter to the retiree expressing my personal gratitude for his or her continuing support of the NALC over the years.

These honors have developed over time:

50-year gold cards: In 1939 at the Minneapolis convention—NALC's 50th anniversary—the delegates voted to honor retirees with gold cards. Since that time, NALC has issued 31,188 of these cards.

60-year lapel pins: The lapel pin tradition began in 1954 at the Cleveland convention. Over the 54 years since then, 6,041 pins have been awarded to 60-year members.

70- and 75-year plaques: The Seattle convention in 1974 determined that plaques should be given to any letter carrier achieving 70 and 75 years of membership. Not too many years ago, the idea of any one reaching these plateaus was remote indeed. However, during the past two years, 48 members have been honored for their long records—46 members have been with the NALC for at least 70 years, one has been honored for 75 years as a member and in 2009, we honored one member who had reached 80 years with the NALC.

The following presentations have been made since the Anaheim Convention:

75-year plaques: 6
70-year plaques: 55
60-year pins: 445
50-year gold cards: 2,362

NALC Shop Steward Training DVD

This will provide a wide variety of training materials for NALC trainers to use for instructing shop stewards about how to enforce the National Agreement and letter carrier rights. The DVD will provide a menu of training options suitable for large audiences or small groups from which trainers can select whether they are putting together a one-hour or a one-week training session.

Postal Record

Director Lumm continues to write a monthly article for *The Postal Record*. The focus of these columns is to advise members of the educational opportunities available within the NALC and to discuss methods, tools and techniques that local branch leaders can use to develop and conduct local training to educate and empower their membership. Lumm also writes on items of general interest to letter carriers. ☐

COMMUNICATIONS AND MEDIA RELATIONS

The NALC Communications and Media Relations Department is the hub for the union's official communications efforts, striving to provide a consistent and effective message that resonates with our various audiences.

The department has a challenging mission, one that is central to the future of our union, our craft and our employer—to help develop and get the union's message out. Increasing the understanding of postal issues in the public and political arenas is key to our union's ability to succeed in everything else it does.

Our communications efforts include commenting on specific newsworthy issues as well as, more broadly, explaining the real financial situation at the United States Postal Service, the economic and social value of the universal network, and which policies will best enable the USPS and letter carriers to continue to provide the world's best delivery service. To a large extent, both of these efforts require dispelling the prevailing myths about the USPS that are circulated by reporters, commentators and politicians who are either uninformed about the Postal Service or ideologically hostile to government, public service and public employees. We also help publicize and generate news coverage for the many important things letter carriers do, beyond their jobs, to serve their customers, their communities and the country as a whole.

Our goal is to influence public policy in ways that will ensure a good future for the Postal Service and for letter carriers, one that will allow us to continue to offer Americans and their businesses the world's most affordable delivery service.

In that endeavor, we have four audiences: our members, the public, lawmakers, and the media; with the latter being both a target audience and a means of reaching the other audiences. In delivering our message, we have two spheres of activity—internal communications (to members) and external communication (largely through the media), with a good deal of interaction between the two.

For members, our goals are to inform them about the postal situation, tell them what's at stake for them and inspire them to take action, whether through political activity or by helping spread the message. The chief forms of communication with members are *The Postal Record*, the NALC's monthly magazine that is sent to our 280,000 members, and the NALC's website, nalc.org. The *NALC Bulletin*, a

periodic publication that is posted in branch halls and post offices, also is central to our efforts. Additionally, we speak regularly with members, from NBAs to state association presidents, branch officers to rank-and-file members, often by telephone. This generally results from the initiative of members seeking to respond to inaccurate or misleading media reports. It also occurs when journalists ask our department to provide a local letter carrier to interview for a news story.

We seek to influence the public primarily by getting out our message to the media, whether national, regional or local outlets. That involves responding to requests for comments by reporters working on a story, whose requests range from information to telephone interviews with national officers to on-camera interviews with local letter carriers. It also includes getting our message across directly in the media, by writing commentary pieces and letters to the editor, or by arranging for officers or members to appear on radio and TV talk shows. In addition, informed members help communicate the message to the public through rallies and individual conversations with friends or customers.

For the third audience, elected officials, rather than communicating directly with them, we seek to influence them through our work with the media, as well as by informing and motivating members and the public to communicate with their legislators.

Given the importance of the media in providing information and in shaping views, we spend a good deal of time "educating" reporters as to the actual situation at the Postal Service so they will have a broader and more accurate understanding. This has two goals: That their daily news stories will better reflect reality, and that the reporters will undertake enterprise stories (stories removed from the daily news cycle) in which they try to provide context

about the postal situation that often is missing in the public debate, whether the finances, the legislative fixes, the opportunity for offering new services to an evolving society or the value of the universal network.

INTERNAL COMMUNICATIONS

The Postal Record is, as mentioned, our chief communications vehicle with the membership. It is a unique resource, without peer in the American labor movement in size, scope and quality. The official journal of the NALC, the 125-year-old *Postal Record*, is older than the union itself. Its pages focus on the concerns of letter carriers in the workplace, legislative and political spheres, and place this in the context of the broader labor movement. The emphasis is on straightforward information, so members can make their own informed decisions. The magazine also explains how members can help make the NALC stronger. We provide thorough and up-to-date reports on our craft, the USPS, congressional action and the many notable efforts of our members to improve the communities in which they work and to serve our customers, including as heroes or through the annual food drive or the Cities' Readiness Initiative. In planning articles, the staff works directly with resident officers and coordinates with other



COST OF POSTAL RECORD

	4/08 to 3/10	4/10 to 3/12
Publishing	\$2,872,696	\$2,793,081
Postage	\$1,507,959	\$1,475,010
Total	\$4,380,656	\$4,268,091
Number of issues	23	23

COST OF NALC BULLETIN

	4/08 to 3/10	4/10 to 3/12
Printing, photos, etc.	\$288,209	\$176,561
Postage	327,311	243,771
Total	\$615,520	\$420,332
Number of issues	45	36

Headquarters departments. Most writing is by department staffers, but Chief of Staff Jim Sauber and other staff members provide essential material for many items. *The Postal Record* has featured a wide range of articles recently, including an in-depth assessment of the organized attack on public employees, a two-part series on the players and the process involved in postal reform in the House and the Senate, coverage of potential Postal Service innovations discussed at a Northern Virginia conference featuring technology leaders, a two-part Q-and-A with Postal Regulatory Commission Chairman Ruth Goldway, a lengthy examination of how segregation decades ago kept many black letter carriers from joining the NALC or led to white and black branches with dual charters, and a feature on a little boy in Illinois with a terminal disease who dreamed of wearing a letter carrier uniform.

Meanwhile, because it is not on a set publication schedule, the *NALC Bulletin* provides a timely way to address issues such as legislation, contract negotiations or various union campaigns, as events warrant. Further, the *Bulletin* is available to all postal employees, because it's posted on union bulletin boards in the work areas of post offices as well as in branch halls. Nearly 13,000 copies of the *Bulletin* are mailed to branch officials and shop stewards. It is produced completely in-house.

Along with these publications, the department maintains the NALC website, which aims to be attractive, content-rich, focused and up to date. While the website's primary goal is to provide information to members, it also serves as a public relations tool, portraying to a wider audience the value of the universal network and the important contributions letter carriers make to their communities every day. The level of interest is demonstrated by the 300,000 visits a month to the NALC's website. Contract-related PDF documents account for the majority of downloads. The website's five main sections—News, Departments, Postal Issues, Community Service and About NALC—contain subsections with hundreds of pages of information and thousands of supporting documents, with much of the material in portable document format (PDF). Additionally, thanks to Director Philip Dine's work boosting the NALC's presence in the news media, the relatively new and frequently updated Postal Facts section displays letters to the editor or op-ed pieces written by NALC officers and rank-and-file letter carriers, radio or TV appearances by NALC members, and electronic or print reports that quote or are relevant to letter

carriers. The Communications staff works closely with other Headquarters departments to post important information in timely fashion. In September 2011, when the four postal unions decided to hold rallies across the country to promote true postal reform, the department rose to the challenge of creating and developing, on short notice, a resource website at saveamericas-postalservice.org.

The department delivers vital information to members quickly, through the NALC e-Activist Network, which is designed to alert members about pending legislation and labor campaigns and to spur action when necessary. Members who provide an e-mail address—either by signing up on the NALC's website or on paper—receive updates on postal-related legislation, NALC's political agenda and similar materials. When the time comes to act, the network allows participants to send personalized e-mails directly to members of Congress and other targeted individuals. We also provide frequent updates on social media, including Facebook and Twitter. The staff employs new means to spread the NALC message and generate enthusiasm among the rank and file for the union's agenda, such as using YouTube to post NALC-made videos, Flickr to share the hundreds of photos taken at various events throughout the year, and even SoundCloud to pass along relevant audio, such as radio interviews featuring NALC members.

The department also provides creative, editorial and publications support for other departments, and prepares materials for national conventions. The expertise and experience gathered in the Communications and Media Relations Department gives other NALC Headquarters operations the ability to create professional quality publications in-house at a substantial savings over contracting outside vendors, to produce items ranging from greeting cards and invitations to major works like the Contract DVD and the *Letter Carrier Resource Guide*. The department provides in-house desktop publishing and design services, which allows other departments at Headquarters greater flexibility in terms of time and control than would be the case if work were handed over to a commercial printer and/or design firm. Many national unions must look outside—and pay a premium price—for the talents and skills on call for NALC. For instance, members of the department work with the CAU staff on annual revision of the *Joint Contract Administration Manual* and recently assisted in the completion of *The 2012 Guide to Route Adjustments*.

For national conventions, the department produces the *Officers' Reports* book, the *Financial Reports* book and the *Pocket Guide*,

and helps produce specialty items such as the Contract DVD, all distributed at the convention. While the convention is in session, the department writes and produces a daily summary, the *Convention Chronicle*, with department staffers monitoring the proceedings, taking notes, writing, taking photographs, editing, doing layout and proofreading from morning into the evening. The *Chronicle* is produced completely on-site and printed overnight at a union printer for distribution the next morning to the delegates. In Minneapolis, the staff also will conduct two workshops, one for branch editors and designers, the other focused on helping NALC members get the union's message out to the media and the public. The editing and design workshop will conclude with the presentation of the Branch Publications Awards for outstanding newsletters and websites and for individual efforts. Immediately following the convention, the department produces a special "convention issue" of *The Postal Record* to share convention business with the full membership. Later, the staff assembles the *Convention Proceedings*, a verbatim account mailed to every branch represented at the event.

Department members also participate in the training and development of the union's future leaders at the Leadership Academy, from reviewing students' project reports, to explaining how to create effective branch publications and websites, to doing workshops on developing and communicating a message.

EXTERNAL COMMUNICATIONS

To increase public and political understanding of postal issues, the department interacts on a daily basis with news reporters, editors and producers all over the country. We provide information for reporters working on stories, so our voice—and the facts—will be part of the public discussion. That includes facilitating interviews with officers and members at all levels of the NALC, for National Public Radio and CNN to local TV and radio stations, and for print media at all levels.

Additionally, our letters to the editor and our op-ed/commentary pieces have been published in major national newspapers such as the *New York Times* and *USA Today* as well as dozens of major regional newspapers throughout the country and in local weeklies. President Rolando has done a number of radio newsfeeds that go to radio stations and networks around the country—on the truth about postal finances, the work of letter carriers and the value of the network—that have been heard by millions of listeners.

We regularly converse with journalists—in Washington and around the country—to help them better understand the issues, to explain where the conventional wisdom falls short, and to show them why these are issues that matter to their readers, viewers or listeners—and thus are worth taking the time and making the effort to report or comment on. The department also helps write speeches for our officers and assists members as they deal with the media. And we work with allies, whether individuals or groups, to help them get the message out. In addition, we work on NALC advertising campaigns that get the message out in print or broadcast media.

There remains much to do, but these efforts, helped tremendously by the willingness of President Rolando, our national business agents and state association presidents, our branch officers and thousands of rank-and-file letter carriers to engage with the media and the public, are clearly influencing the national debate. The simplistic and misleading narrative of a Postal Service losing tens of billions of dollars a year because everyone is on the Internet, thus putting taxpayers on the hook and requiring sharp cuts, is increasingly being challenged as more and more reports provide a fuller context. For example, reporters who until recently had never heard of pre-funding and who depicted

the Postal Service as a dinosaur, now regularly include the onerous pre-funding burden in their stories while noting the promising rise in the shipping of Internet orders.

MEET THE DEPARTMENT

The Communications and Media Relations Department staff consists of five individuals:

Philip Dine, the department's director, the editor of *The Postal Record* and the union's media liaison.

Mike Shea, the NALC's designer and web editor.

Joe Conway, the Internet communications coordinator and the managing editor of the *NALC Bulletin*.

Rick Hodges, a writer and editor.

Jenessa Kildall, the department's editorial assistant.

These five staff members do most of the story idea generation, research, interviewing, writing, editing, copyediting, photography, design, layout and production for department projects. (Another NALC staff member, Sean Crosbie, splits his time between the NALC Information Center and the Communications and Media Relations Department.)

As director since August of 2010, Dine's work encompasses a broad spectrum. He manages the day-to-day functions of the department and supervises production of *The Postal Record* and *NALC Bulletin*, plus updates of nalc.org. He discusses communications issues in his Letter from the Editor in *The Postal Record*. Dine also interacts daily (and often nightly) with the news media on issues of importance to letter carriers, the Postal Service and the labor movement, and works with national officers on their media

appearances, speeches and congressional testimony.

Shea's duties include coordinating with other Headquarters departments and national officers to produce print materials. Along with proposing story ideas and cover concepts for the magazine and writing articles, he handles the design, layout and production schedule. Shea, who has been with NALC for more than 10 years, serves as the union's chief photographer at most major events.

Conway, the Internet communications coordinator, joined the department in 2005 as assistant editor and writer. Since 2010, he has focused on the union's website at nalc.org, served as the technical operator of the e-Activist Network, and administered the union's social media presence on websites such as Facebook, Twitter and YouTube. Conway continues to write news and feature stories for the magazine and edit copy, and writes the union's periodic broadsheet publication, the *NALC Bulletin*. He also serves as a backup photographer.

Writer/Editor Hodges was hired in May of 2010. An experienced scribe, he has produced a number of well-received news and feature stories for the magazine, including several about contributions of letter carriers at the community and national level. He also is involved in the editing and layout of the *Postal Record's* large Branch Items section.

Editorial Assistant Kildall joined the staff in August of 2007. In addition to such traditional office duties as handling telephone calls and incoming mail, she is responsible for producing many of the "inside" pages of the magazine, including the popular Proud to Serve section, the resident national officers' monthly columns and the Customer Connect section, as well as editing copy and doing increasingly frequent writing assignments. She also handles some of the day-to-day updates to the union's social media sites. ☐

POSTAL EMPLOYEES' RELIEF FUND

The Postal Employees' Relief Fund (PERF), created by postal unions, management associations and the U.S. Postal Service in 1990, continues to serve the needs of active and retired postal employees who suffer damage to their homes and property caused by major natural disasters and fires.

Over the past two years, the fund has completed processing all initial requests for assistance from Hurricane Katrina and the other devastating hurricanes that struck the Gulf Coast in 2005. However, the numerous grants awarded because of that damage have had a great impact on the fund's reserves, leaving it at this time with less than \$2 million, down from almost

\$15 million before Katrina grants began to be issued.

As a result, any new major disaster would deplete the fund and require emergency steps to restore money for grants.

The fund receives most of its money from payroll checkoff donations through the annual Combined Federal Campaign, although some individual and organizational donations also are received. As of May 1, 2012, the fund has a remaining balance of \$1,604,123.08.

The fund has made more than 3,000 grants to individuals—including hundreds of letter carriers—who have requested assistance related to losses from earthquakes, hurricanes, tornadoes, flooding,

wildfires, home fires and other natural disasters.

Generous contributions from postal employees and others through the Combined Federal Campaign have allowed the fund to maintain a stable base of resources. An inspired effort for CFC donations is needed this fall to continue the fund PERF's work. Donations can be made through **CFC #10268**. Checks can be mailed to:

Postal Employees' Relief Fund
P.O. Box 7630
Woodbridge, VA 22195

Further information is available by calling **202-408-1869**. ☐

UNION PRIVILEGE BENEFIT PROGRAM

In 1986, Union Privilege was launched by the AFL-CIO as a benefit program for union members and their families. Designed to increase the purchasing power of millions of union workers, the program continues to be administered by the AFL-CIO Executive Council, of which I am a member.

Revenue generated from Union Privilege programs help support the priorities of the labor movement and working people, priorities that may not coincide with those of corporate America—notorious for keeping all of the profits to itself.

I am proud to report that not only do our members carry the card in large numbers, each and every officer of the NALC uses the UnionPlus card as well. As of the end of 2011, **33,584 members** of the NALC held a UnionPlus MasterCard. Although the last several years have been financially difficult times for this country, letter carriers continue to earn a bi-weekly

paycheck, which helps us keep our credit-worthiness.

Why do letter carriers carry the card? Where else can members receive a union advocate for any dispute regarding the card? Only at Union Privilege. Where else can you get help when disaster, disability or illness strikes? Only Union Privilege provides grants to its members who find themselves in need. There are more than a few letter carriers who were fortunate enough to have their credit card payments made for them by Union Privilege in the last few years while they recovered from a debilitating illness or injury.

Union Privilege is not just about a credit card. It's about mortgages—with great interest rates and low-cost loan fees—and **2,497 members** have taken advantage of this opportunity. Along with free grocery gift certificates at closing, it's about wireless discounts through AT&T, and it's about discount car rentals, auto sales and motor club services—

to name just a few.

In addition, the children of many letter carriers have Union Privilege to thank for their part of the \$150,000 in scholarships that are awarded annually. In 2010, Holly LaCount, daughter of **Eureka, CA Branch 348 member Diana LaCount**, was awarded a \$4,000 scholarship, and Luke Seppi, son of **Lanham, MD Branch 4819 member Mark Goggin**, was awarded \$1,500.

Union Privilege Scholarship winners in 2011 include Holly LaCount, daughter of **Eureka, CA Branch 348 member Diana LaCount**—\$4,000, Oscar Wong, son of **Garden Grove, CA Branch 1100 member Kenneth Wong**—\$4,000, and Jameson Jones, son of **Seattle, WA Branch 79 member Coby Jones**, received a \$500 scholarship.

A complete list of every benefit you are entitled to is at unionprivilege.org. Why not take a look at your union-won discounts before you make another purchase? ☒

LITIGATION REPORT

DUTY OF FAIR REPRESENTATION CASES

Truhlar v. USPS, Branch 825—In April 2006, a former letter carrier filed this action in the U.S. District Court for the Northern District of Illinois against USPS and Branch 825. Plaintiff claimed that Branch 825 breached its duty of fair representation in connection with his termination from the Postal Service. On Feb. 10, 2009, the District Court granted Defendants' motions for summary judgment. Plaintiff appealed this decision to the U.S. Court of Appeals for the Seventh Circuit. On April 12, 2010, the Court of Appeals affirmed the District Court's decision. On May 25, 2010, the Court of Appeals denied Plaintiff's petition for rehearing and rehearing *en banc*. The U.S. Supreme Court denied his petition for writ of *certiorari* on Oct. 18.

William Franklin v. USPS, et al.—In January 2009, a former letter carrier filed this action in the U.S. District Court for the Southern District of Ohio against USPS, Branch 43 and others. Plaintiff claimed that Branch 43 breached its duty of fair representation by failing to protect him from supposed mistreatment by the Postal Service two decades earlier in the late 1980s. On March 3, 2010, the District Court granted Defendants' motions to dismiss. The Plaintiff appealed this decision to the U.S. Court of Appeals for the Sixth Circuit. On May 6, 2011, the Court of Appeals affirmed the District Court's dismissal of the case.

Ziomber v. NALC, Patrick C. Carroll—In October 2009, a former letter carrier filed this action in Michigan state court. The complaint alleged that Defendants breached their duties of fair representation in processing grievances challenging Plaintiff's termination. In January 2010, the Defendants removed this action to the U.S. District Court for the Eastern District of Michigan. In March 2010, Defendants moved for summary judgment. On Sept. 22, the Magistrate Judge issued a report and recommendation granting Defendants' motion for summary judgment and dismissing the case against NALC and Carroll. On Oct. 15, the District Court adopted the Magistrate's recommendation and dismissed the case.

Bozkurt v. USPS, NALC—This action by a former transitional employee was filed in the U.S. District Court for the Southern District of New York in November 2009. The complaint alleges that USPS improperly removed the Plaintiff and that NALC failed to properly represent him in connection with the removal. Discovery has been completed. The court denied USPS' and NALC's motions for summary judgment, and the case was scheduled for a jury trial. However, the trial has been adjourned, without a new date set, after Plaintiff's counsel withdrew from the case for non-payment of his attorney's fees.

Shanks v. Potter et al. (S.D. Ga.)—This *pro se* action by a former letter carrier was filed March 31, 2010, against the Postal Service and President Rolando. The unfair repre-

sentation claim against NALC was dismissed in July 2010. Plaintiff's FMLA claim against the Postal Service was dismissed in December 2010. Plaintiff appealed. The U.S. Court of Appeals for the Eleventh Circuit affirmed the District Court's decision on Dec. 1, 2011. On May 3, 2012, Plaintiff served a motion for leave as a veteran to file a petition for writ of *certiorari* in the U.S. Supreme Court without prepayment of fees and costs.

Anthony Thomas v. Potter—This action by a former letter carrier in Bronxville, NY, whose removal was upheld by an arbitrator, was filed in the U.S. District Court for the Southern District of New York. The second complaint, which named NALC as a defendant for the first time, was filed July 1, 2010. Plaintiff asserted claims for (1) breach of the National Agreement (against USPS and individual supervisors); (2) breach of the duty of fair representation (against the NALC); (3) violations of Title VII (against all defendants); and (4) a state law claim for intentional infliction of emotional distress (against all defendants). Defendants filed motions to dismiss on Sept. 7, 2010. On Aug. 19, 2011, the Court dismissed with prejudice Plaintiff's unfair representation and Title VII claims against NALC, and his breach of contract claim against USPS. The Court also dismissed his Title VII claim against USPS and his state law "emotional distress" claim against both USPS and NALC, but afforded him leave to his amend complaint to restate those claims. On Nov. 4, 2011, Plaintiff filed an amended complaint to

restate those claims, and NALC again moved to dismiss. On Jan. 26, 2012, the Court dismissed all of the remaining claims. Plaintiff, acting *pro se*, filed an appeal with the United States Court of Appeals for the 2nd Circuit on Feb. 23, 2012.

Stowers v. Donahoe et al.—This action by individual letter carriers was filed *pro se* against the Postal Service and NALC on March 11, 2011, complaining about alleged breakdowns in overtime assignments. On Oct. 19, 2011, the Court denied motions to dismiss the Complaint. The Defendants filed their answers. The Plaintiff subsequently filed multiple motions for summary judgment, preliminary injunctions, expedited discovery, appointment of class counsel, and certification of the case as a class action. All motions were denied. On May 10, 2012, the Plaintiff submitted a motion to dismiss the entire case voluntarily. The Court granted the motion.

Hall v. NALC, Branch 426, and USPS—This action was filed by an individual letter carrier on April 21, 2011, in the U.S. District Court for the Southern District of Ohio. The Plaintiff lost her limited-duty assignment as a result of the National Reassessment Program. The Branch grieved and reached a settlement at the Formal A step, which resulted in Plaintiff's regaining her job. The lawsuit seeks recovery of four months back pay and benefits that were not included in the settlement. The Defendants filed their Answers in October 2011. Discovery is scheduled to be completed on Aug. 31, 2012.

Metroka-Cantelli v. Donahoe, USPS, and Branch 118—This action by a former transitional employee was filed Jan. 31, 2012, in the U.S. District Court for the Northern District of Ohio. The complaint alleges violations of the FMLA and the National Agreement against the Postal Service and breaches of the duty of fair representation and sex discrimination against the Branch. The Branch filed its answer on May 2.

OTHER COURT LITIGATION

Noble v. Sombrotto, et al.—This action was filed in the U.S. District Court for the District of Columbia in February 1994 by letter carrier David Noble against 12 current or retired NALC officers. In September 1995, Plaintiff filed an amended complaint adding NALC as a party. The complaint alleged that NALC failed to provide Plaintiff with documents he requested and used improper procedures when hearing his internal union charges, and that the individual Defendants breached their fiduciary duties under the Labor Management Reporting and Disclosure Act by accepting in-town expenses, convention per diem payments, and FICA reimbursements. In September 2005, after a trial, the court rendered judgment in favor of the Defendants. Plaintiff then appealed the district court's decision to the U.S. Court of Appeals for the D.C. Circuit. In May 2008, the Court of Appeals affirmed the District Court's dismissal of the Plaintiff's claims with respect to convention per diem payments and FICA reimbursements. However, the ruling

reversed the District Court's dismissal of the claims with respect to in-town expenses and the alleged failure to provide Plaintiff documents he had requested. The Court of Appeals remanded the case to the District Court for additional findings of fact on the latter issues. Following the remand, the District Court granted Plaintiff's counsel's motion to be relieved, and he is proceeding *pro se*. Plaintiff filed proposed findings of fact and conclusions of law based on the trial record on Oct. 30, 2010. Defendants' objections and proposed findings and conclusions were filed on Dec. 14. Plaintiff filed his reply on June 1, 2011.

Quinones v. Branch 869, Rivera—This suit was filed in October 2009 in local court in Puerto Rico. The Plaintiff was the former president of the Branch. His complaint alleged that he was improperly removed from office and sought his reinstatement. The case was removed to the U.S. District Court for the District of Puerto Rico. On Aug. 30, 2010, the Court dismissed the case at the Plaintiff's request.

USPS v. NALC—This action to vacate an arbitration award was filed by the USPS in August 2010 in the U.S. District Court for the Northern District of Ohio. The USPS alleged that the award fails to draw its essence from the collective bargaining agreement because the arbitrator awarded damages without any evidentiary basis for the period of time beyond the Step B submission on Aug. 5, 2009, to the date of the award on April 30, 2010. On Nov. 10, 2010, the Court issued a Memorandum of Opinion and Order vacating that portion of the arbitrator's award that awarded monetary damages for the period Aug. 5, 2009, through April 30, 2010, and remanded the matter to the arbitrator, holding that if the arbitrator wishes to award monetary damages past Aug. 5, 2009, she needs to recite that evidence was produced during the arbitration establishing a violation by USPS continuing up to and including the date she is awarding monetary damages. No appeal was filed.

CASES BEFORE THE NATIONAL LABOR RELATIONS BOARD

NALC Branch 44 (Turcotte)—NLRB Region 1 issued a complaint on Nov. 30, 2010, alleging that Branch 44 through a steward in Laconia, NH, tried to get management to discipline the charging party. After a trial, the Administrative Judge issued a decision on April 1, 2011, recommending dismissal of the complaint because the Branch's conduct was a lawful attempt to get management to control the aggressive charging party letter carrier. No exceptions were taken, and the Judge's decision became the order of the Board on May 6.

NALC Branch 2184 (Hebda)—On April 15, 2011, Region 7 issued a complaint against Branch 2184. The Complaint alleged that the Branch violated the Act: (i) by unreasonable delay in providing the charging party a copy of the JARAP agreement, asserting

that she requested same in July and in September 2010, but received same from the Branch only in December 2010; (ii) by responding to the charging party's request(s) for "documents so that she could resign her membership from the Union," by telling her that she could find the information "on-line" and that there was a window period for resignation; (iii) by failing and refusing to inform the charging party that she can resign her membership at any time without submitting any specific form; and (iv) by failing and refusing to provide her a Form 1188. The Branch filed an answer on April 29. On May 17 the Branch agreed to a settlement requiring it to post a notice and provide the charging party with a copy of Form 1188 if she did not already have one.

NALC Branch 142 (Noble)—NLRB Region 5 issued a complaint on April 29, 2011, on allegations that Branch 142 failed to grieve an incident that the charging party took to be a suspension and misled him about the status of the grievance. The Branch denied the allegations. A hearing took place on July 21, 2011, in Washington, DC. The Administrative Judge issued a decision recommending that the allegations of the complaint be sustained. As a remedy, the Judge recommended that the Branch post a Notice, request USPS to make the charging party whole, and, if the request were not granted, seek to grieve the matter through arbitration and to pay for separate counsel for the charging party in the grievance procedure. No exceptions to the judge's decision were taken, and it became the final order of the Board on Nov. 10, 2011. The branch is now engaged in the compliance process.

NALC Branch 608 (Flight)—On Sept. 8, 2011, Region 13 issued a complaint against Branch 608. The complaint alleged that the Branch violated the Act by failing to represent the charging party in connection with a grievance concerning his bid on a delivery route. The branch filed an answer on Sept. 22. On Dec. 6, the region approved the charging party's request to withdraw the charge and dismissed the complaint.

LITIGATION AGAINST NALC HEALTH BENEFIT PLAN

Burke v. HBP and OPM—This action was filed by an HBP enrollee in the U.S. District Court for the District of Rhode Island in February 2010 challenging the HBP's determination (and OPM's concurring determination) that a provider was not a covered provider under the terms of the HBP brochure. HBP requested that the enrollee voluntarily dismiss the action against HBP since, under federal regulations, a lawsuit challenging a denial of benefits must be brought against OPM only, not HBP. On June 4, 2010, the plaintiff and the United States (on behalf of OPM) filed a stipulation dismissing the action as against the HBP. The stipulation was approved and entered by the court on June 7, 2010.

Sportscare of America v. MultiPlan, et al.—This action was filed by a medical provider in New Jersey state court in July 2010 against MultiPlan (one of the HBP’s wrap PPO networks), the HBP and several other health plans and health insurance companies. The complaint alleges that the various defendants paid claims as if the plaintiff were an in-network provider, but that the Plaintiff did not have any contracts with the Defendants permitting such payments. Accordingly, Plaintiff claims that it should have been paid as an out-of-network provider, which it alleges would have been at higher rates. The complaint alleges that the HBP owes Plaintiff approximately \$15,000 in additional benefits, as well as compensatory and other damages. Upon review of the claims at issue, it appears that the HBP did process the claims using the MultiPlan negotiated rates, and that the Plaintiff was a MultiPlan provider. MultiPlan removed the action to the U.S. District Court for the District of New Jersey on the ground that Plaintiff’s claims are preempted by federal law. The answer to the complaint was filed on Dec. 3, 2010, denying liability for Plaintiff’s claims. Motions to dismiss were filed on behalf of all Defendants, including the HBP and are pending.

THC-Orange County, Inc. d/b/a Kindred Hospital of Westminster v. NALC Health Benefit Plan—On Jan. 28, 2011, Kindred

Hospital of Westminster (“Kindred”) sued the HBP in California state court, seeking an additional payment of \$180,782.20 for services that it provided to an HBP enrollee in 2006 and 2007 plus interest on the claimed amount and the costs of suit. At the time the services were rendered, Kindred was a participating facility with the MultiPlan preferred provider network, and the HBP had a contract with MultiPlan to access discounted rates with providers and facilities that participated with MultiPlan. The complaint alleged state law claims for breach of contract and negligent misrepresentation with respect to the unpaid charges. The case was removed to the federal district court in California. After a hearing on May 9, 2011, the federal district court ordered that the case be remanded to the California state court. HBP subsequently filed an answer in the California state court denying liability. The court scheduled a hearing for May 7, 2012. The matter was settled with the payment of an additional sum of \$37,500 to Kindred by the Health Benefit Plan.

Southern California Specialty Care, Inc. d/b/a Kindred Hospital-La Mirada v. NALC Health Benefit Plan.—On March 11, 2011, Southern Califor-

nia Specialty Care, Inc. d/b/a Kindred Hospital - La Mirada (“Kindred”) sued the Plan in California state court, seeking an additional payment of \$403,411.90 for services that it provided to a Plan enrollee in 2008, plus interest and costs of suit. At the time the services were rendered, Kindred was a participating facility with the CIGNA preferred provider network, and the Plan had a contract with CIGNA to access discounted rates with providers and facilities that participated with CIGNA. As in the action described above, Kindred alleged state law breach of contract claims with respect to the unpaid charges. The Plan filed an answer denying liability in the California state court in May 2011. Under the schedule set by the court, a mandatory settlement conference was scheduled for March 2012, followed by a trial in the event a settlement was not reached. The matter was settled with the payment of an additional sum of \$60,000 to Kindred by the Health Benefit Plan. ☒

NATIONAL-LEVEL ARBITRATION DECISIONS

1. Case No. Q06C-4Q-C 110001666 (Form WH-380)—This national-level grievance was initiated by the American Postal Workers Union to challenge the Postal Service’s position that employees seeking to have their absences protected by the Family Medical Leave Act (FMLA) may only use the Department of Labor Form WH-380 to certify that their absences were covered by the Act. Both NALC and the Mailhandlers intervened in support of APWU’s position. A hearing before Arbitrator Shyam Das took place on July 28, 2011. The unions argued that the Postal Service was legally required to accept any written certification from a medical provider which provided the information required by the statute and DOL regulations. In an award issued April 18, 2012, Arbitrator Das sustained the unions’ position. The award directs the Postal Service to cease and desist from requiring employees to submit FMLA medical certifications using only the WH-380 forms.

2. Case No. 06C-4Q-C 09250752 (No Layoff Protection)—This national-level grievance, initiated by APWU, involves a memorandum of understanding (MOU) between APWU and the Postal Service, providing no layoff protection for all APWU-represented employees during the term of the current APWU-USPS National Agreement. The MOU covers employees with less than six years’ service who would not otherwise be protected from layoff or reduction in force under Article 6 of the Agreement. The issue is whether employees continue to be protected provided by the MOU in the event that they are transferred to a different craft. Both NALC and the Mailhandlers intervened in this case. A hearing before Arbitrator Stephen Goldberg took place on April 25. NALC took no position on the meaning of the MOU. However, NALC made clear that if the MOU continues to be applicable to employees reassigned to the letter carrier craft, it cannot be applied in a manner which adversely affects letter carrier rights under the NALC-USPS National Agreement. At the close of the hearing, the parties agreed that they would submit post-hearing briefs. ☒

NALC DIRECT ARBITRATION COSTS

	Two-year period ended 3/31/10	Two-year period ended 3/31/12	Percentage Increase
Arbitrator’s fees	\$1,899,725	\$2,647,388	39.35%
Cancellation fees	346,680	337,969	-2.58%
Transcripts	—	—	—
Miscellaneous	5,200	—	—
TOTAL	\$2,207,548	\$2,985,357	35.23%

NALC DISCIPLINE ARBITRATION

	Sustained	Sustained in part	Denied	Total*	Percent denied
2002	113	85	276	494	55.9
2003	131	96	255	507	50.3
2004	108	68	191	367	52.0
2005	87	76	184	347	53.0
2006	27	20	56	103	54.4
2007	96	73	141	334	42.0
2008	79	63	166	318	52.2
2009	73	72	174	328	53.0
2010	111	83	174	368	52.7
2011	126	86	187	399	53.1
2012	24	17	42	83	49.4

NALC CONTRACT ARBITRATION

	Sustained	Sustained in part	Denied	Total*	Percent denied
2002	264	49	364	724	50.3
2003	230	66	360	689	52.2
2004	185	37	275	497	55.3
2005	135	41	202	378	53.4
2006	31	18	54	103	52.4
2007	147	18	193	377	51.0
2008	112	33	151	304	49.7
2009	128	30	136	313	43.5
2010	147	22	120	289	58.5
2011	211	35	134	380	64.7
2012	44	8	24	76	68.4

PRESIDENTIAL RULINGS

Hayward, CA Branch 1707

July 1, 2010—This is in reply to your letter, dated June 14, 2010, concerning charges which have been filed against the President of Branch 1707. According to your letter, the charging party has indicated that he would like an attorney and the president of another NALC Branch present at the hearing. You now ask whether such outside representation is permissible.

Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, which governs the processing of charges, does not contain any provisions authorizing outside persons to assist charging parties in prosecuting their charges. Article 10, Section 3 simply provides that “[t]he parties are entitled to be heard by the committee, to present evidence and to cross-examine all witnesses who make statements to the committee.” Accordingly, while the investigating committee may allow the charging party to have a representative to assist him, the committee is not required to do so and may deny such representation.

If the committee does agree to a request for outside representation, the other party should be notified. The participation of an outside representative should not result in a delay of the proceedings. If the committee allows an attorney to be involved in the proceedings, the expense must be borne by the party choosing such representation.

Allowing an attorney to participate in the investigation would not result in shifting the hearing to the National Business Agent, as suggested in your letter. The procedures set forth in Article 10, Section 3 of the CGSFB are to be followed at the Branch level.

Santa Clara, CA Branch 1427

July 2, 2010—This is in reply to your letter, dated June 25, 2010, inquiring whether Branch 1427 may amend its By-laws to change the status of the Senior Vice President from full-time to part-time during the current term of office.

The answer to your question is yes. As previous rulings have recognized, there is nothing in the *NALC Constitution* which would prohibit such an amendment. The Branch cannot change the length of the term until the next election. But the basis for compensating an officer is a matter of Branch discretion.

Michael Slivka, Bethlehem, PA

July 8, 2010—This is in reply to your letter, dated June 13, 2010, concerning the appointment of the Branch 254 Safety Officer to the position of Financial Secretary. You now ask whether it is necessary for the Branch to conduct a formal installation in these circumstances.

Please be advised that the relevant *constitutional* provision, Article 5, Section 6 of the *Constitution for the Government of Subordinate and Federal Branches*, requires that an installation of Branch officers be conducted at the first or second meeting of the Branch following the election. There is no language requiring a formal installation ceremony when individuals are appointed to fill vacancies between elections. While the Branch may conduct

an installation and swearing-in if it so chooses, such a ceremony is not *constitutionally* required.

Mandeville, LA Branch 6377

July 8, 2010—This is in reply to your letter, dated June 13, 2010, requesting dispensation permitting Sister Catrett to be registered as a delegate to the National Convention from Branch 6377 following its merger with former Branch 4521. I have previously ruled that Sister Catrett could not be recognized as a delegate insofar as she had not been nominated and elected as a delegate from Branch 4521, and the merger agreement between the Branches did not specify that she would be a delegate. Your letter now advises that Sister Catrett was formally nominated to be a delegate from Branch 6377 after the merger became effective, and that the other delegates from Branch 6377 are unable to attend.

Article 5, Section 4 of the *NALC Constitution* requires that delegates be elected no later than the December of the year preceding the convention year. However, in light of the facts presented in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Sister Catrett may register as a delegate to the 2010 National Convention.

Please understand that this dispensation applies only to the 2010 Convention. In the future, the Branch must nominate and elect its delegates within the required time frames established by the *Constitution* and the Branch By-laws.

Lancaster, CA Branch 4430

July 8, 2010—This is in reply to your letter concerning the possibility of a rerun election of officers in Branch 4430. Specifically, you ask whether you may appoint a new election committee to conduct the rerun.

The answer to your question is yes. As previous rulings have recognized, the President of the Branch is free to disband the election committee and to appoint a new committee when a rerun is held, or the President may leave the previously appointed committee in place.

Lanham, MD Branch 4819

July 13, 2010—This is in reply to your letter, dated July 5, 2010, requesting dispensation to register Jack Toy as an alternate delegate to the 2010 National Convention from Branch 4819.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Branch 229 Pueblo, CO

July 13, 2010—This is in reply to your letter, dated June 28, 2010, requesting dispensation to register Kenneth N. Rotolo and Michael P. Correa as alternate delegates to the 2010 National Convention from Branch 229, Pueblo, Colorado.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Pittston, PA Branch 162

July 13, 2010—This is in reply to your letter, which I received on July 12, 2010, requesting dispensation to register Jeffrey Jemiola as a delegate to the 2010 National Convention from Branch 162. According to your letter, Brother Jemiola was inadvertently omitted from the Branch delegate list.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Springfield, OH Branch 45

July 13, 2010—This is in reply to your letter, dated July 2, 2010, requesting dispensation to register late yourself and William H. Overacker as delegates to the 2010 National Convention from Branch 45.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Amarillo, TX Branch 1037

July 13, 2010—This is in reply to your letter, dated July 9, 2010, requesting dispensation to register George White as an alternate delegate from Branch 1037 to the 2010 National Convention.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Mishawaka, IN Branch 820

July 13, 2010—This is in reply to your letter, dated July 9, 2010, requesting dispensation to register Sister Camla S. Seegers as an alternate delegate from Branch 820 to the 2010 National Convention.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Colorado Springs, CO Branch 204

July 19, 2010—This is in reply to your letter, dated June 22, 2010, in which you ask several questions pertaining to an investigation of past financial transactions apparently conducted by two Branch 204 Trustees.

Neither your letter, nor Brother Marino's, has conveyed the particular transactions reviewed by the two Trustees. In any event, it would be inappropriate for me to give specific advice as to any actions the Branch Executive Board should or should not take in response to the information they have presented. The Executive Board may elect to take no further action if it concludes that the Trustees' investigation was unauthorized, and that the financial transactions in question were all previously reviewed and approved, as you assert. However, if the information does disclose substantial discrepancies, I cannot advise the Board to look the other way. Moreover, as discussed in my letter to Brother Marino, the Trustees, or any other member, would have the right to bring the issue to the Branch in the form of an appeal from a decision of the offi-

cers not to take further action, or by initiating charges under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*.

Donald Marino, Colorado Springs, CO

July 19, 2010—Your letter to National Business Agent Roger Bledsoe, dated June 18, 2010, has been referred to me for reply, insofar as your letter raises interpretive issues under the *NALC Constitution*. Specifically, you ask various questions pertaining to the authority of Branch 204 Trustees to conduct investigations and take actions concerning financial transactions that took place prior to their current term of office.

At the outset, it would be inappropriate for me to comment on the specific matters that you raise based on the very limited information provided in your letter. I can provide the following general advice as to the applicable *constitutional* principles.

The only functions assigned to the Branch Trustees by the *Constitution* are to examine and report to the Branch the condition of the books of the officers, to compare vouchers and records and see that they correspond to the Branch's collections and disbursements, and to have custody of the Branch's property. The relevant *constitutional* provision, Article 6, Section 9 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* reads as follows:

The Trustees shall examine and report to the Branch the condition of the books of the officers at least once every six months, compare the vouchers and records and see that they correspond with the collections and disbursements. They shall have custody of all Branch property, and shall perform such other duties as the Branch by-laws may require of them. The Board of Trustees shall be known as the Trustees of _____ Branch No. _____ of the National Association of Letter Carriers of the United States of America.

Please note that the above language also allows Branches, through their By-laws to assign additional duties to the Board of Trustees. Prior rulings also indicate that past practices in the Branch may be relevant to determining the proper scope of the Trustees' responsibilities. However, I do not have a copy of Branch 204's By-laws, and, in any event, the interpretation and application of any pertinent By-law provisions or past practices are the responsibility of the Branch, in the first instance.

Finally, you ask whether the Trustees can bring charges based on their review of financial transactions that took place years ago. The answer is that the Trustees have the same right to initiate charges under Article 10 of the CGSFB as any other member. Whether or not such charges would have any merit would have to be determined initially by the Branch, in accordance with the procedures provided by Article 10, Section 3 of the CGSFB. The Branch's decision would then be subject to appeal under Article 11.

Austin, TX Branch 181

July 19, 2010—This is in reply to your letter, dated July 1, 2010, concerning the vote taken by Branch 181 to suspend you as Branch President without pay for a period of ninety days, after finding you guilty of charges brought under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*. Specifically, you ask whether this suspension is presently in effect, insofar as you are appealing the Branch's decision to the National Committee on Appeals.

While I certainly appreciate your concerns, I must advise that the suspension is presently in effect, pending the appeal. Prior rulings have consistently held that a suspension starts immediately after the vote is taken at the branch meeting and is not postponed during the pendency of an appeal. A suspended member is generally prohibited from participating in union activities or functions.

It would be entirely inappropriate for me to address any of the substantive arguments set forth in your letter. Those arguments may be presented to the Committee on Appeals. I express no view as to the merits of your appeal.

Felicia Turlington Roy, New Haven, CT

July 19, 2010—This is in reply to your letter, dated July 1, 2010, inquiring whether the President of Branch 1421 has the authority to overturn a vote by the Branch to pay for two delegates to attend the 2010 National Convention. Your letter indicates that the President concluded that there were insufficient funds in the Branch's budget to pay the delegates' expenses.

It would be inappropriate for me, as National President, to resolve the issue whether your Branch President acted appropriately in this case, based on the limited information provided in your letter. I can advise you as to the *constitutional* principles which may be applicable to this dispute.

Generally speaking, expenditures of Branch funds are determined by the members of the Branch. Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* expressly states that all Branch funds "shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting." A Branch may authorize payments in advance through its By-laws or by enacting a budget or a specific resolution authorizing the expenditures.

At the same time, the Branch President does have "general supervisory powers over the Branch" under Article 6, Section 1 of the CGSFB. A Branch President can rule that a resolution calling for the expenditure of Branch funds is out of order. For example, the President could determine that the resolution was inconsistent with a previously enacted budget, or was in conflict with the Branch By-laws. Moreover, the members cannot authorize expenditure of funds that the Branch does not have.

The action taken by the President may be challenged by initiating an appeal to the members under Article 11, Section 1 of the CGSFB. The Branch's decision with respect to the appeal would be subject to appeal to the National Committee of Appeals under Article 11, Section 2.

I recognize that it is highly unlikely that an appeal in this situation could be resolved prior to the Convention. However, if the delegates do attend at their own expense, and the President's decision is ultimately overturned on appeal, the delegates could be compensated retroactively.

Montago T McCraney, Oak Park, IL

July 19, 2010—This is in reply to your letter, dated June 23, 2010, concerning your eligibility to serve as a delegate to the National and Illinois State Conventions from Branch 608.

My ruling, dated June 14, 2010, determined that you were not eligible to be a delegate because you were not elected as such, and were not an incumbent Branch officer entitled to be a delegate by virtue

of your office. You now assert that you are entitled to serve as a delegate pursuant to a section of the Branch 608 By-laws providing that Illinois State Association officers who are members of the Branch shall be convention delegates. According to your letter, you have been appointed by Illinois State Association President Ken Christy to serve as the State MDA Coordinator, and, as such, you qualify as a delegate under this By-law provision.

I must advise that your position is erroneous for at least two reasons.

First, I have been advised that the NALC Committee of Laws has no record of ever having received or approved the By-law amendment referenced in your letter. Under Article 15 of the *NALC Constitution*, By-law amendments (other than amendments fixing the amount of dues and fees or the time and place of meetings) cannot go into effect without approval of the Committee.

Second, the By-law provision at issue would be inconsistent with the *Constitution*, and therefore, if submitted, would be disapproved by the Committee. Articles 4 and 5 of the *NALC Constitution*, consistent with federal law, require that convention delegates from Branches be elected by the members of the Branch. Prior rulings have recognized that Branches may provide in their By-laws that elected Branch officers will be delegates by virtue of their office. However, this principle has never been extended to State Association officers who, quite obviously, are not elected by the members of the Branch.

Accordingly, I cannot provide a favorable reply to your request to be registered as a delegate from Branch 608.

Jersey City, NJ Branch 42

July 21, 2010—This is in reply to your letter, dated June 27, 2010, inquiring whether Branch 42 may provide notice of a proposed amendments to its By-laws by publishing same in the *Postal Record*.

Article 15 of the *NALC Constitution* provides that Branch By-laws "may be amended at any regular meeting of the branch, provided the amendment has been submitted in writing at the last previous regular branch meeting, and suitable notification to members shall be made at least ten (10) days before the regular meeting at which the vote is to be taken." Previous rulings have established that "suitable notification" within the meaning of Article 15 is any notice which, under the facts and circumstances, is reasonably designed to inform all members of the substance of the proposed amendment and the time and place of the vote.

The rulings have recognized that printing the notice in an issue of the *Postal Record* may be suitable notification, so long as the issue is received by the members at least ten days before the meeting. However, I would caution that if this method of notification is a departure from the Branch's established practice, there would be a risk that members would not know to look in the *Postal Record* and could miss the notification of the vote on the By-law amendments. Any Branch member could challenge the vote by initiating an appeal under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*, claiming that the notice was not "suitable." Any such appeal would have to be determined in light of the particular facts presented.

In sum, while publishing the notice of a vote on a proposed By-law amendments in the *Postal*

Record is permissible, the Branch may be running a risk that the suitability of such notice could be challenged in a subsequent appeal.

Kathleen Seier Albion, NE Robert McGhee, Chicago, IL

July 21, 2010—This is in reply to your letter, dated July 1, 2010, requesting that I dissolve the previous merger of Albion, NE and Columbus, NE.

While I appreciate your feelings, I must advise you that the disaffiliation that you request cannot be granted.

Presidential rulings dating back more than 25 years have consistently held that merger votes are final and binding. There is no provision in the *NALC Constitution* which permits branch mergers to be dissolved after they have been finalized. Once a merger has taken place, there is no way to undo that action even if the members who voted on it change their minds, or future members object. Consequently, the Albion carriers cannot separate from Columbus and form their own branch or merge with a different branch as suggested in your letter.

Rocky Mount, NC Branch 132

July 21, 2010—This is in reply to your letter, dated July 14, 2010, requesting dispensation to hold a special election in Branch 1321 to fill current vacancies caused by the resignations of the President, Vice President, and Secretary-Treasurer of the Branch.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Jacksonville, FL Branch 53

July 21, 2010—This is in reply to your letter, dated July 15, 2010, which requests that I resolve an apparent dispute over your authority to determine the hours to be worked by an administrative assistant employed in the Branch 53 office. According to your letter, you have acted to reduce the hours to be worked by this employee, while not reducing her wages and benefits, notwithstanding a vote by the members at the April 8, 2010 Branch meeting in favor of a motion to restore this individual to full-time status. In support of your action, you have cited provisions of the Branch By-laws conferring upon the President "general supervisory powers over the branch" and providing that "The President shall be charged with the operation of the branch office."

Please be advised that it would be entirely inappropriate for me to issue a ruling resolving this question. As National President, it is my responsibility to interpret the *NALC Constitution*. Disputes over the interpretation or application of Branch By-laws must be resolved, in the first instance, at the Branch level. Relevant factors include the language of the By-law, any pertinent past practices, and any evidence of the intent of the Branch when it originally enacted the By-law provision at issue.

As President of the Branch, you were entitled to take the position that the April 8 motion was inconsistent and in conflict with the Branch By-laws. However, the decision of the Branch President interpreting a By-law may be formally appealed, initially to the Branch itself, in accordance with the procedure set forth in Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The decision of the Branch may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the CGSFB.

Finally, to avoid similar disputes in the future, I would recommend that the Branch amend the disputed By-law to clarify the intent of the Branch.

July 21, 2010—This is in reply to your two recent letters, which were faxed to my office on July 11, 2010, concerning a proposal to increase the local dues in Branch 11, and the conduct of a recent election.

Your letter requests that the proposed dues increase be submitted to a mail referendum vote, rather than a vote of the members attending a Branch meeting. Please be advised that your request would be inconsistent with the *NALC Constitution*, unless the Branch By-laws specifically provide for a referendum vote. The relevant provision of the *Constitution* is Article 7, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. It reads, in pertinent part, as follows:

The rates of dues and initiation fees may be increased only by majority vote by secret ballot of the regular members in good standing at a special or regular meeting after reasonable notice has been given that this question will be before the meeting, except that a Branch may provide in its by-laws that such majority vote may be had by secret ballot referendum.

I do not have a copy of the Branch 11 By-laws. If they do not provide specifically that proposed dues increases are to be voted upon by referendum, then the decision to have the proposal voted upon at a Branch meeting was correct.

Your letter also seeks to challenge the conduct of an election which, I assume from your letter, was for the steward in your office. Please be advised that it would be entirely inappropriate for me to intervene in this matter based on the limited information contained in your letter. The proper procedure for challenging the conduct of this election under the *Constitution* would be to initiate an appeal to the Branch, as provided by Article 11, Section 1 of the CGSFB. The decision of the Branch may be appealed to the National Committee on Appeals under Article 11, Section 2 of the CGSFB. The Branch 11 By-laws may also provide a procedure for challenging the election in question.

Rialto, CA Branch 3982

July 21, 2010—This is in reply to your recent letter, received by my office on July 19, 2010, requesting dispensation permitting the late registration of Brother Jaime Pereda as an alternate delegate from Branch 3982.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Please understand that your request is extremely late. As a result, the credentials for Brother Pereda will have to be prepared and signed at the Convention. For future conventions, the Branch should register all elected delegates and alternates in a timely manner.

Columbia, MO Branch 763

July 21, 2010—This is in reply to your letter, dated July 15, 2010, requesting dispensation permitting the late registration of Brother Jeff Connell as an alternate delegate from Branch 763.

In light of the facts set forth in your letter, and in accordance with my authority under Arti-

cle 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation, provided that there are no other alternate delegates who received more votes who are available to attend the Convention.

Please understand that your request is extremely late. As a result, the credentials for Brother Connell will have to be prepared and signed at the Convention. For future conventions, the Branch should register all elected delegates and alternates in a timely manner.

Dale Stremcha, Las Vegas, NV
Albert Leon, North Las Vegas, NV

Joseph Laspina, Henderson, NV

July 22, 2010—This will acknowledge receipt of copies of charges you have submitted against officers of Branch 2502.

Please be advised that charges of misconduct must be initiated, served, and processed at the Branch level in accordance with the provisions of Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*. Challenges to the conduct of branch elections must also be initiated and processed at the Branch level in accordance with the procedures provided by Section 21 of the *NALC Regulations Governing Branch Election Procedures*.

It is the responsibility of members bringing charges or election appeals to make sure that such charges are properly submitted.

Palatine, IL Branch 4268

July 28, 2010—This is in reply to your letter, dated July 22, 2010, requesting dispensation permitting the late registration of Sister Mary L. Houman as an alternate delegate from Branch 4268. According to your letter, Sister Houman's name was left off the original alternate delegate registration list by mistake.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Please understand that your request is extremely late. As a result, the credentials for Sister Houman will have to be prepared and signed at the Convention. For future conventions, the Branch should register all elected delegates and alternates in a timely manner.

Belleville, IL Branch 155

July 28, 2010—This will acknowledge your recent correspondence, which was received at NALC Headquarters on July 13, 2010. Your letter enclosed a copy of a complaint in a federal civil action brought by Branch 155 against the U.S. Postal Service.

I am writing to call to your attention Article 17, Section 3 of the *NALC Constitution* which specifically prohibits NALC Branches from instituting litigation against the Postal Service to enforce the National Agreement "except with the written approval of the National President." Branch 155 did not previously seek or obtain my approval to initiate this law suit. The suit, therefore, was brought in violation of the *Constitution*.

I will consider whether to grant the necessary approval after consulting with your National Business Agent Neal Tisdale.

Flossmoor, IL Branch 4016

July 28, 2010—This is in reply to your letter,

dated July 15, 2010, concerning your determination that a former member of Branch 4016, who had been elected to serve as a delegate from Branch 4016, was no longer eligible to receive Branch funds because she has transferred to another Branch.

Given the facts set forth in your letter, it would appear that your determination that this individual is no longer eligible to serve as a delegate or receive Branch funds was clearly correct.

Little Rock, AR Branch 35

July 30, 2010—This is in reply to your letter, dated July 27, 2010, advising that you will be unable to perform your duties as President of Branch 35 for about six weeks while you are recuperating from hip replacement surgery. You now ask whether you can appoint an “office manager” to handle the day to day running of Branch 35 because you have reservations about the ability of the Branch 35 Vice President to serve as your replacement.

At the outset, I appreciate your concerns. However, as you recognize in your letter, the Vice President was elected by the members of the Branch. Article 6, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that “The Vice President shall preside in the absence of the President.” An appointed office manager cannot usurp the Vice President’s authority under this *constitutional* provision.

In addition, absent authorization in the Branch By-laws, any compensation for an appointed office manager would have to be approved by vote of the members in accordance with Article 12, Section 3 of the CGSFB.

Odessa, TX Branch 3964

July 30, 2010—This is in reply to your letter, which was faxed to my office on July 22, 2010, requesting dispensation permitting the late registration of Sister Dawn Kupkufske as an alternate delegate from Branch 3964. According to your letter, Sister Kupkufske is the only elected alternate delegate that wants to attend the Convention to replace a delegate who has been transferred to another Branch.

Based on your assurance that Sister Kupkufske was duly elected as an alternate delegate, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Please understand that your request is extremely late. As a result the credentials for Sister Kupkufske will have to be prepared and signed at the Convention. For future conventions, the Branch should register all elected delegates and alternates in a timely manner.

Manchester, MO Branch 5050

July 30, 2010—This is in reply to your letter, dated July 26, 2010, requesting dispensation to register Brother Jerry Tate as a delegate to the National Convention from Branch 5050 to replace Brother Charles Cook. According to your letter, both of the Branch’s elected alternates have declined the opportunity to replace Brother Cook.

At the outset, please convey my best wishes to Brother Cook. I am sorry to hear of his illness.

Unfortunately, I must deny your request for dispensation. Articles 4 and 5 of the *NALC Constitution*, in accordance with federal law, require that delegates be elected. Your letter clearly indicates that Brother Tate was not nominated or elected to be a delegate or alternate.

Montana State Association of Business Agent, Judy Willoughby, for assistance in preparing by-laws.

July 30, 2010

This is in reply to your letter, dated July 29, 2010, requesting dispensation to register late as a delegate to the National Convention from the Montana State Association of Letter Carriers.

At the outset, please understand that I cannot confer delegate status on you. You are entitled to serve as a delegate if you were elected as such by the State Association or, alternatively, if the Montana State Association By-laws provide that the President of the State Association shall be a delegate-at-large by virtue of his office, in accordance with Article 6, Section 3 of the *Constitution of the Government of State Associations*.

In accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant you dispensation to register as a delegate, based on my assumption that you are entitled to delegate status, as described above. If this assumption is wrong, and you are not entitled to delegate status, then you will not be permitted to register.

Please understand that your request is extremely late. As a result your credentials will have to be prepared and signed at the Convention. For future conventions, the State Association should register its delegates in a timely manner.

Chicago, IL Branch 11

July 30, 2010—This is in reply to your letter to me, dated July 29, 2010, and your letter to Secretary-Treasurer Broendel, dated July 26, 2010 regarding major errors in the registration of delegates to the National Convention from Branch 11. According to your July 26 letter the names of Varnell Robinson and Jamie Griffin were inadvertently omitted from the Branch 11 delegate registration list. According to your July 29 letter, twenty-one delegates who were properly nominated and elected were inadvertently left off the Branch registration list. In addition, twenty-one other members were mistakenly registered instead. You now ask for dispensation to substitute the twenty-one elected delegates for the twenty-one members who were mistakenly registered, as well as to register Brothers Bronson and Griffin.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Please understand that your request is extremely late. As a result, the credentials for all these delegates will have to be prepared and signed at the Convention. For future conventions, the Branch should register all elected delegates and alternates in a timely manner.

Monticello, GA Branch 4871

August 20, 2010—This is in reply to your letter, dated August 16, 2010, requesting dispensation permitting Branch 4871 to conduct a special election. According to your letter, the current President of the Branch has been in office for more than five years, and the Branch has never conducted elections.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The special election should be conducted as expeditiously as possible.

In addition, I would urge the Branch to adopt a basic set of by-laws. You may contact your National

Amityville, NY Branch 6000

August 20, 2010—This is in reply to your letter, dated August 4, 2010, inquiring whether a steward in Branch 6000 has been rendered ineligible to serve in that position under Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches*. According to your letter, this member submitted an application for a vacant EAS Management Labor Relations Specialist position.

The job posting enclosed with your letter certainly indicates that this position is supervisory within the meaning of Article 5, Section 2. In particular, the posting states that the duties of the position include serving as a management representative in the grievance-arbitration process, as well as in connection with EEO and MSPB cases. Thus, the position is directly involved in the administering of discipline to bargaining unit employees.

Accordingly, it would appear that the member in question is no longer eligible to serve as a steward. He should step down immediately.

Jennifer Whalen, Greenwich, NY

August 20, 2010

This is in reply to your letter, dated July 25, 2010, concerning the situation in Branch 252.

In answer to your basic question, it does appear that the Branch needs to conduct an election of officers and must adopt a basic set of by-laws. Both should be done as soon as possible. I appreciate that in the absence of current by-laws there is no established date for nominations and the election, and that the date established by past practice has now passed. Therefore, in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 252 dispensation to conduct a special election as soon as one can be arranged.

I will consult with your National Business Agent John Casciano to see if we can find someone who can assist the Branch in conducting the election and drafting by-laws.

With regard to your specific questions, please be advised as follows.

When only one member is nominated for office that member is elected by acclamation. See Article 5, Section 5 (c) of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* and Section 11.1 of the NALC Regulations Governing Branch Election Procedures (RGBEP). There is no procedure in the *Constitution* or the election regulations permitting members to vote against a sole nominee.

Section 6.5 of the RGBEP specifically states that “No person shall accept nomination for more than one office.” Branches may provide for the consolidation of separate offices in their by-laws. See Article 4, Section 3 of the CGSFB.

Finally, retiree members are fully eligible to be elected to Branch office.

Amityville, NY Branch 6000

August 24, 2010—Secretary-Treasurer Jane E. Broendel has referred your letter, dated August 13, 2010, to me for reply. In response to your three specific questions, please be advised as follows:

1. The Branch 6000 delegate who signed Brother Cirelli’s nominating petition is Tom Matthews.

2. The fact that Brother Cirelli’s nominating peti-

tion did not explicitly refer to "Region 15" does not void the petition or call into question his nomination. The record of the Convention clearly reflects that Brother Cirelli was nominated for National Business Agent for Region 15.

3. The fact that Brother DeRossi signed Brother Cirelli's nominating petition does not render Brother DeRossi ineligible to serve on the National Election Committee. The pertinent provision of the *NALC Constitution*, Article 6, Section 7, has only one restriction on the members of the Election Committee: no candidate for national office may be appointed. Brother DeRossi is not a candidate for national office.

Haddonfield, NJ Branch 769

September 16, 2010—Your letter, dated August 27, 2010, to Secretary-Treasurer Jane Broendel has been referred to me for response. It is my understanding that you have also discussed the matters described in your letter with Executive Vice President Gary Mullins.

Specifically, your letter protests the decision of Branch 540 not to allow you to speak at an upcoming Branch membership meeting in your capacity as a candidate for the office of National Business Agent. While I certainly appreciate your concerns, I must advise that the *NALC Constitution* does not require Branches to allow candidates for union office to address the members at meetings. Accordingly, there is no basis for any intervention by me at this time.

Although I cannot provide a more favorably reply, I appreciate your bringing this matter to my attention and your request for guidance.

Deborah Milburn, Kennett, MO

September 16, 2010—This is in reply to your letter, dated August 28, 2010, requesting that I dissolve the merger of former Branch 2170, Kennett, MO with Branch 1016, Poplar Bluff, MO. According to your letter, some members of Branch 2170 did not realize that the merger would result in a substantial dues increase. You fear that many of these members may quit the NALC.

At the outset, I appreciate your concerns. Nonetheless, I must advise you that the disaffiliation that you request cannot be granted. Presidential rulings dating back more than 25 years have consistently held that merger votes are final and binding. There is no provision in the *NALC Constitution* which permits branch mergers to be dissolved after they have been finalized. Once a merger has taken place, there is no way to undo that action even if the members who voted on it change their minds, or future members object. Consequently, the Kennett carriers cannot separate from Branch 1016 and form their own branch.

Austin, TX Branch 181

September 17, 2010—This is in reply to your letter, dated September 10, 2010, requesting a ruling as to whether Branch 181 President Robert Bishop is eligible to accept nomination for Branch office at the regular Branch meeting on September 20. According to your letter, two suspensions imposed by the Branch on Brother Bishop will still be in effect.

While I appreciate your concerns, I must advise that it would be inappropriate for me to resolve the questions raised by your letter by issuing a presidential ruling at this time. Under Article 10, Section

3 of the *Constitution for the Government of Subordinate and Federal Branches*, the members of the Branch determine the terms of a penalty to be imposed on a member who has been found guilty of charges. Thus, it is the responsibility of the Branch in the first instance to resolve any issues as to the terms and/or timing of the suspensions. The Branch's determination, of course, will be subject to appeal.

Hattiesburg, MS Branch 938

September 17, 2010—This is in reply to your letter, dated September 8, 2010, requesting a ruling as to whether Brother Winfred Johnson would become ineligible to continue to serve as a Trustee of Branch 938 if he were to apply for a Postmaster Relief (PMR) position in Eastabuchie, MS. According to your letter, Brother Johnson would be the only employee in this office and would not have any supervisory duties.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* prohibits any member who holds a supervisory position in the Postal Service from serving as a Branch officer for two years following termination of supervisory status. However, as previous rulings have repeatedly held, higher level assignments are not necessarily supervisory for purposes of Article 5, Section 2 of the CGSFB. Generally speaking, a position is considered supervisory, within the meaning of Article 5, Section 2, if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties. In the present case, your letter makes clear that Brother Johnson while working in a one person office in a PMR position, would not be supervising bargaining unit employees and would not have the authority to do so.

Accordingly, assuming that the information set forth in your letter accurately describes the position in question, Brother Johnson would continue to be eligible to serve as a Branch Trustee if he were to apply for or be awarded the PMR position. Of course, if Brother Johnson is awarded the position, and is subsequently detailed to another position which does entail supervision of bargaining unit employees, he would be required to relinquish any Branch office he is holding at that time.

East Hartford, CT Branch 88

September 21, 2010—I have carefully considered your letter, dated September 13, 2010, and the additional materials that you forwarded on September 16.

It is certainly unfortunate that the dispute between you and Brother Casciano with respect to the Winsted, Connecticut grievances emerged so close to the time of the election. I do note that your original article in the Branch 86 newsletter, Brother Casciano's reply correspondence, and your rebuttal to Brother Casciano on Branch 86 letterhead were all distributed at Union expense.

I was not aware of any of these mailings, yours or Brother Casciano's, prior to receiving your September 13 letter. I have now determined not to authorize any further mailings concerning the Winsted matter at NALC expense. Therefore, I am declining the request set forth in your letter.

My decision, of course, is without prejudice to your rights under Article 6, Section 14 of the *NALC Constitution*.

Columbia, SC Branch 233

September 22, 2010—This is in reply to your fax to my office today concerning the election of officers in Branch 233.

Your first question is whether the Branch must honor the request of a candidate for a list of retirees and their telephone numbers. The answer to your question is no. Section 9.2 of the NALC Regulations Governing Branch Election Procedures (RGBEP), consistent with federal law, states that a branch must honor all reasonable requests to distribute campaign literature at a candidate's expense. This provision does not require the Branch to turn over membership lists, addresses, or telephone numbers.

Your second question concerns the contents of a candidate's campaign literature. Please be advised that there is no basis for any intervention by the Branch in this matter at this time. Section 9.3 of the RGBEP specifically provides that a "A branch can neither censor campaign literature nor require that branch representatives be permitted to read the literature before it is distributed." (I express no view as to the accuracy or fairness of the material that you forwarded with your letter.)

Borger, TX Branch 3844

September 22, 2010—This is in reply to your letter, dated September 14, 2010, concerning the situation in Branch 3844. I am also responding to an email from National Business Agent Kathy Baldwin clarifying the intent of your letter.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 3844 dispensation to conduct a special election to fill the vacancies in the offices of President and Vice President. In the interim, Brother Clendennen, as the incumbent Secretary-Treasurer, may act as Branch President.

I trust that the foregoing addresses your concerns. Please stay in touch with Sister Baldwin's office if you need any further assistance.

Montgomery, AL Branch 106

September 22, 2010—This is in reply to your letter, dated September 9, 2010, requesting a ruling as to whether Branch 106 may waive the reading of the minutes of its monthly meetings. According to your letter, the Branch has routinely passed motions to waive the reading of the minute, but has always provided written copies of the minutes to the members, who may take them home for review.

Please be advised that there is nothing in the *NALC Constitution* which would prohibit a Branch from waiving the reading of its minutes, if that is the will of the membership. In particular, Article 15 of the *Constitution for the Government of Subordinate and Federal Branches* merely establishes an order of business, which, as previous presidential rulings have recognized, may be changed by the Branch.

Previous rulings have noted that it is for the branch to determine how minutes should be prepared and approved. The rulings have also held that the minutes of Branch meetings should be reasonably accessible for review by all members on an equal basis. The practice described in your letter appears to be consistent with these requirements.

Albuquerque, NM Branch 504

September 22, 2010—This is in reply to your letter, dated September 19, 2010, inquiring as to the

eligibility of certain members to vote in the upcoming Branch 504 election of officers. According to your letter, these individuals have been working in supervisory positions, but have since returned or are scheduled to return to the letter carrier craft.

The membership rights of members who accept supervisory positions are addressed by Article 2, Section 1 (c) of the *NALC Constitution*, providing as follows:

[P]resent members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance[.]

Previous rulings interpreting this provision have established that a member occupying a supervisory position may not exercise membership rights or otherwise participate in official Branch activities while he or she is acting in a supervisory status (except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues). However, the rulings have also consistently recognized that when the member returns to a bargaining unit assignment, he or she immediately regains full membership rights, except for the right to be a candidate for Branch office.

In the situation you describe, if any of the members return to a bargaining unit assignment, the member would at that point have the right to vote in the election.

Henric Horodyskyj, Chesterfield, MO

September 23, 2010—This is in reply to your letter, dated September 14, 2010 requesting that your dues payments to NALC Branch 654 be put in an escrow account, rather than paid to the Branch.

Please be advised that it is not possible to grant your request, so long as you maintain your membership in the NALC. Consistent with the provisions of Article 2, Section 2 of the *NALC Constitution*, active members of the NALC must be members of the subordinate branch having jurisdiction over the installation in which they work.

Springfield, MA Branch 46

September 24, 2010—This is in reply to your letter, dated September 7, 2010, requesting a ruling as to whether you properly appointed Brother Richard Bowe to the position of Chief Steward in Agawam, MA.

According to your letter, Brother Fred Harpin initially won this position in a contested election by a margin of one vote. The election was subject to appeal by Brother Bowe, who won favorable decisions from the Election Committee and Executive Board of Branch 46 requiring a new election. The Branch subsequently reversed these rulings and voted not to hold a new election. However, Brother

Harpin then resigned and you appointed Brother Bowe. A member is now arguing that there should still be a new election.

At the outset, your appointment of Brother Bowe was certainly consistent with the *Constitution*. When Brother Harpin resigned, a vacancy was created in the position of Agawam Chief Steward. As President of the Branch, you had the authority to fill that vacancy by appointment, in accordance with Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*, unless the Branch By-laws require a special election. Your letter does not indicate that there is such a requirement in the By-laws.

Nor does it appear that a new election was required by the appeal process. According to your letter, the last action taken in the appeal was the decision of the Branch not to conduct a new election. Brother Bowe's appeal from this decision was never finalized. Therefore, the decision of the Branch not to conduct a new election stands. Moreover, as I understand the facts, at no point did the initial appeal request that nominations be reopened, and no decision to that effect was ever rendered. Since there was no possibility that new candidates would be nominated, Brother Harpin's resignation rendered the election appeal moot.

Shelby, NC Branch 2307

September 27, 2010—This is in reply to your letter, dated September 16, 2010, concerning the situation in Branch 2307.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby direct you, as Treasurer of the Branch, to convene a meeting of the members while Branch President Angie Stockton is out on sick leave. I am also directing you to take whatever steps are necessary to ensure that the Branch conducts its next election of officers as scheduled.

In the future, the Branch must conduct regular monthly meetings as required by Article 3, Section 1 of the *Constitution for Subordinate and Federal Branches*. Please contact the office of your National Business Agent, Judy Willoughby, if you require further assistance.

Austin, TX Branch 181

September 27, 2010—This is in reply to your letter, dated September 16, 2010, requesting a ruling as to whether you were eligible to be nominated to run for office in Branch 181 during the term of your suspension.

I am enclosing a copy of my letter to Sister Blough, dated September 17, 2010, which addressed this issue. As indicated therein, it is the responsibility of the Branch, in the first instance, to resolve the issue based on its understanding of the terms and timing of the suspension. The Branch's determination is subject to appeal.

Boulder, CO Branch 642

September 27, 2010—This is in reply to your recent letters concerning the ongoing dispute in Branch 642 over the hotel arrangements made by two married delegates to the 2010 National Convention. In particular, you ask me to address a vote taken at the Branch meeting on September 9, 2010, requiring the couple to reimburse the Branch for one of the two hotel rooms they apparently booked.

At the outset, it would be inappropriate for me to rule on the merits of this dispute at this time. The

following discussion concerns the appropriate procedures that may be pursued at the Branch level.

The first question is whether the motion that the delegates reimburse the Branch, which was passed at the September meeting, is valid. While there is nothing in the *Constitution* which would prohibit the Branch from entertaining such a motion, it is not clear that the motion, by itself, is enforceable where, as here, the members in question are disputing the debt. Past rulings have concluded that the procedure for filing and adjudicating charges set forth in Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* is a legitimate method for enforcing a debt claim where the existence and/or the amount of the debt is in dispute. The rulings further establish that when the Branch claims that a member owes an individual debt, the member may be removed from membership for failing to pay such debt only after charges have been processed pursuant to Article 10 of the CGSFB. Absent Article 10 procedures, a simple motion at a Branch meeting is insufficient for this purpose.

If Article 10 charges are filed, an impartial investigating committee must be appointed. The committee will be obligated to hear both sides of the dispute. After hearing the committee's report, the Branch can vote to determine whether the charged parties owe the disputed sum and can vote to impose a requirement of reimbursement. Prior rulings have established that an order to reimburse the Branch the amount of a debt is not a "fine" within the meaning of Article 10, Section 4 of the CGSFB and, therefore, does not require a two thirds majority.

Finally, the Branch's decisions may be appealed to the National Committee on Appeals.

George H. French IV, Derby, CT

September 28, 2010—This is in reply to your letter, dated September 24, 2010, requesting dispensation to allow you to be a candidate for office in Branch 109 notwithstanding the fact that you served as a 204-B supervisor. According to your letter, at the request of your fellow letter carriers, you agreed to fill a 204-B vacancy in your office on an emergency basis for the months of July through September in 2009. This was done so that management would not bring in an outside supervisor while your main supervisor took emergency annual leave.

At the outset, let me assure you that I appreciate the positive reasons why you accepted this supervisory assignment. Moreover, I recognize the sincerity of your motives in seeking to run for Branch office.

Nonetheless, I cannot grant the requested dispensation. Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* expressly provides that any member who holds a supervisory position in the Postal Service "whether one (1) day or fraction thereof, either detailed, acting, probationary or permanently" is ineligible to hold any office or position in the Branch for a period of two years following the termination of supervisory status. There are no exemptions from this rule.

Amityville, NY Branch 6000

September 28, 2010—This is in reply to your letter, dated September 22, 2010, in which you assert that Brother George Pammer has refused to step down from his shop steward position.

As indicated in my previous ruling, dated

August 20, 2010, Brother Pammer is no longer *constitutionally* eligible to serve as a steward because he applied for a supervisory position. He has no choice in this matter.

There is no particular process that must be followed to effect Brother Pammer's removal. You may simply advise him that he is no longer eligible under the *Constitution* to serve as a steward. Of course, you may provide him with a copy of this letter.

In accordance with Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*, you have the authority as Branch President to appoint a successor steward, unless the Branch 6000 By-laws require an election.

Amityville, NY Branch 6000

September 30, 2010—This is in reply to your letter, dated September 18, 2010, raising, for the second time, the question whether Brother DeRossi should resign as chairman of the National Election Committee.

As I have previously indicated, Brother DeRossi remains eligible to serve on the Committee. The pertinent provision of the *NALC Constitution*, Article 6, Section 7, has only one restriction on the members of the Election Committee: no candidate for national office may be appointed. Brother DeRossi is not a candidate for national office.

While I do appreciate your concern, I would remind you that at this stage of the election process, the functions of the Election Committee are purely administrative. There is no reason to believe that Brother DeRossi's presence on the Committee will compromise the integrity of the ballot count. Accordingly, there is no basis for seeking Brother DeRossi's resignation at this time.

Laurel, MD Branch 142

September 30, 2010—This is in reply to your letter, dated August 25, 2010. I initially referred your letter to NBA Dowdy, and he provided additional background.

Your letter made two requests. The first, was to provide representation at a September 2 mediation. Obviously, this request is now moot. However, it really would not have been appropriate for the NALC to take sides in this internal Branch dispute by providing such representation.

Similarly, with respect to your second request, the question whether you may work from home is an issue for the Branch.

I do appreciate your intense personal feelings with respect to the issues raised in your letter. But the dispute between you and Branch President Branson must be addressed, in the first instance, at the Branch level.

Tampa, FL Branch 599

September 30, 2010—This is in reply to your letter, dated August 25, 2010, inquiring whether a current Trustee of Branch 599 has been rendered ineligible to hold Branch office under Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* by reason of his appointment to the position of Driver Safety Instructor. According to your letter, one of the duties of this assignment is to check letter carriers while they are delivering their routes to make sure they have in their possession a valid driver's license. One of these checks led to the discovery that a carrier's license had been suspended, and the carrier received a letter of warning.

Generally speaking, a position is considered

supervisory, within the meaning of Article 5, Section 2, if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties. Previous rulings have generally held that Driver Safety Instructor positions are not supervisory under this test. However, in this case the position in question involved duties that led directly to the discipline of a letter carrier. Accordingly, I conclude that in this particular instance the position in question is supervisory, so that the member has become ineligible to hold Branch office until two years following the termination of supervisory status.

Branch 3964 Odessa, TX

October 5, 2010—This is in reply to your letter, which was faxed to my office on October 2, requesting special dispensation permitting Branch 3964 to conduct its election of officers, notwithstanding its failure to provide written notice of nominations and elections 45 days before the election.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 3964 dispensation to conduct nominations at its November meeting, and the election in December. Suitable notice should be provided to each of the members as expeditiously as possible by mail.

Pensacola, FL Branch 321

October 6, 2010—Your letter to Secretary-Treasurer Jane Broendel, dated September 13, 2010, has been referred to me to address your questions concerning the procedures for scheduling meetings of the Branch 321 Executive Board.

Please be advised that there are no provisions in the *NALC Constitution* which address this matter. In reply to your specific question, the Branch Executive Board can meet outside of its regular schedule, without prior notice to the members, so long as this practice is consistent with the Branch By-laws. Your letter did not indicate whether there are any relevant provisions in your Branch By-laws. If there are, it will be the responsibility of the Branch to interpret and apply them.

Fall River, MA Branch 51

October 13, 2010—This is in reply to your letter, dated October 13, 2010, requesting a ruling pertaining to the eligibility of part-time flexibles and Transitional Employees to vote in an upcoming steward election in Branch 51. Specifically, you ask whether eligibility to vote is limited to the PTF's and TE's who, according to their Form 50's, are assigned to the unit in question or, alternatively, whether all PTF's and TE's in the Branch may vote since they work in all the stations at different times.

While I appreciate your concern, I must advise that the *Constitution* does not address this question. Article 4, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that Branches may make provision in their By-laws for "shop stewards to be appointed or elected, within the respective stations, as the Branch may . . . determine[.]" Accordingly, the issue raised in your letter turns solely on the meaning and application of the Branch By-laws.

It would be inappropriate for me to issue a ruling interpreting the Branch By-laws. It is the responsibility of the Branch, in the first instance, to interpret and apply its own By-laws. The Branch's determination would be subject to appeal under

Article 11 of the CGSFB.

If the By-laws are silent on this matter, the Branch should look to relevant past practices. If there have been no such practices, then the Branch should decide on a rule and incorporate it into the By-laws. My recommendation would be to limit the PTF's and TE's to voting in one station, presumably to be determined by the Form 50, so that their voting rights would be the same as that of full-time regular carriers.

Maine Merged Branch 92

October 14, 2010—This is in reply to your two recent letters requesting that I issue a ruling to resolve the ongoing question of succession to the office of Executive Vice President in Branch 92.

As previously discussed (see my letter, dated May 21, 2010), Brother Guilfoyle, as Branch President, appointed Michael Fox to the vacant position of Executive Vice President. Sister Erickson, the incumbent Vice President, asserts that the appointment of Brother Fox violated the Branch By-laws which provide an order of succession whereby the Vice President would move up to the Executive Vice Presidency in the event of a vacancy.

As National President, it is my responsibility to interpret the *NALC Constitution*. As indicated in my May 21 letter, the interpretation of the By-laws is the responsibility of the Branch. However, since both of you have requested my assistance to resolve this ongoing dispute, I offer the following guidance.

Article 4, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* authorizes Branches to provide in their By-laws for succession to vacant Branch offices. If adopted, such By-law provisions are binding.

Article 4, Section 2 of the Branch 92 By-laws, which were provided to me by Sister Erickson, does appear to establish an unambiguous order of succession whereby the Vice President would succeed to the office of Executive Vice President. Assuming that is the case, the appointment of Brother Fox would have been erroneous, and Sister Erickson should have become the Executive Vice President of Branch 92.

Esther Martinez, Hayward, CA

October 18, 2010—This is in reply to your letter, dated October 15, 2010, requesting guidance with respect to the conduct of the ongoing election of officers in Branch 1707. According to your letter, one candidate took advantage of his current position in the Branch to gain access to the Branch membership records on the computer in the Union business office. You now ask whether the election should continue.

The NALC Regulations Governing Branch Election Procedures (RGBEP) certainly require equal treatment of candidates and prohibit the use of union resources to promote one candidate over another. See RGBEP Sections 9.1, 9.4. However, I am in no position to comment on whether a violation of NALC Election Regulations has occurred or whether such violation could affect the outcome of the election, based on the limited information provided in your letter.

Nonetheless, in response to your question, the election should definitely continue. Under Section 21 of the RGBEP, violations are remedied through a post-election appeal. There is no basis in the regulations for stopping the election.

In addition, the comment following Section 9.1 of the RGBEP specifically points out that "if a branch

permits one candidate to copy a membership list, all other candidates must be allowed to copy it." Thus, the Branch may consider giving the other candidate(s) equal access to the membership list as a potential remedy for the violation described in your letter.

Raleigh, NC Branch 459

October 20, 2010—This is in reply to your letter, dated October 14, 2010, requesting a ruling as to whether a member must belong to the NALC Health Benefit Plan in order to be eligible to be nominated for the position of the Health Benefits Representative (HBR).

Please be advised that Article 4, Section 3 of the *Constitution* of the NALC Health Benefit Plan requires that individuals must be participating members of the Plan in order to hold office in the Plan at the branch level. At the same time, prior rulings have recognized a distinction between eligibility to hold the office of Health Benefits Representative and eligibility to be a candidate for that position. Article 4, Section 3 requires that an individual be a participating member in order to hold office in the Plan. It does not require that the individual be a member of the Plan to run for office. Thus, if a candidate who is not presently a participating member takes the necessary steps to join the Plan, he/she will be eligible to serve as the Branch's HBR if elected.

However, if the member refuses to join the Plan then he would not be eligible to serve as the HBR. In that circumstance, the Branch President would have the authority to fill that position by appointment. The appointee must be a member of the Plan.

Raleigh, NC Branch 459

October 20, 2010—This is in reply to your letter, dated October 18, 2010, requesting dispensation to extend the date of the election of officers in Branch 459 to ensure a twenty day mail balloting period. According to your letter, the Branch cannot mail ballots twenty days before November 2, which is the date specified in the Branch By-laws for the return of ballots.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The Branch may establish a return date for ballots twenty days after mailing. The results of the election may be announced at the December meeting, notwithstanding any contrary provisions of the Branch By-laws.

Slidell, LA Branch 4342

October 20, 2010—This is in reply to your letter, dated October 13, 2010, requesting a ruling as to whether a steward's "verbal" resignation is as effective as a written resignation.

Please be advised that there are no provisions in the *Constitution* specifying procedures for the resignation of officers or stewards. Accordingly, it is the responsibility of the Branch to determine the issue based on the specific circumstances presented. A verbal resignation may or may not be effective, depending on the precise words said and the context in which they were spoken.

In some cases there is a factual dispute as to whether the individual did submit an effective resignation, or whether he/she properly withdrew the resignation before it became effective. Previous rulings have consistently held that such disputes must be resolved, in the first instance, at the Branch level.

The issue may be voted on by the members. The Branch's decision would then be subject to appeal to the National Committee of Appeals in accordance with the procedures set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

Brookfield, WI Branch 4811

October 20, 2010—Your letter, dated October 13, 2010, to Assistant Secretary-Treasurer Nicole Rhine has been referred to me for reply. Your letter inquires whether Branch 4811 may use mail ballots in its upcoming election of officers, even though its By-laws do not provide for mail ballots.

The answer to your question is no. Section 11.7 of the NALC Regulations Governing Branch Election Procedures (RGBEP) specifies that voting in Branch elections must be at a branch meeting unless branch by-laws provide for a different voting method, such as mail ballots. Absent a by-law provision, the vote must take place at the meeting.

Note, however, that the election committee can provide absentee ballots to those members who will be unable to vote at the meeting. Absentee ballots can be mailed. They must be requested after nominations have closed but at least two weeks before the election. See RGBEP Section 11.5.

Dennis Smith, Lake in the Hills, IL

Mike Quaritsch, Palatine, IL

Stan Price, Palatine, IL

October 22, 2010—This is in reply to your letter, dated October 10, 2010, concerning the response of Branch 4268 to an appeal you have filed with the National Committee on Appeals.

Please be advised that I am referring your letter to the Committee for consideration in the context of the appeal. It would be entirely inappropriate for me to comment on your various allegations at this stage of the process.

Burkburnett, TX Branch 122

October 22, 2010—This is in reply to your letter, which was faxed to NALC Headquarters on October 20, 2010, requesting a ruling as to whether a Branch President may appoint a member to fill a temporary or permanent vacancy in a Branch officer position resulting from the incapacitation of the incumbent.

The answer to your question is yes. In accordance with the authority provided by Article 4, Section 2 and Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*, the President may appoint a member to discharge the duties of an officer who has been temporarily or permanently incapacitated.

Champaign, IL Branch 671

October 26, 2010—This is in reply to your letter, which was faxed to my office on October 22, 2010, requesting a ruling as to whether Brother Derrick Chambers has been disqualified from being a candidate for President of Branch 671 under Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches*. According to your letter, Brother Chambers took a supervisor examination on line within the last two years. You also note that he failed the test and has not otherwise sought a supervisory position.

As a general principle, the prohibition set forth in Article 5, Section 2 covers any application for a supervisory position. It is not necessary that the member file a Form 991 or otherwise submit an

application in writing. Taking an examination may or may not constitute an application for a supervisory position, depending on the circumstances. Local practices may be relevant.

Your letter does not provide sufficient information as to the nature of the application process to permit me to make a definitive ruling with respect to Brother Chambers. For example, your letter does not indicate whether the Postal Service treats individuals who pass the test as applicants for a supervisory position, or whether additional steps are required to complete the application.

If the Postal Service does consider anyone who takes the exam as an applicant for a supervisory position, then it would not matter if the member ultimately fails the test. He would be ineligible to serve as a Branch officer under Article 5, Section 2 because he did apply for a supervisory position. By contrast, if management does not treat those who take the test as applicants, then it would not matter if the member passes the test. If additional steps are necessary to complete the application, then the member would not be disqualified until he had completed these steps.

In any event, it is for the Branch to determine, in the first instance, whether or not a member has in fact applied for a supervisory position. The Branch should investigate this matter and, if necessary, discuss the situation with management to clarify whether an individual who takes the test is considered to be an applicant. If the Branch concludes that in the present case taking the exam was not tantamount to an application for a supervisory position, then Brother Chambers will remain eligible to be a candidate for and to serve as Branch President.

Pearl City, HI Branch 4682

October 27, 2010—This is in reply to your letter, dated October 26, 2010, concerning the ongoing dispute in Branch 4682 over the air travel expenses incurred by a delegate to the 2008 National Convention. According to your letter, this member was reimbursed for air fare which exceeded the air fare of the other delegates. The Branch voted in favor of a recommendation that the member reimburse the Branch \$250.29, which represents the difference in air fare amounts, and a letter of demand was served on her. She has since refused to make the payment. You now ask whether she remains eligible to be a candidate for Branch office.

At the outset, it would be inappropriate for me to address the merits of this dispute at this time. However, I can advise you that previous rulings have held that a member's failure to pay an individual debt to the Branch does not, by itself, disqualify the member from being nominated for office. However, such an individual ultimately could be removed from membership, so long as the appropriate procedures are followed.

The following discussion concerns the procedures that may be pursued at the Branch level to enforce the debt claim.

The first question is whether the motion that the delegate reimburse the Branch is valid. While there is nothing in the *Constitution* which would prohibit the Branch from entertaining such a motion, it is not clear that the motion, by itself, is enforceable where, as here, the member in question is disputing the debt. Past rulings have concluded that the procedure for filing and adjudicating charges set forth in Article 10 of the *Constitution for the Government of*

Subordinate and Federal Branches (CGSFB) is a legitimate method for enforcing a debt claim where the existence and/or the amount of the debt is in dispute. The rulings further establish that when the Branch claims that a member owes an individual debt, the member may be removed from membership for failing to pay such debt only after charges have been processed pursuant to Article 10 of the CGSFB. Absent Article 10 procedures, a simple motion at a Branch meeting is insufficient for this purpose.

If Article 10 charges are filed, an impartial investigating committee must be appointed. The committee will be obligated to hear both sides of the dispute. After hearing the committee's report, the Branch can vote to determine whether the charged party owes the disputed sum and can vote to impose a requirement of reimbursement. Prior rulings have established that an order to reimburse the Branch the amount of a debt is not a "fine" within the meaning of Article 10, Section 4 of the CGSFB and, therefore, does not require a two thirds majority.

Finally, the Branch's decision may be appealed to the National Committee on Appeals.

Colorado Springs, CO Branch

October 27, 2010—This is in reply to your letter, dated October 20, 2010, concerning the failure of Branch 204 to conduct nominations for delegates to the Colorado State Association convention at its October meeting as required by its By-laws. According to your letter, the Branch inadvertently failed to provide a notice of nominations in the Branch newsletter.

In light of the facts described in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 204 dispensation to conduct nominations for state delegates at its November meeting. The Branch must provide appropriate notice to each member at least 10 days before nominations. An election may be conducted, if necessary, following the nominations.

Lansing, MI Branch 122

October 27, 2010—This is in reply to your letter, dated October 18, 2010, concerning the apparently inadvertent failure of Branch 122 to conduct nominations for delegates to the Michigan State Association convention at its nominations meeting on October 13.

In light of the facts described in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 122 dispensation to conduct nominations for state delegates at its November or December meeting. The Branch must provide notice of these nominations by mail to each member at least 10 days before nominations. An election by mail may be conducted, if necessary, following the nominations.

Please be advised that the practice of simply allowing any member who volunteers to serve as a delegate, as described in your letter, is not consistent with the requirements of the *Constitution*. Article 4 and 5 of the *NALC Constitution*, consistent with federal law, require that the Branch conduct formal nominations of delegates followed by an election if there are more nominees than delegate positions.

Paducah, KY Branch 383

October 27, 2010—This is in reply to your letter, dated October 20, 2010, concerning the failure

of Branch 383 to conduct nominations of Branch officers at its October meeting as required by its By-laws. According to your letter, the Branch inadvertently failed to provide a notice of nominations in the *Postal Record*.

In light of the facts described in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 383 dispensation to conduct nominations of officers at its November meeting and the election at its December meeting. While the Branch is not required to publish a new notice in the *Postal Record*, it must provide appropriate notice to each member by mail at least 10 days before nominations.

Jackson, MS Branch 217

October 27, 2010—This is in reply to your letter, dated October 27, 2010, concerning an apparent error in the notice of nominations for officers of Branch 217 that appeared in the *Postal Record*.

Please be advised that it would be entirely inappropriate for me to address the potential impact of this mistake. Under Section 21 of the NALC Regulations Governing Branch Election Procedures, all objections to the conduct of a Branch election are to be submitted in the form of a post-election appeal.

My recommendation would be to proceed with the mail ballot as scheduled. However, any member who believes that the error in the notice impacted the outcome of the election may still file a post-election appeal.

Winston-Salem, NC Branch 461

October 29, 2010—This is in reply to your letter, which was faxed to my office on October 27, 2010, concerning polling procedures for the Branch 461 election. According to your letter, some candidates intend to pass out flyers at the Union hall at the time of the election. You ask for a ruling as to how far from the actual polling place such conduct would be permissible.

Please be advised that there are no provisions in the *NALC Constitution* or the NALC Regulations Governing Branch Election Procedures which address this issue. The Branch can adopt any reasonable rule which ensures that the polling is not disrupted and which preserves the secrecy of the ballot.

Willie Carol Roberts, Greenville, SC

October 29, 2010—This is in reply to your letter, which was faxed to my office on October 27, 2010, requesting a ruling as to the accuracy of a statement contained in a letter sent to by the President of Branch 1729 to the members concerning the election of the Vice President. Specifically, you ask me to address his statement that "As Vice President that carrier is also the Chief Steward."

Please be advised that it would be entirely inappropriate for me to interject my view as to the accuracy of a statement made in the context of an ongoing election campaign.

I can advise you that Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*, which defines the powers and responsibilities of the Branch President, states, in pertinent part, that the President "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members."

Maine Merged Branch 92

November 5, 2010—This is in reply to your letter, dated October 26, 2010. In accordance with

your request, the following constitutes a formal presidential ruling.

As indicated in my ruling of October 14, Article 4, Section 2 of the *Constitution for Government of Subordinate and Federal Branches* authorizes a Branch President to fill vacancies in Branch offices by appointment only when the Branch By-laws fail to provide for succession to offices. The Branch 92 By-laws clearly provide an order of succession. Accordingly, President Guilfoyle did not have the authority to appoint Brother Michael Fox to the vacant position of Executive Vice President. That appointment is null and void.

Effective immediately, Brother Fox must vacate the position of Executive Vice President of Branch 92. Vice President Diana Erickson should be installed as Executive Vice President as expeditiously as possible.

Please feel free to distribute copies of this ruling to the members of the Branch.

Gretna, LA Branch 2730

November 5, 2010—This is in reply to your letter, dated October 31, 2010, requesting dispensation to postpone the election of officers in Branch 2730. According to your letter, both the notice of nominations and the ballots were mailed untimely.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Nominations and the election must be conducted as expeditiously as possible. Please note that you will be required to provide timely notice of the new dates for nominations and the election by mail to each member of the Branch.

Seattle, WA Branch 79

November 5, 2010—This is in reply to your letter, dated November 1, 2010 requesting a ruling as to whether certain ballots should be counted in the Branch 79 election of officers.

According to your letter, the Branch's established practice has been not to count mail ballots which did not have a signature on the outer envelope. However, the Branch attaches a label on the outer return envelope for the mail ballots which identifies the voter by name and address. You now ask whether ballots should be counted even if the member does not sign the outer envelope.

It would be inappropriate for me to rule specifically on whether any particular ballots should be counted. I can advise you that the Department of Labor has taken the position that in mail ballot elections a ballot contained in an unsigned envelope should be counted if there is sufficient information identifying the person as eligible to vote. Consistent with this position, the NALC Executive Council recently approved amendments to the NALC Regulations Governing Branch Election Procedures (RGBEP) which allow Branches to use alternative identifiers on the outer envelope rather than signatures. (See RGBEP Section 14.3.)

I emphasize that the foregoing should not be read a final ruling, but rather interpretive advice based on the information in your letter. Candidates retain the right to challenge any decision by the Election Committee to count or not to count a ballot in accordance with the procedures set forth in Sections 15 and 21 of the RGBEP.

Toldeo, OH Branch 100

November 5, 2010—This is in reply to your let-

ter, dated November 4, 2010, concerning Branch 100's mail ballot election of officers. You ask whether the Branch is required to arrange for two separate post office boxes, one for ballots and one for returns. According to your letter, the Branch's past practice has been to have undelivered ballots returned to the union hall where they are given to the Election Committee.

Section 14.2 (d) of the NALC Regulations Governing Branch Election Procedures (RGBEP) explicitly requires the Election Committee to arrange for a post office box for ballots. There is no provision in the RGBEP requiring a second post office box for returns.

However, having a second post office box for the return of undelivered ballots is a good practice because it insures that only the Election Committee will have access to the ballots at all stages of the process.

Toa Alta, PR Branch 869

November 9, 2010—This is in reply to your letter, dated October 20, 2010, concerning the dues structure of Branch 869. In particular, you ask how NALC calculates the dues of Branch 869 members, and whether the Branch By-laws require that \$1.50 be deducted from the dues for deposit in a separate Building Fund account.

At the outset, please be advised that the NALC does not calculate the dues of Branches. Rather, NALC arranges with the Postal Service to have Branch dues deducted in the amount that is communicated to the NALC Secretary-Treasurer by the Branch.

The amount of monthly dues for your Branch appears to be set by Article VII, Section 1 (a) and (b) of the By-laws which you included with your letter. Article VII, Section 1(a) provides for each member to pay monthly dues equal to two (2) hours base pay for a grade 1, Step D letter carrier. This provision tracks the minimum dues structure set forth in Article 7, Section 2 (a) of the *NALC Constitution*.

The minimum dues amount is calculated annually. For 2010 the amount is \$22.41 per pay period, which is based on an hourly rate for Grade 1, Step D letter carriers of \$24.28. (I am including with this letter a chart which illustrates the necessary calculations.) For 2011, the minimum dues amount will be \$22.82 per pay period, based on an hourly rate for Grade 1, Step D letter carriers of \$24.67.

Our records indicate that Branch 869 members presently pay dues of \$26.47 per pay period, which is greater than the minimum dues. Presumably, the difference is based on Article VII, Section 1(b) of the By-laws providing that Branch 869 members shall pay additional monthly dues equal to one half (½) of the hourly base pay for a Grade 1, Step D letter carrier. However, I cannot comment on whether the current dues are consistent with the By-laws. It is the Branch's responsibility to make the necessary calculation and inform the Secretary-Treasurer's office of the amount to be deducted for its members.

Similarly, it would be inappropriate for me to interpret Article VII, Section 1(c) of the By-laws to determine whether that language requires that \$1.50 of the Branch dues per member and per pay period must be deposited in a separate account. As National President, it is my responsibility to interpret the *Constitution*. Questions relating to the interpretation or application of By-laws, must be resolved, in the first instance, at the Branch level. If

the By-law language is ambiguous, I would recommend that the Branch enact a clarifying amendment which reflects the intent of the members.

Torrance, CA Branch 2207

November 16, 2010—This is in reply to your letter, dated November 3, 2010, requesting a ruling as to whether Branch 2207 violated its By-laws by voting to change the date of its November meeting.

As a general principle, a Branch may not vote to take an action which conflicts with its By-laws. However, I must advise that it would be entirely inappropriate for me to address the issue whether the change in the date of the meeting was inconsistent or in conflict with the Branch 2207 By-laws. Disputes over the interpretation or application of By-laws must be resolved, in the first instance, at the Branch level. The Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

New Brunswick, NJ Branch 444

November 16, 2010—This is in reply to your letter, dated November 10, 2010, requesting a ruling with respect to a motion passed by the members of Branch 444 at the November 9 meeting to designate a specific post office for the receipt of ballots in the upcoming election of Branch officers. You ask whether this motion improperly restricts the discretion of the Election Committee to choose a post office box for receipt of ballots at a location agreeable to the members of the Committee.

While I appreciate your concerns, I must advise that the NALC Regulations Governing Branch Election Procedures do not address the issue described in your letter. Similarly,

your letter does not indicate that there are any relevant provisions in the Branch By-laws. Accordingly, there is no basis for ruling that the motion was improper or otherwise unenforceable.

Valley Branch 109 Derby, CT

November 16, 2010—This is in reply to your letter, dated November 10, 2010, requesting a ruling as to the eligibility of a member who may not be in good standing to be a candidate for office in the upcoming Branch 109 election. According to your letter, this member has owed the Branch back dues since Pay Period 7 of 2007.

It would be inappropriate for me to address the eligibility of the specific individual referenced in your letter based on the limited information provided. I can offer a summary of the numerous presidential rulings which have addressed the application of the *Constitution* to the issue raised in your letter. These interpretations may be summarized as follows.

Whether or not an individual from whom dues have not been collected is eligible to run for office turns on whether the individual has forfeited his/her membership under the provisions of Article 7, Section 4 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Under Article 7, Section 4, any member who fails to pay monthly dues for 30 days must forfeit his/her membership. Article 7, Section 4 permits Branches to extend the 30 day grace period for not more than an additional 60 days "for good and sufficient reasons, under reasonable rules uniformly applied." Your letter does not indicate whether Branch 109 has ever acted to extend the 30 day grace period. In any

event, at the end of the grace period, if the member is still delinquent, he/she must forfeit his or her membership.

An additional exception to the forfeiture rule is provided by Article 7, Section 3(b) of the CGSFB. It states that a Branch may exempt any member from dues payments under reasonable rules uniformly applied for a stated period of time. Thus, for example, a Branch could adopt a policy providing that members will be exempt from dues payments while on workers compensation or leave without pay. Your letter does not indicate that Branch 109 has implemented such an exemption. However, the question whether the Branch has done so must be resolved at the Branch level.

Prior to the time of forfeiture, the member retains full membership rights, including the right run for office, notwithstanding the dues delinquency. But when the point of forfeiture is reached, the member loses all rights of Branch, State Association and National membership. This would include the right to be a candidate in a Branch election of officers.

Where Article 7, Section 4 applies — i.e., cases in which a member fails to pay a fine or an assessment or monthly dues within 30 days or an extended grace period — the forfeiture of membership is automatic. It would not be necessary for the Branch to initiate charges or provide formal notice to the individual. While the Branch is expected to notify NALC Headquarters in writing of any forfeiture and the reasons for it, the mere fact that the Branch has failed to notify NALC Headquarters of the changed status of a member does not, in and of itself, confer membership rights on an individual who has forfeited membership rights by failing to pay dues.

As indicated above, it is the responsibility of the Branch to apply the above guidelines to individual situations based on the particular fact circumstances.

Jackson, MS Branch 217

November 16, 2010—This is in reply to your letter, dated November 16, 2010, concerning apparent errors in the ballots that have been mailed to the members of Branch 217 in connection with the election of Branch officers.

I agree that a corrected ballot with instructions should be mailed as expeditiously as possible.

However, it would be inappropriate for me to address the potential impact of any errors in the original ballot. As I advised in my letter of October 27, any member who believes that the mailing of the initial ballot may have impacted the outcome of the election may still file a post-election appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

Clovis, NM Branch 2691

November 16, 2010—This is in reply to your recent letter, received by my office on November 12, 2010, requesting dispensation permitting Branch 2691 to hold a special election for the offices of Secretary, Sergeant at Arms, two year Trustee, and one year Trustee. According to your letter, these offices have become vacant and the Branch wishes to fill them by special election.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 2691 dispensation to hold a special election for the above listed offices.

Diana Vitelli O'Brien, Deep River, IN

November 19, 2010—This is in reply to your letter, dated November 6, 2010, requesting that I look into NALC Branch 19 President Vincent Mase's decision to remove your husband, Kenneth O'Brien, from the position of shop steward in the Deep River, CT Post Office.

While I appreciate your concern, I must advise that there is no basis for your request. As Brother Casciano correctly noted in his letter to you of November 4, appointed stewards are subject to removal by the President of the Branch. Brother Mase's action could have been appealed to the Branch under Article 11, Section 1 of NALC's *Constitution for the Government of Subordinate and Federal Branches*. There is no indication in the correspondence that your husband has sought to initiate an appeal. In any event, I express no view as to the merits or timeliness of any such appeal at the present time.

Gadsden, AL Branch 1047

November 19, 2010—This is in reply to your letter, dated November 16, 2010, requesting dispensation with respect to the election of officers of Branch 1047 which will take place at the regular Branch meeting in December.

The present Branch 1047 By-laws provide for a Recording Secretary and a Financial Secretary-Treasurer. Consistent with the By-laws, the Branch submitted a notice of nominations which was published in the Postal Record which included both these offices. However, at the November meeting, the Branch passed a motion to consolidate these positions into one office with no increase in pay. The intent of the consolidation is to use the resulting savings to offset the cost of retaining an accountant to handle the Branch's financial affairs. The Branch then conducted nominations which included nominations for the proposed consolidated office rather than separate nominations for the two offices. According to your letter, the Branch expects to enact a By-law amendment providing for the consolidation of the offices of Recording Secretary and Financial Secretary-Treasurer at its January meeting and will forward the amendment to the Committee of Laws for approval immediately thereafter.

Unfortunately, it appears that the Branch has acted prematurely on the proposed consolidation. Previous presidential rulings have made clear that the consolidation of offices described in your letter can only be accomplished by amendment of the Branch By-laws. The rulings have also consistently held that Branch offices cannot be eliminated mid-term. A By-law amendment consolidating offices normally cannot take effect until the next term of office. Insofar as the necessary By-law amendment has not yet been enacted and approved by the Committee of Laws, the nomination that took place at the November meeting for the consolidated office of Secretary/Financial Secretary-Treasurer is null and void. Any subsequent election to this office is invalid.

In light of the foregoing, it is my decision that the Branch should proceed as follows:

1. Upon expiration of the terms of the current Recording Secretary and Financial Secretary-Treasurer, those two positions shall be filled on a temporary basis by appointment of the Branch President in accordance with Article 4, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches*.

2. In accordance with my authority under Article 9, Section 1 of the *NALC Constitution* I hereby grant Branch 1047 the following dispensation:

a. If the proposed By-law creating a consolidated office of Secretary-Financial Secretary-Treasurer is adopted at the January, 2011 meeting and subsequently approved by the Committee of Laws, then the Branch may conduct a special election of a Secretary/Financial Secretary-Treasurer. Upon installation of the elected Secretary/Financial Secretary-Treasurer, the temporary appointments referenced in paragraph 1 shall terminate.

b. If the By-law amendment is not enacted at the January meeting, or is subsequently disapproved by the Committee of Laws, then the Branch will conduct a special election for the two non-consolidated offices of Recording Secretary and Financial Secretary-Treasurer.

West Palm Beach, FL Branch 1690

November 22, 2010—This is in reply to your letter, dated November 18, 2010, requesting dispensation that would relieve Branch 1690 of the requirement to nominate seventeen delegates for Rap Sessions. According to your letter, the Branch voted at its November 17 meeting to send two full time officers in lieu of the seventeen delegates. Your letter indicates that this action was based on financial considerations.

I assume from your letter that either the By-laws require that the Branch assume at least some of the cost of having delegates attend Rap Sessions, or that it has been the past practice of the Branch to do so. Based on this assumption, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. However, if the Branch anticipates that funding delegates to Rap Sessions will be a recurring problem in the future, the Branch should amend its By-laws to eliminate any requirement that it do so.

Shawnee, OK Branch 883

November 22, 2010—This is in reply to your letter, dated November 19, requesting dispensation permitting Branch 893 to conduct new nominations and a new election in January and February, 2011. According to your letter, the Branch conducted nominations and elections in October and November. However, one of the losing candidates has filed a protest concerning a procedural error.

While I appreciate your concern, I must advise that your letter does not contain sufficient information for me to act on your request. In particular, the letter does not clarify the nature of the procedural error in question.

In any event, special dispensation from me should not be necessary. Under the appeal procedure set forth in Section 21 of the NALC Regulations Governing Branch Election Procedures, the Branch Election Committee may uphold an election protest and may order new nominations and a new election to remedy any violation that may have occurred. If the Election Committee does not sustain the protest, an appeal may be made to the Branch Executive Board and from the Board to the Branch. The Executive Board or the Branch may uphold a protest and order new nominations and a new election. It is not necessary to obtain such relief from the National President.

Finally, please note that pending the completion of the appeal process, the outcome of the original election is presumed to be valid. This means that

the winners of the election should be installed as scheduled, even if an appeal is still pending, or new nominations and a new election have been scheduled.

Marion, IN Branch 378

November 23, 2010—This is in reply to your letter, dated November 15, 2010, requesting clarification of the rules applicable to the election and compensation of convention delegates in Branch 378.

Please be advised that Articles 4 and 5 of the *NALC Constitution for the Government of Subordinate and Federal Branches* and the NALC Regulations Governing Branch Election Procedures require that convention delegates be nominated and elected. Your letter indicates that the past practice of the Branch has been to appoint members to attend conventions after passing a motion at a Branch meeting to determine how many delegates to send. This procedure is wholly inconsistent with the *Constitution*.

Please note that the Branch must permit a full slate of delegates and alternate delegates to be nominated and elected. The Branch has discretion to limit the number of elected delegates who will receive Branch funds as compensation for lost wages and/or expenses, provided such limits are consistent with the Branch By-laws. However, delegates who do not receive funding have the right to attend the Convention at their own expense.

It would be inappropriate for me to rule on whether the Branch 378 By-laws entitle all delegates to funding. Disputes over the interpretation or application of By-laws must be resolved, in the first instance, at the Branch level. If the By-laws are ambiguous, I recommend that the Branch enact a clarifying amendment that reflects the wishes of the membership.

Walterboro, SC Branch 6123

November 22, 2010—Your letter, dated November 16, 2010, to Assistant Secretary-Treasurer Nicole Rhine has been referred to me for reply. According to your letter Branch 6123 has consolidated the offices of Vice President, Health Benefits Representative, Sergeant-At-Arms, and Shop Steward into one position. You now ask whether a member must be enrolled in the NALC Health Benefit Plan to be eligible to hold this consolidated office.

The answer to this question is yes. Article 4, Section 3 of the *Constitution of the NALC Health Benefit Plan* requires that individuals must be participating members of the Plan in order to hold office in the Plan at the branch level. Accordingly, the Branch Health Benefits Representative must be a member of the Plan. Prior rulings have held that this *constitutional* requirement continues to apply when the office of Branch Health Benefits Representative is consolidated with another office. Thus, whoever is elected to the consolidated position must be a member of the Health Benefit Plan to serve in that position.

At the same time, the rulings have also recognized a distinction between eligibility to hold the office of Health Benefits Representative and eligibility to be a candidate for that position. Article 4, Section 3 requires that an individual be a participating member in order to hold office in the Plan. It does not require that the individual be a member of the Plan to run for office. Thus, if a candidate who is not presently a participating member takes the necessary steps to join the Plan, he/she will be eligible to

serve as the Branch's Health Benefits Representative if elected.

Hayward, CA Branch 1707

November 29, 2010—This is in reply to your letter, dated November 19, 2010, concerning the recent election of officers in Branch 1707. According to your letter, irregularities occurred in the election process.

The issues described in your letter are normally addressed through the appeal process set forth in Section 21 of the NALC Regulations Governing Branch Election Procedures. Section 21 authorizes the Branch Election Committee to order a rerun election if it finds that violations occurred which may have affected the outcome of the election. If the Committee denies the appeal, such relief may be granted upon appeal to the Branch Executive Board or, subsequently, to the next scheduled meeting of the Branch following the Executive Board's decision.

Your letter does not indicate whether such an appeal has been initiated. In any event, it would be inappropriate for me to comment on the merits or timeliness of any appeal at this time.

Aurora, IL Branch 219

November 29, 2010—This is in reply to your letter, dated November 16, 2010, requesting a ruling as to whether Brother Charles Norris is disqualified from being a candidate for Financial Secretary of Branch 219 under Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches*. According to your letter, earlier this year Brother Norris filled out an on line application and took two supervisor examinations on line passing one and failing the other. Your letter does not indicate that he took any additional steps to obtain a supervisory position.

As a general principle, the prohibition set forth in Article 5, Section 2 covers any application for a supervisory position. It is not necessary that the member file a Form 991 or otherwise submit an application in writing. Taking an examination on line may or may not constitute an application for a supervisory position, depending on the circumstances. Local practices may be relevant.

Your letter does not provide sufficient information as to the nature of the application process to permit me to make a definitive ruling with respect to Brother Norris. For example, your letter does not indicate whether the Postal Service treats individuals who pass the test as applicants for a supervisory position, or whether additional steps are required to complete the application.

If the Postal Service does consider anyone who takes the exam as an applicant for a supervisory position, then it would not matter if the member ultimately fails the test. He would be ineligible to serve as a Branch officer under Article 5, Section 2 because he did apply for a supervisory position. By contrast, if management does not treat those who take the test as applicants, then it would not matter if the member passes the test. If additional steps are necessary to complete the application, then the member would not be disqualified until he had completed these steps.

In any event, it is for the Branch to determine, in the first instance, whether or not a member has in fact applied for a supervisory position. The Branch should investigate this matter and, if necessary, discuss the situation with management to clarify whether an individual who takes the on line test is considered to be an applicant. If the Branch con-

cludes that in the present case taking the exam was not tantamount to an application for a supervisory position, then Brother Norris will remain eligible to be a candidate for and to serve as Branch Financial Secretary.

Mike Bishop, Shelby, NC

December 1, 2010—This is in reply to your letter, dated November 17, 2010, in which you allege that Branch 2307 President Angie Stockton has failed to send written notice of an election of officers in a timely manner.

Normally, violations of the procedural requirements set forth in the NALC Regulations Governing Branch Election Procedures are handled through the appeal process set forth in Section 21. Therefore, your request that this matter be investigated by the office of the National Business Agent is premature at this time.

Similarly, it is normally the Branch's responsibility to audit its financial records. Your request for an audit should be directed initially to the new officers who may be elected. A request for an audit may also be made by means of a motion at a Branch meeting.

Please advise me if the Branch fails to hold an election of officers by December 31. In that event, I will reconsider your request for an investigation by the NBA's office.

Charles Norris, Aurora, IL

December 1, 2010—This is in reply to your recent letter, received by my office on November 29, 2010.

As to the question of whether you are eligible to run for office in Branch 219, please refer to my letter to Branch President Parker, a copy of which is enclosed. As I note in that letter, it is the responsibility of the Branch to determine, in the first instance, whether or not a member has in fact applied for a supervisory position, based on the specific facts presented. If the Branch does determine that you are not eligible to be a candidate because you applied for a supervisory position, you may challenge that determination by initiating a post-election appeal in accordance with Section 21 of the NALC Regulations Governing Branch Election Procedures.

I am declining to comment on the other matters discussed in your letter as I have only your side of the story before me. However, as a general matter, decisions of a Branch President may be appealed to the Branch in accordance with Article 11, Section 1 of NALC's *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the CGSFB.

Pearl City, HI Branch 4682

December 9, 2010—This is in reply to your letter, dated December 6, 2010, requesting a ruling as to whether a proposed motion to be offered at the December 9 meeting of Branch 4682 would be permissible under the *NALC Constitution*. The motion would prohibit the Treasurer from taking home the Branch checkbook and financial records.

Please be advised that the motion as described in your letter would not be in conflict with any provisions of the *NALC Constitution*.

Albuquerque, NM Branch 504

December 9, 2010—This is in reply to your letter, dated December 5, 2010, requesting clarification of the term "Australian ballot" which is

referenced in Section 10.11 of the NALC Regulations Governing Branch Election Procedures (RGBEP).

The term "Australian ballot" refers to any ballot which is prepared in advance, lists all candidates, and is marked in conditions of secrecy. The use of the term Australian ballot does not imply any particular order in listing candidates. Rather, the term indicates that the names of all candidates will appear on the ballot in a form which allows the voter to mark his/her selection in secrecy and to submit the ballot without revealing the voter's choices. Historically, the Australian ballot was distinguished from other forms of ballot, such as a blank piece of paper on which the voter writes the names of his/her chosen candidates, or a ballot prepared by a political organization listing its candidates names, which would be distributed to voters by the organization in advance of the election to be turned in at the polling place.

It would be inappropriate for me to respond to your allegations with respect to the ballot used in the recent election of officers in Branch 504. All objections to the conduct of an election must be submitted in the form of a post-election appeal, as provided by Section 21 of the RGBEP.

South Carolina State Association of Letter Carriers

December 9, 2010—This is in reply to your letter, dated December 2, 2010, requesting advice with respect to the proposed termination of the death benefit program which has been maintained for many years by the South Carolina State Association of Letter Carriers.

As President of the NALC, I can advise you with respect to the requirements of the *NALC Constitution*. If the death benefit is provided by the State Association By-laws, then you will be required to amend the By-laws in accordance with Article 15 of the *NALC Constitution* to discontinue the program.

Branch 79, Seattle, WA 98109

December 16, 2010—This is in reply to your letter, dated December 9, 2010.

In response to your inquiry, this will confirm that the Regulations Governing Branch Election Procedures approved by the NALC Executive Council in March, 2008, which are available on the NALC website, do incorporate the amendments referenced in my letter of November 5 to Sister Pyle. The amendments recognize that Branches may use alternative identifiers rather than signatures on the outer envelopes used in mail ballot elections.

Camden, NJ Merged Branch 540

December 16, 2010—This is in reply to your letter, dated December 7, 2009. Your letter requests guidance as to whether the removal of a steward may be warranted.

It would be inappropriate for me to comment on the particular situation described in your letter. However, I can provide a general outline of the rules governing the removal of stewards.

The ability of the Branch President to remove shop stewards is determined by the manner of steward selection. If the Branch's stewards are appointed to office by the Branch President, the President may, pursuant to Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, remove a steward for good and sufficient cause. If, however, the shop stewards are elected by the members of each

respective station, then the President may remove for good cause only if the Branch has made a specific provision for such removal in its By-Laws. In the case of shop stewards elected by the entire Branch, the stewards must be treated as regular Branch officers. Consequently, they cannot be removed without complying with the specific procedures set forth in Article 10 of the CGSFB.

Beyond the foregoing, prior rulings indicate that a Branch President does have the authority to suspend a steward temporarily for failing to meet his/her responsibilities. Article 6, Section 1 of the CGSFB confers upon the Branch President "general supervisory powers over the Branch" as well as the authority to "see that officers perform their duties [and to] enforce the *Constitution*, By-Laws, [and] Rules and Regulations of the Branch." In addition, under Article 6, Section 1 of the CGSFB, the Branch President is designated Chief Shop Steward. He, therefore, retains the ultimate authority to supervise other stewards in the performance of their duties. The delegates to the 2008 National Convention in Boston affirmed this authority by amending Article 6, Section 1 to provide specifically that "The President shall at all times have the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy."

Whether the President of the Branch properly exercised his *constitutional* authority in removing or suspending a steward would depend on the particular facts presented, and the exact nature of the President's actions. Since any action you take could be subject to appeal, it would not be appropriate for me to suggest what you should do in this specific situation.

Robert Harnest, Laurel, MD

December 21, 2010—This is in reply to your letter, dated December 10, 2010, addressed to Secretary-Treasurer Broendel, a copy of which you faxed to my office.

The information contained in your letter indicates that the transfer of your membership from Branch 142 to Branch 3825, Rockville, Maryland, which was made effective by the NALC as of November 19, 2010, was premature because the procedures outlined in Article 2, Section 3(c) of the *Constitution for the Government of Subordinate and Federal Branches* had not been completed at that time.

Accordingly, by copy of this letter I am directing Secretary-Treasurer Jane Broendel and the NALC Membership Department to correct our records to reflect that you remain a member of Branch 142 at this time, and that your transfer to Branch 3825 did not go into effect as previously indicated.

Branch 142, Washington, DC

December 21, 2010—This is in reply to your letter, dated December 10, 2010, concerning charges filed by Brother Robert Harnest under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*.

I am enclosing a copy of my letter to Brother Harnest in which I ruled that the transfer of his membership to Branch 3825 was premature, so that he remains a member of Branch 142 at this

time. Accordingly, the charges that he submitted should be processed in accordance with Article 10.

Palatine, IL Branch 4268

December 22, 2010—This is in reply to your letter, dated December 10, 2010, inquiring whether a member who "voluntarily forfeits" his/her membership in the NALC and subsequently reapplies for membership may be required by the Branch to pay a fine or assessment on a case by case basis to be voted on by the Branch.

At the outset, it is unclear what you mean by "voluntarily forfeits." Article 2, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* permits members who have paid all fines, assessments, and dues to resign from the NALC and to obtain a certificate of good standing. Such former members are not considered to have "forfeited" membership. Prior rulings have held that the readmission of such former members may not be conditioned on payment of a reinstatement fee. Rather, they may reapply for membership as new applicants and may only be assessed such initiation fee as the Branch imposes on all new members. The Branch may not discriminate against former members who resigned in good standing by requiring them to pay a special fee.

The term "forfeiture" refers to the loss of membership that occurs pursuant to Article 7, Section 4 of the CGSFB when a member has failed to pay a fine, assessment or dues. Former members who have forfeited membership for failure to pay a financial obligation may be readmitted under Article 7, Section 5 of the CGSFB providing that:

"a former member whose membership has been forfeited may be reinstated by the payment of back fines, assessments and dues, as well as such reinstatement fee as the Branch may prescribe by reasonable rules, uniformly applied."

This provision clearly authorizes the Branch to require a former member to pay back dues that accrued while he/she was still a member as a condition of reinstatement. However, previous rulings have held that a member's obligation to pay dues ends upon forfeiture of membership. Accordingly, the Branch cannot charge a former member back dues for the period of non-membership following forfeiture. A non-member cannot accrue a dues liability to the Branch.

Similarly "back fines [and] assessments" refers to fines or assessments that had been assessed while the individual was a member, which he/she had failed to pay at the time membership had been forfeited. In particular, prior rulings have held that the term "fine" refers to a penalty imposed by the Branch following the filing and processing of charges under Article 10 of the CGSFB. The term "assessment" refers only to general assessments imposed on all the members of the Branch.

Of course, Article 7, Section 5 does authorize the Branch to charge a former member who forfeited membership a reinstatement fee under "reasonable rules, uniformly applied." But this language does not authorize the imposition of a fine or assessment which were not owing at the time of forfeiture.

Pearl City, HI Branch 4682

December 22, 2010—This is in reply to your letter, dated December 15, 2010, concerning charges against Sister Doreen Kaaiiali that have been submitted pursuant to Article 10 of the *Constitution for the Government of Subordinate and Fed-*

eral Branches. According to your letter, there are no disinterested members in the Branch. You now request assistance from outside the Branch.

By copy of this letter, I am directing National Business Agent Chris Jackson to contact Branches located near Branch 4682 and arrange for the appointment of a committee to investigate the charges consisting of three members from outside the Branch.

Peter Marutiak, Albuquerque, NM

December 22, 2010—This is in reply to your letter, dated December 13, 2010, concerning your appeal of the Branch 504 election for Branch President. You ask that I delay the installation of Branch officers by thirty days so that the old Executive Board would still be in place to consider your appeal.

While I appreciate your concern, I must advise that this request is not appropriate. The new officers must be installed at the time prescribed by the Branch By-laws. The installation cannot be changed to accommodate an election appeal.

Ultimately, any election appeal may be advanced to the Branch membership and from the Branch to the National Committee on Appeals. I am confident that your appeal will get a fair hearing and be decided on the merits.

Calvin Lounds, Mason, MI

December 22, 2010—This is in reply to your letter, dated December 10, 2010, concerning your appeal of the Branch 122 election for Branch President. Your letter requests that I rule on certain issues pertaining to your appeal.

Please be advised that it would not be appropriate for me to intervene in this matter at this time. The issues described in your letter must be addressed at the Branch level in accordance with the procedures provided by Section 21 of the NALC Regulations Governing Branch Election Procedures. Ultimately, the decision of the Branch may be appealed to the National Committee on Appeals.

This letter should not be read as expressing any view as to the merits of your appeal.

Kenneth O'Brien, Deep River, CT

December 22, 2010—Your letter to NALC Secretary-Treasurer Jane Broendel, dated December 2, 2010, has been referred to me for reply. Your letter seeks to appeal the decision of Branch 19 President Vincent Mase to remove you as the shop steward at the Deep River, CT post office.

Please be advised that your appeal cannot be considered by the National Committee on Appeals at this time. Any such appeal must be initiated at the Branch level as provided by Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The decision of the Branch may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11, Section 2 of the CGSFB.

This letter should not be read as expressing any view as to the merits or timeliness of your appeal.

Lansing, MI Branch 122

December 22, 2010—This is in reply to your letter, dated December 18, 2010, inquiring whether Branch 122 may proceed with its installation of officers on January 12, in light of the fact that there is a pending appeal of the election.

The answer to your question is yes. Previous rulings have consistently recognized that Branch elections are presumed valid pending completion of

the appeal process. Accordingly, the installation should proceed as scheduled.

Branch 4240 Irving, TX

January 6, 2011—This is in reply to your letter, which was faxed to my office on January 6, 2011, requesting a ruling in your capacity as Chair of the Branch 4240 Election Committee. According to your letter, the committee is considering an appeal of the election based on the allegation that the Branch's Notice of Election failed to state the length of the terms of office. You now ask whether such an error requires the Branch to conduct a rerun election.

At the outset, Section 5.2 of the NALC Regulations Governing Branch Election Procedures (RGBEP) does explicitly provide that the notice of nominations and elections "must state... [the] length of terms for each office." Thus, the apparent omission of the length of the terms would constitute a technical violation of the RGBEP.

However, even if the Election Committee finds that this violation did occur, it would not necessarily be required to order a rerun election if it concludes that the violation did not affect the outcome of any of the election contests. It would be inappropriate for me to make such a finding or otherwise to resolve the matter by issuing a presidential ruling. It is the responsibility of the committee to apply the foregoing principles to the facts. The committee's ruling, of course, will be subject to further appeal as provided by Section 21 of the RGBEP.

Diane Nakahodo, Aiea, HI

January 12, 2011—Your recent letter to NALC Secretary-Treasurer Jane Broedel, which was received by her office on December 16, 2009, has been referred to me for reply. Your letter questions the legality of a motion passed by Branch 4682 which prohibits you, as Treasurer of the Branch, from taking home the Branch check book and financial records.

I am enclosing a copy of my letter to Branch President Fiatoa, dated December 9, 2010. In that letter I noted that the motion was not in conflict with any provisions of the *NALC Constitution*.

I express no view as to the wisdom of this policy. If you find that the restriction on bringing the checkbook and records home unduly impairs your ability to fulfill your duties as Treasurer, you should certainly report this to the members at a Branch meeting. The Branch is free to rescind or modify the motion.

Branch 106 Montgomery, AL

January 12, 2011—This is in reply to your letter, dated December 20, 2010, requesting that I review your actions in replacing the appointed shop steward in the Tuskegee Post Office and determine whether you acted properly. Your letter indicates that in this case you have permanently removed Sister Evans as steward and appointed a permanent replacement.

Previous presidential rulings have established the following general rules governing the removal of stewards.

The ability of the Branch President to remove shop stewards is determined by the manner of steward selection. Article 4, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that Branches may make provisions in their By-laws for stewards to be appointed or elected. If the Branch's stewards are appointed to office by the Branch President, the

President may, pursuant to his/her authority as "chief steward" under Article 6, Section 1 of the CGSFB, remove a steward for good and sufficient cause. If, however, the shop stewards are elected by the members of each respective station, then the President may remove for good cause only if the Branch has made a specific provision for such removal in its By-Laws. In the case of shop stewards elected by the entire Branch, the stewards must be treated as regular Branch officers. Consequently, they cannot be removed without complying with the specific procedures set forth in Article 10 of the CGSFB.

Beyond the foregoing, prior rulings indicate that a Branch President does have the authority to suspend a steward temporarily for failing to meet his/her responsibilities. The delegates to the 2008 National Convention in Boston affirmed this authority by amending Article 6, Section 1 to provide specifically that "The President shall at all times have the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy."

Your letter indicates that the steward in this case was appointed. Accordingly, it does appear that you did have the authority under the *Constitution* to remove her from office and to appoint a replacement.

However, while I appreciate your concern, I must advise that it would not be appropriate for me to comment further on whether the removal of Sister Evans was warranted in light of the particular facts. The removal would have been subject to appeal to the Branch under Article 11, Section 1 of the CGSFB. The Branch's decision in turn would be subject to appeal to the National Committee on Appeals in accordance with Article 11, Section 2. Your letter does not indicate whether Sister Evans initiated any appeal. If there is a pending appeal, it must be resolved in accordance with the *constitutional* process, not by a presidential ruling. If Sister Evans did not initiate an appeal, then your action will stand.

Milwaukee, WI Branch 2

January 18, 2011—This is in reply to your letter, dated January 11, 2011, requesting dispensation to postpone the election of stewards in Branch 2 until the Postal Service has completed a consolidation of stations in the Milwaukee installation. This requested postponement will require the Branch to deviate from the time frame for steward elections set forth in the Branch By-laws.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1, of the *NALC Constitution*, I hereby grant the requested dispensation. The Branch may postpone the election of stewards until the consolidations and reassignments described in your letter have been completed.

Branch 39 Indianapolis, IN

January 19, 2011—This is in reply to your letter, which was faxed to my office on January 14, requesting guidance as to whether a proposal by a candidate to send separate mailings to active and retiree members would constitute one mailing or two for purposes of Article 5, Section 6 B of the

Branch 39 By-laws. The By-law provision at issue provides that the cost of addressing campaign mailings shall be \$50.00 plus materials.

At the outset, I must advise that it would be inappropriate for me to rule on the meaning of the By-law. As National President, it is my responsibility to interpret the *Constitution*. Disputes over the meaning or application of Branch By-laws must be resolved, in the first instance, at the Branch level. The Branch's decision would be subject to appeal to the National Committee on Appeals.

I can provide the following information, which may be relevant to the question you have posed. Section 9.2 of the NALC Regulations Governing Branch Election Procedures, consistent with federal law, provides that a Branch "must honor all reasonable requests to distribute campaign literature at a candidate's expense." Department of Labor regulations provide that "a labor organization must also honor requests for distribution of literature to only a portion of the membership if such distribution is practicable." 29 C.F.R. 452.68. While both the NALC election regulations and the law make clear that the union may require candidates to pay the expense of any mailing, the Department of Labor regulations state that "each candidate must be treated equally with respect to the expense of such distribution." 29 C.F.R. 452.69.

Branch 142, Washington, DC

January 19, 2011—This is in reply to your letter, dated January 7, 2011, inquiring whether you have the authority, as President of Branch 142, to appoint a steward to fill a position that was subject to a tie vote in a two person office.

The answer to your question is yes. Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that the President of the Branch "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members." This language empowers the Branch President to appoint stewards.

Of course, as provided by Article 4, Section 5 of the CGSFB, Branches may provide in their By-laws for the election of stewards within the respective stations. I assume that Branch 142's By-laws do provide for stewards to be elected within the stations. Normally, a tie vote in such an election would be broken by a run-off election. However, your letter indicates that in the two person office in question a run-off election would be futile. Given the facts, it was appropriate for you to exercise your power of appointment as Branch President.

I trust that the foregoing addresses your concerns. I express no view with respect to any of the other matters raised in Brother Anderson's letter to you.

Branch 642 Boulder, CO

January 19, 2011—This is in reply to your letter, dated January 8, 2011, requesting a ruling with respect to an apparent controversy over compensation for a steward under the Branch 642 By-laws.

At the outset, I must advise that it would be inappropriate for me to rule on the meaning of the By-law. As National President, it is my responsibility to interpret the *Constitution*. Disputes over the meaning or application of Branch By-laws must be resolved, in the first instance, at the Branch level. The Branch's decision would be subject to appeal to the National Committee on Appeals.

However, I can advise you that if, as you state in your letter, it has been established that the steward in question is not entitled to the payment, then there would be no reason to write the check or the voucher. If there is an appeal, and the Executive Board's decision is reversed, the check can be written at that time.

Branch 142 Washington, DC

January 19, 2011—This is in reply to your letter, dated January 13, 2011, requesting dispensation permitting Branch 142 to conduct a late election of delegates to the State Convention. According to your letter, the Branch failed to elect its state association delegates by December of the year proceeding the convention as required by Article 5, Section 4 of the *NALC Constitution*.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please mail out the appropriate notice and conduct the nominations and election as expeditiously as possible.

I am compelled to note that the failure to conduct timely delegate elections appears to be a recurring issue in Branch 142. Our records indicate that dispensations permitting late election of delegates were issued to the Branch in 2009, 2006, and 1998. The Branch must adhere to all deadlines provided by the *Constitution*, the *NALC Regulations Governing Branch Election Procedures*, and its *By-laws*. The present dispensation applies only to the 2011 election of state delegates.

Larry Rankin, Mendenhall, MS

January 19, 2011—This is in reply to your letter, dated January 3, 2011, requesting rulings with respect to the status of retiree members.

Your first question pertains to the provision of Article 6, Section 4 of the *NALC Constitution* which states that members "who shall leave the Postal Career Service shall immediately vacate any office held by him/her in the National Association [or] its Branches . . ." Specifically, you ask whether this provision requires a Branch officer to vacate his position upon retirement.

The answer to your question is no. As previous presidential rulings have consistently recognized, references in the *Constitution* to "leaving" the Postal Career Service do not include "retirement" from the Postal Career Service. To the contrary, Article 2, Section 1(a) of the *NALC Constitution* expressly provides that "retirees" from the Postal Service who continue their membership are "regular members". Accordingly, Branch officers who retire may continue to hold Branch office so long as they maintain membership in the NALC.

Your second question is whether the President of Branch 217 is disqualified from receiving compensation under a resolution adopted by the Branch in 2002 by virtue of his being retired. I must advise that it would be inappropriate for me to rule on this issue. As National President, it is my responsibility to interpret the *Constitution*. Disputes over the meaning or application of Branch resolutions must be resolved, in the first instance, at the Branch level. The Branch's decision would be subject to appeal to the National Committee on Appeals.

Branch 6123 Walterboro, SC

January 20, 2011—This is in reply to your letter, dated January 11, 2011, requesting that I confirm your authority, as President of Branch 6123, to

appoint members to fill vacancies in the offices of Secretary/Treasurer and Trustee.

I now confirm that you have such authority. As you correctly note, Article 4, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* specifically provides that the Branch President may fill vacancies in officer positions by appointment, unless the Branch *By-laws* provide for an order of succession. According to your letter, the Branch 6123 *By-laws* do not provide for an order of succession. If that is the case, as President of the Branch you are authorized to fill vacant officer positions by appointment.

Indiana State Association of Letter Carriers

January 31, 2011—This is in reply to your recent letter, received by my office on January 20, 2011, requesting a ruling with respect to the Indiana State Association's creation of a new office of Executive Vice President.

As to your specific inquiry, the State Association is not required to maintain separate offices of Executive Vice President and Vice President. The Executive Vice President may fulfill the functions of the State Association Vice President which are outlined in Article 8, Section 2 of the *Constitution* of the Government of State Associations.

Branch 136 Monroe, LA

January 31, 2011—This is in reply to your letter, dated January 14, 2010, concerning the status of a building fund account maintained by Branch 136. According to your letter, the members have decided not to purchase or construct a new union hall. You now ask whether the Branch may transfer the monies in the building fund account to the Branch's general treasury account.

I note that your letter does not suggest that the Branch *By-laws* have any provisions establishing or otherwise requiring the Branch to maintain the building fund account. If there is such a requirement in the *By-laws*, the Branch would be required to enact a suitable amendment to the *By-laws* in order to liquidate the building fund account.

Apart from the *By-laws*, I can provide advice with respect to the relevant provisions of the *NALC Constitution*. Article 12, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that "**All funds** of the Branch shall be deposited in such bank or savings institution **as the Branch may determine** . . ." (emphasis supplied). Similarly, Article 12, Section 3 of the *CGSFB* states that "**All funds** shall be devoted to such uses **as the Branch may determine**, provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting." (Emphasis supplied.) Accordingly, the Branch may vote to liquidate the building fund account and transfer the funds to its general treasury account.

Ken Harris, Port Huron, MI

January 31, 2011—This is in reply to your letter, dated January 21, 2011, requesting a ruling as to whether a proposed amendment to a Branch's *By-laws* may itself be amended at the meeting at which it is under consideration.

Article 15 of the *NALC Constitution* provides that Branch *By-laws* "may be amended at any regular meeting of the branch, provided the amendment has been submitted in writing at the last previous regular branch meeting, and suitable notification to

members shall be made at least ten (10) days before the regular meeting at which the vote is to be taken." Previous rulings interpreting this language have held that proposed by-law amendments may be amended during the meeting at which they will be voted on, so long as the change is germane to the subject of the original amendment. If, however, a member seeks to change a portion of a by-law provision which was not the subject of the original amendment, other members who may be interested in participating in debate on the new subject will not have received notice that the new issue would be before the Branch. Accordingly, that type of amendment would not be permissible under Article 15.

It is the responsibility of the Branch to apply the above principle to any particular amendment that may be offered at the meeting.

Branch 1624 Crown Point, IN

January 31, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine has been referred to me for reply, insofar as your letter raises a question of interpretation under the *NALC Constitution* and the *NALC Regulations Governing Branch Election Procedures (RGBEP)*. Specifically, you ask whether a member of Branch 1624 can run for both a full time branch office and for a steward position.

Section 6.5 of the *RGBEP* does specifically state that "No person shall accept nomination for more than one office." However, a shop steward position is not necessarily a branch office.

As previous presidential rulings have recognized, if a steward position is not treated as a branch office under the *By-Laws* (e.g., if stewards are elected by station, rather than by the entire membership, and do not sit on the Branch Executive Board), then a member would have the right to be nominated for both a branch office and a steward position.

According to your letter, stewards in Branch 1624 are not members of the Branch Executive Board. In addition, you assert that there are no provisions in the *By-laws* prohibiting Branch officers from being elected to steward positions. Accordingly, assuming the facts are as described, a member of Branch 1624 could run for both a Branch office and a steward position.

Ervin A. Anderson, Capitol Heights, MD

February 3, 2011—This is in reply to your letter, dated January 19, 2011, challenging the decision of Branch 142 President Alton Branson to appoint Brother Spencer to the position of shop steward for Andrews AFB.

At the outset, I am enclosing a copy of my ruling, dated January 19, 2011, affirming the authority of a Branch President under Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* to appoint a steward where an election in a two person office will inevitably result in a tie vote.

My ruling did not address the merits of Brother Branson's selection of Brother Spencer rather than you to serve as steward. The decision of the Branch President is subject to appeal to the Branch under Article 11, Section 1 of the *CGSFB*. The Branch's decision may be appealed to the National Committee on Appeals, pursuant to Article 11, Section 2 of the *CGSFB*.

I express no view as to the merits or timeliness of any appeal.

Branch 910 Fairmont, WV

February 4, 2011—This is in reply to your recent letter, received by my office on January 27, 2011, requesting that I issue a presidential dispensation permitting former member Rodney Ross to rejoin the NALC as a retiree member of Branch 910.

As Secretary-Treasurer Jane Broendel correctly advised in her letter of January 10, the *NALC Constitution* requires that a retiring member execute a Form 1189 at the time of retirement in order to maintain his/her status as a regular member of the NALC. See Article 2, Section 1(e). NALC Headquarters never received a Form 1189 executed by Mr. Ross. Accordingly, his membership in the NALC was terminated.

The information provided with your letter indicates that this individual was not aware that his membership had lapsed, and that no Form 1189 had been submitted, due to a failure of communication. Apparently, he did execute a Form 1189 and gave it to the Branch to send on to National Headquarters. The Branch failed to do so.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Mr. Ross must execute a new Form 1189 and must pay all dues that accrued during the period when his membership lapsed. By copy of this letter I am instructing Secretary-Treasurer Jane Broendel and the NALC Membership Department to calculate the back dues and to make all necessary arrangements for payment.

Branch 98, Muncie, IN

February 8, 2011—This is in reply to your letter, dated January 30, 2011, requesting guidance with respect to the propriety of a measure adopted by Branch 98 at its August, 2010 meeting to limit the length of subsequent meetings to one hour or less.

There are no provisions in the *Constitution* which either permit or prohibit Branches from adopting time limits for meetings. Previous rulings have recognized that Branches may impose reasonable time limitations on members' right to speak on certain issues, such as a charged party's presentation of a defense under Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Such time limits may be imposed so that the Branch can complete the agenda of the meeting within a reasonable period of time. However, a time limit would not be enforceable if it unreasonably restricted the charged party's constitutional right to present a defense. Similarly, a time limit would be in conflict with the *Constitution* if it prevented the Branch from completing agenda items mandated by the *Constitution* itself, such as the nomination and election of officers and delegates, and debate and voting on such matters as proposed By-law amendments, charges against officers or members, or the appropriation of Branch funds. See, *NALC Constitution*, Article 15 and CGSFB, Articles 5, 10, and 12. The reasonableness of any particular limit would have to be determined on a case-by-case basis.

You also suggest that the time limit is in conflict with Robert's Rules of Order. Previous rulings have held that the *Constitution* does not require Branches to follow Robert's Rules. Your letter does indicate that Branch 98's By-laws require the Branch to follow Robert's Rules. To be sure, a Branch may not enact a resolution at a Branch meeting if it is in con-

flict with its By-laws. However, it would be inappropriate for me to rule on the application of the Branch 98 By-laws. As previous rulings have consistently recognized, disputes over the interpretation or application of Branch By-laws must be resolved by the Branch in the first instance. If you believe that the time limit is in conflict with the Branch 98 By-laws, you may exercise your authority as Branch President to declare it null and void. Any such ruling would be subject to appeal to the Branch, as provided by Article 11, Section 1 of the CGSFB. The Branch's decision, in turn, would be subject to appeal to the National Committee on Appeals in accordance with Article 11, Section 2 of the CGSFB.

Torrance, CA Branch 2207

February 8, 2011—This is in reply to your letter, dated January 27, 2011, requesting guidance as to how Branch 2207 should process an appeal by a member who had filed charges against the President of the Branch. According to your letter, the Branch voted to find the President not guilty, and the charging party has now submitted an appeal.

Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* requires that appeals be read to the Branch and ultimately forwarded to the Committee on Appeals with the Branch's reply. In response to your specific numbered questions, please be advised as follows:

1) Article 11 of the CGSFB does not specify who is to prepare the reply of the Branch to an appeal to the Committee on Appeals. Therefore, as previous rulings have recognized, any officer other than the charging or charged parties may prepare the Branch's reply.

2) The reply should consist of the Branch's written response to the arguments submitted by the appellant, along with any additional evidence not included with the appeal. The Branch should also submit to the Committee on Appeals, a copy of the charges, the investigating committee's report, and the minutes of the meeting at which the Branch voted on the charges.

3) If the Branch does not have an official seal, it may submit the reply with a cover letter on Branch letterhead.

4 and 5) The Branch is not required to appoint a committee to prepare the appeal.

Branch 142 Washington, DC

February 9, 2011—This is in reply to your recent letters, requesting that I clarify my ruling of December 21, 2010 and that I address the current status of Brother Harnest's previously submitted request to transfer his membership from Branch 142 to Branch 3825. It appears that Brother Harnest withdrew that request in writing prior to the December 1, 2010 regular Branch 142 meeting.

Brother Harnest is a retiree member of the NALC. The procedure for transferring the Branch membership of a retiree member is outlined in Article 2, Section 3 (c) of the *Constitution for the Government of Subordinate and Federal Branches*. The member must make application to the Recording Secretary of his/her current Branch who must ascertain from the Financial Secretary if the member is in good standing. At the next meeting of the Branch, the Recording Secretary is to announce that the application has been received and that all financial obligations have been discharged. If there are no objections, the Recording Secretary is obliged to forward to the Recording Secretary of the Branch

with which affiliation is desired a letter of recommendation which is to be read at the first regular meeting of the receiving Branch after its receipt. The Recording Secretary of the receiving Branch may then notify the original Branch that the transferee has been received into membership.

As indicated in my December 21 ruling, the above process had not been completed when the National Office transferred Brother Harnest's membership to Branch 3825, effective November 19, 2010. Accordingly, I ruled that the transfer was premature and that Brother Harnest remained a member of Branch 142.

It further appears that the transfer procedure had not been completed when Brother Harnest withdrew his request prior to the December 1 Branch 142 meeting. Since the application was withdrawn prior to completion of the transfer procedure, Brother Harnest remains a member of Branch 142. Neither Branch 142 nor Branch 3825 should take any further steps to effect a transfer of Brother Harnest's membership.

Gennaro G. Mascolo,
Wethersfield, CT

February 9, 2011—This is in reply to your letter, dated February 2, 2011, in which you ask me to rule on your challenge to the counting of certain ballots in the election of officers in Branch 86.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter at this time. All objections to the conduct of an election, including decisions made by an election committee with respect to challenges to ballots, must be resolved in accordance with the post-election appeal procedures set forth in Section 21 of the NALC Regulations Governing Branch Election Procedures.

Branch 529 Clyde, MI

February 17, 2011—This is in reply to your two letters which you faxed to my office and to Assistant Secretary-Treasurer Nicole Rhine on February 11 and 15, respectively. Your two letters ask various questions with regard to the procedures that should be employed to process two separate sets of charges against the President of Branch 529 submitted by two stewards. I address each of your questions in the discussion below.

First, as to whether there must be two committees, or whether a single committee can investigate all the charges, the relevant constitutional provision, Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, does not specifically require multiple committees to handle multiple charges. Accordingly, as Vice President of the Branch, you would have discretion to appoint a single committee or two committees. The only qualification is that the members of the committee(s) would have to be disinterested with respect to all charges they are responsible for investigating. In addition, the members of the committee(s) must be in a position to find the facts concerning all charges assigned to them.

Your second question in the letter to me goes to the timing of the committee reports.

Article 10, Section 1 of the CGSFB provides that the Branch should vote on the charges "at the next regular Branch meeting after which said charges were read to the Branch." Article 10, Section 1 also states that the vote "may be continued once, by motion, to the following regular Branch meeting."

Accordingly, you are correct that if the charges were read at the February meeting, the committee report and Branch vote would normally take place at the March meeting. However, the Branch may vote at the March meeting to postpone the giving of the report and the vote on the charges to the April meeting.

Your third question in the letter to me is whether cross-examination of witnesses is to take place at the committee level or at the Branch meeting. Article 10, Section 3 of the CGSFB provides that "the parties are entitled to be heard by the committee, to present evidence, and to cross-examine all witnesses who make statements to the committee, but the rules of evidence and rules of judicial procedure need not be observed." This provision is intended to allow the charged and charging parties to present evidence and cross-examine witnesses before the committee. At the Branch meeting, however, the charged party, in accordance with Article 10, Section 3, is entitled to defend himself/herself before the Branch, immediately before the vote is taken, but not to cross-examine witnesses.

In response to the questions posed in your letter to Sister Rhine, please be advised that Article 10, Section 4 of the CGSFB requires that a vote on questions of expulsion or removal from office, or the imposition of a fine, must be conducted by secret ballot. The ballot vote is among the members attending the meeting at which the charges are considered. Ballots should not be mailed out to the membership at large, as suggested in your letter. The *Constitution* does not require that a committee be appointed to count secret ballots on the questions of expulsion, removal from office, or imposition of a fine, but the Branch is free to do so if it is determined that a committee will facilitate the process.

Branch 132 Dallas, TX

February 24, 2011—Your letter to NALC Secretary-Treasurer Jane Broendel, dated February 9, 2011, has been referred to me for reply. Your letter asks two questions pertaining to the dissemination of Branch financial information to the members of Branch 132.

The first question is whether the Branch is required to copy and distribute detailed financial records at every Branch meeting. Please be advised that the *NALC Constitution* does not contain such a requirement. As President Young previously advised you in his letter of October 28, 2008, the only provision of the *Constitution* that is directly relevant to this issue is Article 6, Section 4 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* which states that the Financial Secretary of the Branch "shall keep an account of all properties, investments, and funds of the Branch which at all times shall be open for inspection." This provision does not require that copies of the records be distributed at Branch meetings. Of course, the Branch is free to adopt a By-law, or pass a resolution, requiring such distribution. Your letter does not indicate that Branch 132 has adopted such a policy.

Your second question is whether the Branch President may establish a policy that detailed financial records can be reviewed only when an individual member submits a written request. Once again, the language of the *Constitution* does not address this issue. Prior presidential rulings have recognized that the specific manner of allowing the inspection

of records required by Article 6, Section 4 of the CGSFB is left to the discretion of the Branch. Accordingly, the Branch may adopt any reasonable policy that is consistent with Article 6, Section 4 and the Branch's By-laws.

Branch 444, Greensboro, NC

February 24, 2011—Your letter to NALC Secretary-Treasurer Jane Broendel, dated February 11, 2011, has been referred to me for reply. Your letter inquires whether it is proper or permissible for an officer or member to rewrite or change in any way the minutes of a Branch meeting prepared by the Branch Secretary prior to the membership hearing them at the next meeting.

Please be advised that Article 6, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* requires the Recording Secretary of the Branch to keep a correct record of the proceedings of the Branch. The *Constitution* does not contain any provisions which specifically authorize other officers to prepare minutes or alter minutes drafted by the Recording Secretary. However, Article 6, Section 1 of the CGSFB provides that the Branch President shall have "general supervisory powers over the Branch" and the authority to "see that officers perform their duties [and] enforce the *Constitution*, By-Laws, Rules and Regulations of the Branch." Accordingly, in appropriate circumstances the Branch President could authorize a change in the Secretary's draft of the minutes prior to the reading at the Branch meeting.

I express no view in this letter as to whether any officer or member of Branch 444 has acted improperly with regard to the preparation of minutes. Previous rulings have recognized that, generally speaking, it is for the Branch to determine how minutes should be prepared and approved. Thus, the propriety of any action by an officer or member must be addressed, in the first instance, by the Branch. The Branch's decision would be subject to appeal to the National Committee on Appeals under Article 11 of the CGSFB.

Mike Campbell, Yorkville,

February 24, 2011—This is in reply to your letter, dated February 14, 2011 requesting guidance with respect to the decision of the President of Branch 219 to replace you as a steward in the Branch.

While I fully appreciate your concerns, I must advise that it would be wholly inappropriate for me to comment on the allegations in your letter at this time. The decision of the President may be appealed to the Branch in accordance with Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*. The Branch's decision may be appealed to the National Committee on Appeals as provided by Article 11, Section 2.

I express no view in this letter as to the merits or timeliness of any appeal.

J. T. Adams, Orange Park,

March 1, 2011—This is in reply to your letter, dated February 18, 2011, requesting copies of the files relating to the recent appeals by Brother Russ Dill.

In response to your request, I am confirming that Branch 53 may, at its discretion, provide you with a copy of the files. Please note that I am providing a copy of this letter to Branch President Henning.

I trust that the foregoing addresses your con-

cerns. This letter should not be read to express any view as to the legal issues described in your letter.

Branch 4682, Pearl City, HI

March 1, 2011—This is in reply to your letter, dated February 27, 2011, advising that following the filing of charges under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, Branch 4682 found that a member was required to reimburse the Branch \$250.29. The Branch then voted to adopt a payment schedule under which the member in question will satisfy her debt by paying the Branch five dollars per pay check.

It would appear from the information set forth in your letter that this arrangement is satisfactory. So long as the member adheres to the payment schedule, the fact that there is a remaining balance would not result in a forfeiture of membership under Article 7, Section 4 of the CGSFB.

Branch 28, Cottage Grove, MN

March 1, 2011—This is in reply to your letter, dated February 15, 2011, concerning the decision of the President of Branch 28 President to suspend you from the office of Branch Treasurer.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter at this time, particularly since I only have your side of the story before me. The action of the Branch President may be challenged by initiating an appeal to the Branch in accordance with Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision on the appeal may be appealed to the National Committee on Appeals, as provided by Article 11, Section 2 of the CGSFB.

I express no view as to the merits or timeliness of any appeal.

Branch 419, Knoxville, TN

March 4, 2011—This is in reply to your letter, dated March 4, 2011, which you emailed today. Your letter seeks guidance with respect to the recent decision of the Tennessee State Association to change its Convention from even to odd numbered years. Specifically, you ask whether the Branch 419 By-laws, as presently worded, would permit the delegates to the June, 2010 State Convention to represent the Branch at the upcoming Convention in June, 2011.

While I fully appreciate your concerns, I must advise that it would be wholly inappropriate for me to issue a ruling interpreting the Branch By-laws. As President, it is my responsibility to interpret and apply the *NALC Constitution*. It is the Branch's responsibility, in the first instance, to interpret and apply its own By-laws.

I can advise that it would be permissible under the *Constitution* to amend the Branch 419 By-laws, as suggested in your letter, to define the term of the delegates in a manner which will ensure that the delegates to the 2010 Convention may attend the 2011 Convention without another election.

Alternatively, if the Branch would prefer to conduct a special election, I would be prepared to entertain a request for dispensation to conduct such an election, notwithstanding the provision in the By-laws requiring that delegate elections be conducted by November.

Branch 1477, Pinellas Park, FL

March 14, 2011—This is in reply to your letter,

dated February 24, 2011, concerning a resolution enacted by Branch 1477 authorizing certain compensation for delegates to the Florida State Convention. According to your letter, debate has since arisen in the Branch suggesting that the resolution conflicts with provisions of the Branch By-laws which provide for delegate compensation.

At the outset, as a general rule a Branch may not enact a resolution which conflicts with its By-laws. Changes in Branch By-laws must be enacted in accordance with the procedures set forth in Article 15 of the *NALC Constitution*.

However, it would be inappropriate for me to rule on whether the resolution described in your letter is or is not in conflict with Article 4, Section 3.D which you have forwarded by email.

As President of the NALC, it is my responsibility to rule on questions of interpretation involving the provisions of the *Constitution*. By contrast, disputes over the interpretation or application of Branch By-laws must be resolved, in the first instance, at the Branch level.

As Branch President, you do have the authority to make a decision as to whether the resolution is consistent with the By-laws. You should look to the wording of the By-law provisions at issue, relevant past practices, and any other evidence of the intent of the members when the By-law was enacted. Your decision would be subject to appeal to the Branch under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision would be subject to appeal under Article 11, Section 2 of the CGSFB.

Branch 820, Mishawaka, IN

March 15, 2011—This is in reply to your letter, dated February 16, 2011, requesting guidance as to the procedures Branches must follow to vote on proposed By-law amendments. Specifically, you ask for clarification of the instruction that a Branch must have read the proposed change at the meeting preceding the meeting at which the vote is to take place “without debating” the proposed change. You also ask whether the Branch is required to vote to approve each proposed amendment at the first meeting at which it is read in order for the amendment to be voted on at the next meeting.

Article 15 of the *NALC Constitution* sets forth the minimum requirements that must be satisfied in order for a Branch to submit a proposed By-law amendment to the National Committee of Laws for approval. As stated in Article 15, “the amendment [must have] been submitted in writing at the last previous regular branch meeting, and suitable notification to members [must have been] made at least ten (10) days before the regular meeting at which the vote is to be taken.”

As you correctly observe, the phrase “without debating” does not appear in the *Constitution*. The phrase does appear in the Instructions for Submitting Branch or State By-law Changes on the NALC website. The statement that a “branch must have read the proposed changes at a regular monthly meeting without debating the proposed changes” was included in the Instructions as a clarification to underscore that a vote to approve a proposed By-law change for submission to the Committee of Laws cannot take place at the first meeting. The formal approval of a proposed By-law amendment must take place at the following meeting after suitable notification to the members.

Neither the *Constitution* nor the Instructions require Branches to vote to approve a proposed amendment at the first meeting in order for the amendment to be mailed out for vote at the next meeting. However, an important caveat must be added to the foregoing. Article 15 permits Branches to amend their By-laws “from time to time as may be deemed most expedient.” As previous presidential rulings have recognized, this provision vests Branches with authority to adopt reasonable rules governing the procedures for consideration and voting on proposed By-laws.

Accordingly, members must observe any rules for amending By-laws that the Branch itself may have enacted. Your letter does not indicate that the Branch 820 By-laws contain any additional requirements for amendment beyond those provided in Article 15 of the *Constitution*. In any event, it is the Branch's responsibility to interpret and apply its own By-laws.

Letter Carriers of Bayamon NALC Branch 869, Bayamon, PR

March 21, 2011—This is in reply to your letter, dated February 28, 2011, requesting that I act to remove Brother Isidro Moyet from the position of shop steward at Bayamon Station. You assert that the removal of Brother Moyet is required by Article VI, Section 11 of the Branch 869 By-laws, insofar as a petition requesting Brother Moyet's removal as steward has been signed by a majority of the members in good standing at Bayamon Station and submitted to President Rivera. According to your letter both President Rivera and Acting President Figueroa have refused to act on this petition.

While I appreciate your concern, I must advise that it would be entirely inappropriate for me to intervene in this matter at this time. Disputes over the interpretation and/or application of Branch By-laws must be resolved, in the first instance, at the Branch level. The decision of the President or Acting President not to act on your petition may be appealed to the Branch under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11, Section 2 of the CGSFB.

This letter should not be read to express any view as to the interpretation of the Branch 869 By-laws or the merits of any appeal.

Branch 458 Oklahoma City, OK

March 21, 2011—This is in reply to your letter, dated February 25, 2011, inquiring whether you may temporarily assign the duties of the Branch 458 Treasurer to Trustee Don Landis while the incumbent Treasurer is hospitalized and undergoing treatment.

Given the facts described in your letter, your proposed action seems sensible and would be within your authority as Branch President under Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. However, if at some point it appears that Brother Landis is permanently incapacitated you may have to declare the office vacant and appoint a successor officer as contemplated by Article 4, Section 2 of the CGSFB.

I trust that the foregoing addresses your concerns. Please convey to Brother Landis my best wishes for a full and speedy recovery.

Philip Chakos, Glendale, AZ

March 21, 2011—This is in reply to your letter, dated March 18, 2011, concerning your candidacy for President of the Arizona State Association of Letter Carriers. According to your letter, you anticipate not being able to attend the first day of the Convention when nominations are to take place. You have submitted a written acceptance and plan on sending out a campaign mailing in advance of the Convention. You now ask whether these proposals would violate any campaign rules.

At the outset, there are no provisions in the *Constitution* of the Government of State Associations (CGSA) addressing the procedure for accepting nomination to state office. Article 7 of the CGSA simply states, in pertinent part, that nominations shall take place “during the meeting of this Association, as provided in the State Association by-laws, at such time as the delegates present may by vote decide.” Prior rulings have recognized that a member who is not in attendance may give written acceptance of nomination before the convention takes place.

The limited information contained in your letter does not indicate that the campaign mailing would raise any issues under the *Constitution*. I caution, however, that no union funds or other resources may be used in the preparation or distribution of the mailing.

Robert D. Williams, Fort Washington, MD

March 24, 2011—This is in reply to your letter, dated March 7, 2011, requesting guidance with respect to an issue that has arisen pertaining to the compensation of the President of Branch 142.

As you correctly note, expenditures of Branch funds must be authorized by the members of the Branch. Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* expressly states that all Branch funds “shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting.” Previous rulings have recognized that a Branch may authorize payments in advance through its By-laws or by enacting a budget or a specific resolution authorizing the expenditures.

However, while I appreciate your concerns, I must advise that it would be entirely inappropriate for me to rule on the question whether the particular payments referenced in your letter are authorized by the Branch 142 By-laws. Disputes over the interpretation or application of the By-laws must be addressed, in the first instance, at the Branch level.

The action of a Branch President may be challenged by submitting an appeal to the Branch in accordance with Article 11, Section 1 of the CGSFB. The Branch's decision, in turn, may be appealed to the National Committee on Appeals as provided by Article 11, Section 2 of the CGSFB.

This letter should not be read to express any view as to the merits of any appeal.

Branch 989, Santa Fe, NM

March 28, 2011—This is in reply to your letter, dated March 15, 2011. Your letter seeks guidance with respect to the recent decision of the New Mexico State Association to change its Convention from even to odd numbered years. Specifically, you ask whether the Branch 989 By-laws, as presently worded, would permit the delegates who were

elected in the 2009 Branch election to represent the Branch at the 2011 Convention.

While I fully appreciate your concerns, I must advise that it would be wholly inappropriate for me to issue a ruling interpreting the Branch By-laws. As President, it is my responsibility to interpret and apply the *NALC Constitution*. It is the Branch's responsibility, in the first instance, to interpret and apply its own By-laws.

If the Branch does conclude that having the present delegates attend the 2011 Convention would be inconsistent with the By-laws, there are several potential solutions. First, it would be permissible under the *Constitution* to amend the Branch 989 By-laws to define the term of the delegates in a manner which will ensure that the delegates elected in 2009 may attend the 2011 Convention without another election. If the Branch does not have sufficient time to enact such an amendment prior to the Convention, I would entertain a request for dispensation permitting the delegates elected in 2009 to attend the 2011 Convention, with the understanding that any necessary By-law amendments for future Conventions would be considered by the Branch shortly thereafter.

Alternatively, if the Branch would prefer to conduct a special election, I would be prepared to entertain a request for dispensation to conduct such an election, notwithstanding the provision in the By-laws requiring that delegate nominations and elections be conducted in October and November.

Branch 53 Jacksonville, FL

March 28, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated February 18, 2011, has been referred to me for reply insofar as your letter raises potential questions of *constitutional* interpretation. In particular, you ask whether certain provisions of the Branch 53 By-laws should be changed to meet *constitutional* and legal requirements.

The first provision deals with the duties of the Branch chaplain, which are listed in Article VI of the By-laws entitled "Duties of Officers." According to your letter, the Branch Chaplain is appointed, not elected.

Both the *NALC Constitution* and federal law require that all Branch officers be elected. The requirement is summarized in the NALC Regulations Governing Branch Election Procedures. As stated therein, "all Branch officers, as defined in the *NALC Constitution* or branch by-laws" must be elected. (Section 2.1). In addition, any person who has executive or policy-making authority or responsibility must be elected. (See, Comments following Section 2.2.)

In light of the foregoing, I would recommend that the Branch delete the reference to the Chaplain from Article VI of the By-laws and place a description of the Chaplain's duties in a new Article which refers specifically to the Chaplain as an appointive position.

Contrary to your suggestion, I am not aware of any prohibition against compensating a member for taking on the responsibilities of an appointive position. Of course, any such expenditure of Branch funds must be authorized by the members of the Branch. Article 12, Section 3 of the of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* expressly states that all Branch funds "shall be devoted to such uses as the Branch may determine; provided that no appropriation shall

be made except when ordered by a majority vote of the members present and voting at a regular meeting." Previous rulings have recognized that a Branch may authorize payments in advance through its By-laws. Accordingly, I do not believe the Branch must delete the reference to the Chaplain's salary of \$15.00 per month.

Finally, in light of a conversation with the Department of Labor, you question the legality of the Branch's meeting attendance requirement for Convention delegates to receive compensation. Your assertions suggest some confusion as to the applicable *Constitutional* principles. As numerous presidential rulings have recognized, Branches are prohibited from instituting a minimum meeting attendance requirement for the election of convention delegates. Imposition of such a requirement conflicts with Article 5, Section 2 of the NALC National *Constitution* which provides that all "qualified regular members shall be eligible to be a delegate or alternate delegate to the National Association Convention or State Convention . . ." The term "qualified regular members" refers to all members in good standing, regardless of the number of meetings they may have attended.

Branches may impose a reasonable meeting attendance requirement for receipt of Branch funds to attend a convention. Accordingly, the Branch remains free to restrict payment of Branch funds to those elected delegates who satisfy a meeting attendance requirement set forth in the Branch By-laws.

In sum, the Branch must permit a full slate of delegates and alternate delegates to be nominated and elected. The Branch has discretion to limit the number of elected delegates who will receive Branch funds as compensation for lost wages and/or expenses, provided such limits are consistent with the Branch By-laws. However, delegates who do not receive funding may attend the Convention at their own expense.

North Dakota State Association of Letter Carriers

April 1, 2011—This is in reply to your letter, dated March 31, 2011, requesting dispensation permitting the North Dakota State Association of Letter Carriers to elect three new officers at its upcoming Convention to be held on April 15-16, 2011.

According to your letter, the State Association is planning to amend its By-laws to create two new officer positions and to consolidate the offices of Vice President and Director of Education. The purpose of this change is to conform the By-laws with Article 6, Section 1 of the *Constitution of the Government of State Associations*, which establishes the required elective officer positions for State Associations. You now request dispensation to allow the State Association to conduct an election for these positions at the April Convention, before the By-laws are approved by the National Committee of Laws.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please be sure to submit the By-law changes to the Committee of Laws for approval as expeditiously as possible.

Irving, TX Branch 4240

April 4, 2011—This is in reply to your letter, dated March 29, 2011, requesting rulings on several issues pertaining to a pending election appeal, which is to be presented at the Branch meeting on

April 5. My responses to your specific questions are set forth below.

First, you ask whether the Branch should give the election committee an opportunity to respond to the appellant's presentation. Please be advised that there are no provisions in either the *Constitution* or the NALC Regulations Governing Branch Election Procedures (RGBEP) which either require or prohibit a response by the committee. Accordingly, the Branch may, at its discretion, permit the election committee to respond to the appeal at the meeting.

Second, you ask whether a new election must be ordered if the Branch finds merit to the appeal. If the Branch finds that one or more violation did occur, it would not necessarily be required to order a rerun election. The Branch will also be required to consider whether the violations affected the outcome of the election. Any such decision must be made on a case-by-case basis in light of the particular facts presented. The Branch's ruling, of course, will be subject to appeal to the National Committee on Appeals as provided by Section 21 of the RGBEP.

Finally, you ask whether new nominations would also be required if the Branch orders a new election. Generally, a decision to sustain an election appeal does not necessarily require new nominations. If the original appeal did not challenge the conduct of nominations, and only raised objection with respect to the subsequent conduct of the election, then a decision to sustain that appeal would normally only require a re-run of the election, not the nominations.

Donald McNeil, Calumet Park, IL

April 6, 2011—This is in reply to your letter, dated March 26, 2011 requesting a ruling as to whether a member can run for both President of Branch 4016 and for a steward position.

As you correctly observe Section 6.5 of the NALC Regulations Governing Branch Election Procedures (RGBEP) specifically states that "No person shall accept nomination for more than one office." However, a shop steward position is not necessarily a branch office.

Previous presidential rulings have recognized that if a steward position is not treated as a branch office under the By-Laws (e.g., if stewards are elected by station, rather than by the entire membership, and do not sit on the Branch Executive Board), then a member would have the right to be nominated for both a branch office and a steward position.

Your letter does not provide any information regarding the Branch 4016 By-laws. In any event, it is the Branch's responsibility to interpret and apply its own By-laws.

Huntsville, AL Branch 462

April 12, 2011—Your letter, dated March 24, 2011, to Secretary-Treasurer Jane Broendel has been referred to me for reply. Specifically, you ask for guidance as to the rights of a member who has accepted a 204-B position.

The membership rights of members who accept supervisory positions are addressed by Article 2, Section 1(c) of the *NALC Constitution*, providing as follows:

[P]resent members [P] who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These

members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance[.]

Previous rulings interpreting this provision have established that a member occupying a supervisory position may not exercise membership rights or otherwise participate in official Branch activities while he or she is acting in a supervisory status (except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues). However, the rulings have also consistently recognized that when the member returns to a bargaining unit assignment, he or she immediately regains full membership rights, except for the right to be a candidate for Branch office or delegate.

A member who accepts a supervisory position cannot serve as a delegate to a National or State Convention. Article 5, Section 2 of the *Constitution* specifically states that any member who “holds, accepts, or applies for a supervisory position in the Postal Career Service . . . shall be ineligible to run for any office or to be a delegate to any Convention for a period of two (2) years after termination of such supervisory status.”

Finally, you ask whether a member can be a paid delegate to the June, 2011 State Convention without having been elected in November, 2010. Please be advised that a member who was not elected cannot serve as a delegate, either paid or unpaid. Articles 4 and 5 of the *NALC Constitution* and the NALC Regulations Governing Branch Election Procedures require that convention delegates be nominated and elected. Your letter indicates that the Branch President would appoint an unelected member to attend the State Convention. Such an appointment would be wholly inconsistent with the *Constitution*.

For delegates who have been properly elected, any compensation or expense reimbursement must be authorized by the members either through the Branch By-laws or by enacting a resolution at a Branch meeting.

Earl M. Hibbs, Jr., Merit TX

April 14, 2011—This is in reply to your letter, dated April 7, 2011, concerning an apparent decision by the members of Branch 132 to pay stewards pay to three B Team members who are members of the Branch. Specifically, you ask me to resolve the question whether such payment is in conflict with the Branch By-laws.

While I certainly appreciate your concern, I must advise that it would be entirely inappropriate for me to issue such a ruling. As President of the NALC, it is my responsibility to interpret the *Constitution*. Disputes over the interpretation or application of Branch By-laws must be addressed, in the first instance, at the Branch level.

The appropriate procedure for challenging the Branch's action would be to initiate an appeal under the provisions of Article 11 of the *Constitution for the Government of Subordinate and Federal*

Branches (CGSFB). The Branch's decision may ultimately be appealed to the National Committee on Appeals in accordance with the procedures provided by Article 11, Section 2 of the CGSFB.

Dallas, TX Branch 132

April 14, 2011—This is in reply to your two letters, dated April 6 and April 7, 2011.

Your April 6 letter inquires whether the decision of Branch 132 at its April meeting to amend its By-laws to reduce the compensation of its top three officers is subject to appeal. According to your letter, the Branch based its decision on misinformation.

I can advise you that, as a procedural matter, the Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. I cannot provide an opinion as to whether, as a matter of substance, there are legitimate grounds for appeal. That determination can only be made by the Committee, based on a complete record with submissions by both sides to the dispute.

Your April 7 letter requests that I authorize National Business Agent Kathy Baldwin to appoint a committee to investigate charges brought by you and the Branch Vice President against another member pursuant to Article 10 of the CGSFB. In light of the circumstances set forth in your letter, I agree that this seems advisable.

Accordingly, by copy of this letter, I am directing Sister Baldwin to either appoint a committee herself or to designate a representative from her office to do so. I am forwarding to her a copy of your letters and the charges.

I am not prepared to decide now that Sister Baldwin should preside over the June meeting of the Branch. You should feel free to discuss this matter directly with her. I am authorizing Sister Baldwin to preside over the meeting, or to appoint a representative from her office to do so, if she concludes that such action is warranted.

Colorado Springs, CO Branch 204

April 19, 2011—This is in reply to your letter, dated March 7, 2011, requesting clarification of the authority of a Branch President to relieve a steward of his/her duties under Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. I regret the delay in providing this response.

At the outset, previous rulings reflect a distinction between the permanent removal of a steward from his/her position, and temporarily relieving a steward of representational duties. The relevant principles may be summarized as follows.

The ability of the Branch President to remove shop stewards is determined by the manner of steward selection. If the Branch's stewards are appointed to office by the Branch President, the President may remove a steward for good and sufficient cause. If, however, the shop stewards are elected by the members of each respective station, then the President may remove for good cause only if the Branch has made a specific provision for such removal in its By-Laws. In the case of shop stewards elected by the entire Branch, the stewards must be treated as regular Branch officers. Consequently, they cannot be removed without complying with the specific procedures set forth in Article 10 of the CGSFB.

Beyond the foregoing, prior rulings indicate that a Branch President does have the authority to suspend a steward temporarily for failing to meet his/her responsibilities. Article 6, Section 1 of the CGSFB confers upon the Branch President “general supervisory powers over the Branch” as well as the authority to “see that officers perform their duties [and to] enforce the *Constitution*, By-Laws, [and] Rules and Regulations of the Branch.” In addition, under Article 6, Section 1 of the CGSFB, the Branch President is designated Chief Shop Steward. He, therefore, retains the ultimate authority to supervise other stewards in the performance of their duties. The delegates to the 2008 National Convention in Boston affirmed this authority by amending Article 6, Section 1 to provide specifically that “The President shall at all times have the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy.”

In answer to your specific questions, the removal or suspension of a steward by the President of the Branch would be subject to appeal to the Branch, as provided by Article 11, Section 1 of the CGSFB. The President may remove or suspend a steward on his own initiative, subject to the provisions described above. The *Constitution* does not require you to appoint a committee to advise you on the merits of any action, although you are free to do so if that is your preference. The committee's findings, however, would not be binding on the Branch if your action is appealed.

Dallas, TX Branch 132

April 25, 2011—This is in reply to your letter, dated April 11, 2011, enclosing two additional charges. Apparently, this letter was sent before receipt of my ruling, dated April 14, 2011.

This will confirm that the authorizations to NBA Baldwin reflected in my April 14 letter will encompass these additional charges.

Joseph Henry, Fort Washington, MD

May 2, 2011—Your letter to National Business Agent Tim Dowdy, dated April 20, 2011, has been referred to me for reply. Your letter raises two issues relating to your role as chairman of a committee investigating charges under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

Your first question concerns the applicability of the Joint Statement on Violence and Behavior and the Capitol District Zero Tolerance Policy Statement to an alleged dispute between two members on the premises of Branch 142. As a general principle, neither of these documents is directly enforceable through the *NALC Constitution*. However, a party might argue that such policies are relevant to the question whether an officer has committed “gross misconduct” within the meaning of Article 10, Section 1 of the CGSFB. I express no view as to whether such an argument would have any merit in the context of the particular matter under investigation. Ultimately, that is a question for the Branch.

Your second question concerns the procedure for continuing the vote on the charges to the next Branch meeting, as provided by Article 10, Section 1. You are correct that the committee does not have

the authority to continue the vote by itself. However, the committee can report to the Branch that additional time is needed to complete its investigation and explain the reasons why. The Branch may then entertain a motion for continuation and vote to approve it.

Garden State Merged Branch 494

May 2, 2011—This is in reply to your letter, dated April 14, 2011, requesting guidance with respect to the notice requirements for amending Branch By-laws. In particular, you question the validity of a sentence included in the instructions for submitting By-law changes on the web site stating that “Posting on a bulletin board has been ruled to be improper because a posting will not be seen by all active and retired members.”

At the outset, I want to thank you for bringing this matter to my attention. Upon review, I agree that the above quoted sentence is somewhat misleading and does not precisely reflect prior presidential rulings on the procedure for amending Branch By-laws. As a direct result of your inquiry, I have arranged for the language on the web site to be changed.

The requirements for amending By-laws may be summarized as follows. Article 15 of the *NALC Constitution* provides that Branch By-laws “may be amended at any regular meeting of the branch, provided the amendment has been submitted in writing at the last previous regular branch meeting, and suitable notification to members shall be made at least ten (10) days before the regular meeting at which the vote is to be taken.” Previous rulings have established that “suitable notification” within the meaning of Article 15 is any notice which, under the facts and circumstances, is reasonably designed to inform all members of the substance of the proposed amendment and the time and place of the vote.

Previous rulings by both President Sombrotto and President Young have also held that while posting a notice on a station bulletin board is a good method of informing members of By-law amendment votes, it is insufficient by itself to provide adequate notice since there is no guarantee that every member of the Branch, including retirees, will see the bulletin board display. However, according to your letter, the past practice of Branch 444 has not been to rely on postings alone. Rather, the Branch has both posted notice in stations for active members and mailed individual notices to the retiree members.

If the Branch’s established practice has proved to be an effective method of providing notice of a proposed By-law change to all members, then it may certainly continue to utilize this method. I would suggest that the Branch also mail notice to any active members who may not be in position to see a notice posted on a station bulletin board (e.g., members on long term medical leave).

Port Huron, MI Branch 529

May 4, 2011—This is in reply to your letter, dated April 17, 2010, concerning the conduct of a special election to fill three offices in Branch 529 which became vacant. According to your letter, the Branch By-laws require that special elections to fill vacant offices must be held within thirty days. To meet this requirement, the Branch accepted nominations at its April 17 meeting, even though no notice had been sent to the members. Because there was only one nominee for each office, the

Branch President declared that these nominees were elected by acclamation.

You now ask for guidance as to whether the special election was properly conducted. In particular, you ask whether the Branch By-law provisions on special elections may supercede the provisions governing Branch elections set forth in the *NALC Constitution*.

At the outset, the *Constitution* does not require Branches to conduct special elections to fill vacant officer positions. To the contrary, Article 4, Section 2 of the *Constitution* of the Government of Subordinate and Federal Branches (CGSFB) specifically provides that the Branch President may fill vacancies in officer positions by appointment, unless the Branch By-laws provide for an order of succession.

Nonetheless, previous presidential rulings have held that Branches may make provision in their By-laws to hold special elections to fill vacancies in Branch offices, even though such special elections are not required by the *Constitution*. The rulings have also required that special elections be conducted in full conformity with the procedural requirements provided by Article 5 of the CGSFB and the NALC Regulations Governing Branch Election Procedures. Among other requirements, this means that the Branch must mail a timely notice of nominations and elections and must hold nominations at a regular or special meeting at least 10 days after the notice has been sent. The election can then be held at a regular or special meeting no sooner than four weeks after the nominations, and no sooner than 45 days after the notice was mailed. The Branch may request dispensation from the National President to shorten this time frame.

The facts set forth in your letter indicate that Branch 529 did not satisfy the applicable requirements in conducting nominations at the April meeting. I would be willing to entertain a request from the Branch for dispensation to conduct new nominations and an election following appropriate notice to the members.

Sharon Daw, Palo Alto, CA

May 4, 2011—This is in reply to your letter, dated April 10, 2011, in which you pose six questions pertaining to issues that have arisen in Branch 1427.

Your first four questions all concern procedural issues involving the submission of proposed amendments to the Branch By-laws. Please be advised that the process for amending Branch By-laws is governed by Article 15 of the *NALC Constitution*. Article 15 sets forth the minimum requirements that must be satisfied in order for a Branch to submit a proposed By-law amendment to the National Committee of Laws for approval. As stated in Article 15, “the amendment [must have] been submitted in writing at the last previous regular branch meeting, and suitable notification to members [must have been] made at least ten (10) days before the regular meeting at which the vote is to be taken.”

Article 15 does not contain any language addressing any of the matters referenced in your first four questions (i.e., limits on how many proposed amendments can be considered at a meeting; the number of members who can sign proposed amendments; whether a signature may be removed prior to the meeting; and whether another member can sign a proposed amendment at the meeting.) Rather, Article 15 permits Branches to amend their

By-laws “from time to time as may be deemed most expedient.” As previous presidential rulings have recognized, this provision vests Branches with authority to adopt reasonable rules governing the procedures for consideration and voting on proposed By-laws. Accordingly, the Branch would have discretion to resolve the issues described in your letter in any manner which is consistent with its existing By-laws and established Branch practices.

Your fifth question asks whether there is someone from outside your Branch who could meet with the Branch executive council to suggest ways to help with financial problems. Please be advised that by copy of this letter I am referring this question to your National Business Agent Chris Jackson. Feel free to contact him directly.

Finally, you ask whether you can join a different Branch. While I appreciate the sincerity of your views, I must advise that it is not possible to grant your request. Consistent with the provisions of Article 2, Section 2 of the *NALC Constitution*, active members of the NALC must be members of the subordinate branch having jurisdiction over the installation in which they work.

Bensenville, IL Branch 2076

May 4, 2011—Thank you for your letter of April 12, 2011. I appreciate your comments about my presentation at the Committee of Presidents meeting.

Your letter requests a ruling as to whether Article 3, Section 4(b) of the *NALC Constitution* restricts attendance and compensation for the National Rap Session to Branch Presidents.

Please be advised that, at present, there are no such restrictions. Over the years, NALC Presidents have authorized expansion of the Rap Sessions to allow Branches to include additional attendees. As long as NALC continues this practice, it will be up to each Branch to decide who may attend. Similarly, Branches will have discretion to decide which attendees will be eligible for compensation, so long as the expenditure of Branch funds is properly authorized by the members in accordance with Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*.

Charlotte, NC Branch 545

May 10, 2011—This is in reply to your recent letter, received by my office on April 27, 2011, requesting guidance as to the proper resolution of two current disputes over the designation of stewards in two stations in Branch 545.

At the outset, Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that the President of the Branch “shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members.” This language empowers the Branch President to appoint stewards.

Article 4, Section 5 of the CGSFB states that Branches may provide in their By-laws for the election of stewards within the respective stations. However, according to your letter, the Branch 545 By-laws do not provide for elections. Rather, the practice of past Branch Presidents, which you have followed, has been to allow stewards to be selected by election.

Insofar as the By-laws do not provide for the election of stewards, you continue to have the authority under the *Constitution* to appoint stewards. It follows, therefore, that you may resolve both

of the situations described in your letter as you see fit. In Freedom Station, you may permit the two current stewards to continue to serve, or, alternatively, you may remove one of the stewards and replace him with the returning former steward. In the North Tryon station, you have the discretion to grant or deny the request for a new steward election. In both situations, you should base your decision on the best interest of the members.

For the future, I suggest that the Branch consider enacting By-laws to reflect the wishes of the members with respect to rules for steward elections.

Tampa, FL Branch 599

May 10, 2011—Your letter to NALC Secretary-Treasurer Jane Broendel, dated April 20, 2011, has been referred to me for reply. Your letter inquires as to the requirements for the contents of the minutes of Branch meetings.

As previous rulings have noted, as a general principle, it is for the Branch to determine how minutes should be prepared and approved. The only relevant *constitutional* requirement is set forth in Article 6, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, requiring the Recording Secretary of the Branch to “keep a correct record of the proceedings of the Branch in a book to be kept for that purpose.” The *Constitution* does not specify the form or content of the minutes other than this general requirement that the minutes constitute a “correct record of the proceedings of the Branch.”

Apart from the above, Article 6, Section 1 of the CGSFB provides that the Branch President shall have “general supervisory powers over the Branch” and the authority to “see that officers perform their duties [and] enforce the *Constitution*, By-Laws, Rules and Regulations of the Branch.” Accordingly, as President of Branch 599 you do have the authority to direct the Recording Secretary to include certain matters in the minutes.

Orlando, FL Branch 1091

May 13, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated April 28, 2011, has been referred to me for reply, insofar as your letter raises an issue of *constitutional* interpretation. Specifically, you ask whether it would be proper for you, as President of Branch 1091, to vote on a proposed change in the Branch By-laws. According to your letter, the vote will be a non-secret floor vote following discussion of the amendment.

At the outset, the issue is not controlled by Robert’s Rules, as suggested in your letter. As numerous presidential rulings have recognized, Robert’s Rules are not binding on NALC Branches. Rather, the issue is determined by Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*, providing, in pertinent part, that the Branch President “shall preside at all meetings of the Branch,” shall “give the deciding vote when a tie occurs,” but “shall not make or second any motion or take part in any debate while in the Chair.” Previous rulings interpreting this language have held that the Branch President may not speak or vote on a proposed By-law change while in the chair. However, it is the responsibility of the President to cast the deciding vote if a tie occurs.

I trust that the foregoing addresses your concerns.

Mary Wells Prairieville,

May 13, 2011—This is in reply to your letter, dated May 5, 2011, requesting that I rule on whether a recent change to the Branch 129 By-laws was properly enacted. According to your letter, the Branch did not follow the correct procedure.

While I appreciate your concerns, I must advise that it would be inappropriate for me to resolve this issue based on the limited information set forth in your letter. The Branch’s action may be challenged by initiating an appeal to the National Committee on Appeals in accordance with the provisions of Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*. The Committee can then decide the issue based on a complete record with submissions by both sides to the dispute.

This letter should not be read to express any view as to the merits or timeliness of any appeal.

Beverly, MA Branch 33

May 23, 2011—Your letter to NALC Secretary-Treasurer Jane Broendel, dated May 4, 2011, has been referred to me for reply insofar as your letter raises issues under the *NALC Constitution*. Specifically, you request that the NALC discontinue the membership of Manuel E. Velosa Jr. for failing to reimburse Branch 33 for delegate expenses amounting to \$279.06. Your letter indicates that Brother Velosa has acknowledged the debt, that he requested forgiveness of the debt from the Branch, and that the members voted to deny this request. Nonetheless, he has failed to make the required payment.

At the outset, it would be inappropriate for me to address the merits of this dispute at this time. However, I can advise you that previous rulings have held that a member’s failure to pay an individual debt to the Branch does not, by itself, result in a forfeiture of membership. Article 7, Section 4 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides for forfeiture of membership where a member fails to pay “any fine, assessment or monthly dues within thirty (30) days.” However, the term “assessment,” as used in Article 7, Section 4, refers only to general assessments imposed on all the members of the Branch, not to individual charges or debts. The term “fine” refers to a penalty imposed by the Branch following the filing and processing of charges under Article 10 of the CGSFB.

The following discussion concerns the procedures that may be pursued at the Branch level to enforce the debt claim.

Past rulings have concluded that the procedure for filing and adjudicating charges set forth in Article 10 of the CGSFB is a legitimate method for enforcing a debt claim. The rulings further establish that when the Branch claims that a member owes an individual debt, the member may be removed from membership for failing to pay such debt only after charges have been processed pursuant to Article 10 of the CGSFB. Absent Article 10 procedures, a simple motion at a Branch meeting is insufficient for this purpose.

If Article 10 charges are filed, an impartial investigating committee must be appointed. The committee will be obligated to hear both sides of the dispute. After hearing the committee’s report, the Branch can vote to determine whether the charged party owes the disputed sum and can vote to impose a requirement of reimbursement. Prior rulings have established that an order to reimburse the

Branch the amount of a debt is not a “fine” within the meaning of Article 10, Section 4 of the CGSFB and, therefore, does not require a two thirds majority.

Finally, the Branch’s decision may be appealed to the National Committee on Appeals.

Peggy Hoff, Waterloo, IL

May 25, 2011—While I understand your concerns with regard to the law suit brought by Branch 155 against the Postal Service, I must advise that it would be entirely inappropriate for me to comment on what remains an internal Branch issue based on the limited facts set forth in your letter.

I can advise that, as a general principle, all expenditures of Branch funds must be authorized by vote of the members in accordance with Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*.

Big Spring, TX Branch 1891

May 25, 2011—This is in reply to your recent letter, received by my office on April 25, 2011, requesting dispensation permitting Branch 1891 to conduct a special election of officers. According to your letter, the Branch amended its By-laws in early 2010, but did not realize at the time that the amendments would not become effective until approved by the Committee of Laws. As a result of the apparent confusion, the Branch did not conduct its regular scheduled election.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Dallas, TX Branch 132

May 25, 2011—This is in reply to your letters, dated April 20 and May 11, 2011, concerning appeals to the National Committee on Appeals.

Your April 20 letter requests a ruling as to the procedure for responding to an appeal to the National Committee on Appeals under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Specifically, you ask who is to prepare the Branch’s response when the appeal is submitted by the officers who would normally prepare such a response, i.e., the President, Vice President, and Recording Secretary.

As previous rulings have recognized, Article 11, Section 2 of the CGSFB does not specify who is to prepare the Branch’s response to an appeal. Therefore, in the circumstances described in your letter, any officer who is not supporting the appeal may prepare the response. Alternatively, the Branch could vote to designate one or more members to draft the response on behalf of the Branch.

Your May 20 letter requests dispensation to distribute copies of appeals that were read at the May 2 Branch 132 meeting to each member. You further request dispensation to submit the Branch’s response to the appeals within twenty days after the June meeting.

Please be advised that Article 11, Section 2 of the CGSFB, which sets forth the procedure for appeals to the Committee, does not require that copies of the appeal be distributed to the members. The only requirement is that the appeal be read, which was done. However, distribution is by no means prohibited. The Branch is free to distribute copies of the appeals at its discretion. Dispensation from me is not required.

In accordance with my authority under Article 9,

Section 1 of the *NALC Constitution* I am granting the request for dispensation to extend the time for submitting the Branch's response until twenty days after the June meeting of Branch 132.

Port Huron, MI Branch 529

May 25, 2011—This is in response to your letter, dated May 17, 2011, requesting dispensation to conduct a special election to fill three officer positions which became vacant mid-term. Specifically, you propose to send notice to each member that the Branch will conduct a special meeting for the purpose of accepting nominations for these positions. The notice will be sent at least ten days prior to the special meeting. The election will be held seven to ten days thereafter.

In light of the facts set forth in your letter and prior correspondence, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Louisville, KY Branch 14

June 1, 2011—This is in reply to your letter, dated May 24, 2011, concerning Branch 14's election of delegates which is scheduled to take place in October. According to your letter, the Branch is attempting to amend certain of its By-laws which the NALC Committee of Laws found to be in conflict with the *Constitution* in a ruling issued on May 4. The amendments include provisions governing the election of delegates. Your letter indicates that the amendment process cannot be completed before the date by which the Branch publishes its notice of nominations and elections. You ask for guidance as to how the Branch should proceed.

The best course of action would be for the Branch to continue the process of amending its by-laws and to conduct nominations and the election of delegates as scheduled. The nominations and election should be conducted in a manner that is consistent with the principles reflected in the Committee's ruling, even if the By-laws have not yet been formally changed. The requirements of the *Constitution* pre-empt any inconsistent By-law provisions.

By copy of this letter to Committee Chairperson Nicole Rhine, I am instructing the Committee to expedite consideration of the amendments to the Branch 14 By-laws as soon as they are submitted.

Indianapolis, IN Branch 888

June 1, 2011—This is in reply to your letter, dated May 16, 2011, requesting guidance as to the appropriate procedures to be followed by Branch delegates when voting at a State Convention. In particular, you question whether the President of Branch 888 properly cast all of the Branch votes. You now ask what the process should be for determining whether a Branch is to vote in block.

At the outset, it would be entirely inappropriate for me to comment on what may or may not have happened at the recent Indiana State Convention, since I only have your side of the story before me. I can provide the following summary of the relevant rules governing block voting at State Conventions, which is usually referred to as the "unit rule."

First, previous presidential rulings have established that it is up to each State Association to determine whether to allow the unit rule.

Second, the rulings have consistently held that even where a State Association decides to allow del-

egates the option of voting by the unit rule, the delegates of any given Branch cannot vote the unit rule unless its delegates vote unanimously to do so. Thus, a single delegate can block the Branch's use of the unit rule. However, the rulings have also recognized that, if no State Association delegate objects, to facilitate the election process the Branch delegates who wish to cast their votes as a group may do so, even if the Branch has not adopted the unit rule.

Third, the prior rulings have consistently held that State Associations may not adopt any kind of voting structure that would prevent Branches from voting their full proportional voting strength based on the number of Branch members who paid per capita tax to the State Association. (See, Article 5, Section 4 of the *Constitution of the Government of State Associations*.) Thus, the total votes of the Branch are to be divided *pro rata* among the delegates from that Branch who are in attendance at the Convention.

The *pro rata* allocation of votes may result in a number of "odd votes" when the number of delegates in attendance cannot be divided evenly into the number of votes to which the Branch is entitled. For example, if the Branch is entitled to 65 votes and there are 20 delegates from that Branch in attendance at the Convention, then each delegate would be allocated 3 votes, with a remainder of 5 odd votes. The rulings recognize two permissible methods for casting such odd votes: (1) fractional votes to be allocated among the Branch's delegates or (2) a branch caucus decision appointing one delegate to vote all the odd votes, certified by the branch secretary. The Convention may decide which of these two methods to adopt.

In sum, block voting is permissible so long as it is implemented in accordance with the above rules.

Pittsburgh, PA Branch 84

June 7, 2011—This is in reply to your letter, dated June 2, 2011, requesting guidance as to the proper resolution of current disputes over the designation of stewards in several stations in Branch 84. According to your letter, the DUO program has resulted in the merger of offices, each of which has its own steward. The question now arises as to which steward should be designated to represent the merged office if the unit is eligible for only one steward under the National Agreement. In addition, you report that there have been DUO mergers which have resulted in the movement of letter carrier units from outside Branch 84 into Branch 84 offices. These units also have stewards.

At the outset, the *NALC Constitution* does not specifically address the situations described in your letter. The designation of stewards following a DUO merger must be resolved at the Branch level. I can advise you as to the relevant *constitutional* principles which should guide the decision-making process.

First, Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that the President of the Branch "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members." This language empowers the Branch President to appoint stewards. Accordingly, where stewards are appointed the Branch President has the authority to designate the individual who will serve as steward following a DUO merger.

Article 4, Section 5 of the CGSFB states that Branches may provide in their By-laws for the election of stewards "within the respective stations as the Branch may . . . determine[.]" Accordingly, Branches may provide rules in their By-laws to cover merger situations.

Insofar as the Branch 84 By-laws do not provide a solution to the problems posed in your letter, as Branch President, you would have the authority under Article 6, Section 1 to resolve these issues. For example, you could decide that the steward previously elected by the receiving office should be designated to represent the merged office. Alternatively, you have the discretion to order a special steward election. In both situations, you should base your decision on the best interest of the members.

For the future, I suggest that the Branch consider enacting By-laws to reflect the wishes of the members with respect to merger situations.

Miami, FL Branch 1071

June 17, 2011—This is in reply to your letter, dated June 10, 2011, requesting a ruling as to whether a member has become ineligible to be a candidate for shop steward as a result of his acknowledgment that he applied for a Labor Representative position last year.

Unfortunately, the answer to your question is yes: this member is not eligible to be a steward. Previous rulings have consistently recognized that labor representative positions in the Postal Service are supervisory positions for purposes of Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches*.

Dallas, TX Branch 132

June 20, 2011—This is in reply to your letter, dated June 8, 2011, requesting a ruling as to whether Branch 132 properly entertained a motion to implement changes to the Branch By-laws that had been previously approved by the Branch. Your letter indicates that the changes have not yet been approved by the Committee of Laws. Apparently, the By-law change to be implemented by the motion will reduce the salary of the President and Vice President.

As you correctly indicate, Article 15 of the *NALC Constitution* provides that amendments to By-laws "shall not become effective until approved by the Committee of Laws" (except for By-laws and amendments fixing the amount of initiation fees, dues, and reinstatement fees, and the time and place of meeting, which become effective at the time determined by the Branch). However, By-law amendments involving officer compensation may include an explicit effective date which may be applied retroactively following approval by the Committee.

Your letter does not indicate whether the By-law change in question has an effective date which will result in retroactive application. Accordingly, I cannot comment on the matter. However, the Branch's decision to implement the By-law, as described in your letter, may be the subject of an appeal to the National Committee on Appeals. I express no view as to the merits of any such appeal.

Dallas, TX Branch 132

June 20, 2011—This is in reply to your letter, dated June 9, 2011, concerning the June 6, 2011 meeting of Branch 132 at which the Branch considered charges against Sister Kimetra Lewis. The

meeting was chaired by National Business Agent Kathy Baldwin. According to your letter, Sister Baldwin did not permit you to address the Branch following the presentation of the investigating committee's report and ruled that any debate other than the presentation of the charging party's defense was out of order. You now ask me to rule on this matter.

Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* expressly provides that the investigating committee must present its report to the Branch and that the charged party "is entitled to defend himself/herself before the Branch immediately before the vote is taken." Article 10, Section 3 does not contain any language providing for debate on the charges. Previous rulings have consistently held that such debate is not *constitutionally* required. The Branch may decide to allow such debate, based on such considerations as the By-laws, past practice, and the wishes of the membership.

Apart from the foregoing, it would be entirely inappropriate for me to comment on what Sister Baldwin may or may not have ruled based on the limited information set forth in your letter. I do note that any procedural ruling by the Chair could have been challenged at the meeting. Moreover, the Branch's decision is subject to appeal to the National Committee on Appeals under Article 11 of the CGSFB. I express no view as to the merits of any such appeal.

William J. Lucini, National Agent, Philadelphia, PA

June 20, 2011—This is in reply to your e-mail, dated June 13, 2011, requesting guidance as to the proper resolution of an issue that has arisen in Branch 903 concerning the designation of the steward in the Somers Point, NJ post office. According to your email, the DUO program has resulted in the combining of the Linwood and Somers Point offices, each of which has its own elected steward. The question now arises as to which steward should be designated to represent the merged office since the unit is eligible for only one steward under the National Agreement.

At the outset, the *NALC Constitution* does not specifically address the situation described in your e-mail. The designation of stewards following a DUO merger must be resolved at the Branch level. I can advise you as to the relevant *constitutional* principles which should guide the decision-making process.

First, Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that the President of the Branch "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members." This language empowers the Branch President to appoint stewards. Accordingly, where stewards are appointed the Branch President has the authority to designate the individual who will serve as steward following a DUO merger.

Article 4, Section 5 of the CGSFB states that Branches may provide in their By-laws for the election of stewards "within the respective stations as the Branch may . . . determine[.]" Accordingly, Branches may provide rules in their By-laws to cover merger situations involving elected stewards.

Your e-mail does not indicate whether the Branch 903 By-laws provide a solution. If (as I

assume) the By-laws are silent, then the Branch President would have the authority under Article 6, Section 1 to resolve the issue. For example, he could decide that the steward previously elected by the receiving office should be designated to represent the merged office. Alternatively, he would have the discretion to order a special steward election. In both situations, his decision should be based on the best interest of the members.

For the future, I suggest that the Branch consider enacting By-laws to reflect the wishes of the members with respect to merger situations.

Florida State Association of Letter Carriers

June 22, 2011—This is in reply to your letter, dated June 10, 2011, concerning a proposed change in the By-laws of the Florida State Association that would eliminate a statewide position. In particular, you ask for a ruling as to the effective date of the proposal if it is voted on and approved after nominations are held at the July convention.

At the outset, I note that your letter does not identify the position to be eliminated. Article 6, Section 1 of the *Constitution of the Government of State Associations (CGSA)* explicitly requires each State Association to elect a President, Vice President, Secretary, Treasurer, Director of Education, and an Executive Board consisting of five or more members. Article 8, Section 8 of the CGSA requires each State Association to elect a retired member to the office of Director of Retirees. As previous presidential rulings have recognized, a State Association may not eliminate any of these positions. The only exceptions are those expressly set forth in Article 6, Section 1. As provided therein, a State Association may enact a By-law which combines the offices of Secretary and Treasurer into one position. Similarly, Article 6, Section 1 allows a State Association to enact a By-law combining the office of Director of Education "with any other elective office."

If the position in question is not one that must be created and filled under the CGSA, then it may be eliminated by amending the By-laws. It would also make sense, obviously, for the vote on the proposed elimination of the position to precede nominations. If the State Association is able to consider the proposal before nominations, I would entertain a request for dispensation that would allow the State Association to waive nominations and election for the position in question, in the event that the By-law is enacted, pending final approval of the Committee of Laws.

If the State Association By-laws provide that nominations must be held before the By-law may be considered, then you will be required to conduct nominations and elect someone to the position. In that context, if the By-law is subsequently enacted, the question posed in your letter would arise, i.e., when would the position be eliminated? That question should be answered by the By-law itself—either by incorporating an effective date in the text of the By-law, or having the sponsor make an on the record statement of his/her intent. If the intent of the By-law is to eliminate the position immediately, then it would go into effect, and the position would be eliminated, when the By-law is approved by the Committee of Laws as provided by Article 15 of the *NALC Constitution*. If the intent is to eliminate the position at the end of the term, that should be explained to the delegates. The position would then continue for the balance of the term, but no further nominations would be held at the next Convention.

Carmel, IN Branch 888

June 22, 2011—This is in reply to your letter, dated June 8, 2011, inquiring whether the membership of a Branch can vote to instruct their delegates to a State Association Convention that "they must vote the unit rule (in block)."

Please be advised that there have been NALC Branches that have held pre-convention votes mandating the use of the unit rule, and the question has arisen as to whether such votes are binding and enforceable at the Convention. Previous rulings have held that this specific question must be addressed by the State Association, in the first instance, in light of its own By-laws, rules and procedures, subject to appeal through the *Constitution*.

Santa Clara, CA Branch 1427

June 23, 2011—This is in reply to your recent letters, each of which requests that I resolve an ongoing dispute in Branch 1427 as to whether the Branch may vote to reconsider a previous motion to authorize a Centennial Celebration in November. In particular, you ask whether such reconsideration is permissible under Robert's Rules of Order.

While I appreciate that this is a divisive issue in the Branch, I must advise that it would be inappropriate for me to resolve the matter by issuing a presidential ruling at this time. I can advise you as to the relevant *constitutional* principles.

Previous rulings have held that the *Constitution* does not prohibit Branches from voting to reconsider or reverse previously adopted resolutions. The rulings have also held that Robert's Rules are not binding on NALC Branches. However, Branches may adopt Robert's Rules, or any other rules of procedure, by incorporating such in their By-laws. None of your letters indicates whether the Branch 1427 By-laws require use of Robert's Rules at Branch meetings.

Even where a Branch has adopted Robert's Rules, disputes over the application of the rules must be resolved, in the first instance, at the Branch level, subject to appeal. Accordingly, a Branch President, when presiding over a meeting, may rule that a motion is out of order under Robert's Rules. That decision would be subject to appeal to the members under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision may be appealed to the National Committee on Appeals as provided by Article 11, Section 2 of the CGSFB.

Thomas Russell, East Spencer, NC

June 29, 2011—This is in reply to your letter, dated June 26, 2011, concerning the situation in North Tryon Station in Charlotte, NC.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter at this time. The dispute over the designation of a steward at North Tryon station must be addressed, in the first instance, at the local level. As I explained in my letter to Brother Walden, dated May 10, 2011, as Branch 545 President he has the authority under Article 6, Section 1 of the *Constitution of Subordinate and Federal Branches (CGSFB)* to appoint a steward for North Tryon Station and may, at his discretion, authorize an election for steward.

You do have a right to appeal Brother Walden's decisions to the Branch under Article 11, Section 1 of the CGSFB. The Branch's decision may be appealed to the National Committee on Appeals under Article 11, Section 2 of the CGSFB. I express no view as to the merits of any such appeal.

Blacksburg, VA Branch 4276

June 29, 2011—This is in reply to your recent letter, received by my office on June 27, 2011, requesting permission to appoint Sister Shannon Evans to the position of Secretary-Treasurer of Branch 4276, following the retirement of the current Secretary-Treasurer.

Please be advised that permission from me is not necessary. Article 4, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* expressly provides that in the event that an officer resigns, “the Branch President may appoint the successor until the next regular Branch election,” unless the Branch By-laws provide for an order of succession. Your letter does not indicate that the Branch 4276 By-laws provide an order of succession. If that is the case, you are authorized to appoint Sister Evans to be Secretary-Treasurer when the position becomes vacant.

Bridget Cervizzi, Scarborough, ME

July 13, 2011—This is in reply to your email, sent to my office on July 12, 2011.

Your letter seeks an interpretation of language in Article 10, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* stating that “the vote regarding [charges] may be continued once, by motion to the following regular Branch meeting.”

Article 10, Section 1 contemplates that after charges are read at a Branch meeting, an investigating committee will be appointed and report to the Branch at the next meeting, at which time the members will vote on the charges. As you correctly suggest, the language quoted above allows Branches to entertain and approve a motion to postpone consideration of the charges to the following meeting. Such a vote could extend the time of the committee to complete its investigation.

Prior rulings have recognized that circumstances sometimes arise which prevent an investigating committee from completing its investigation within the time frame provided by Article 10, Section 1. The rulings have instructed committees in these circumstances to complete their investigations as soon as possible. A Branch can also seek dispensation from the National President to extend the time needed to investigate and vote on charges.

This letter should not be read to express any view as to whether any extensions of time are necessary or appropriate with respect to the charges now pending in Branch 92.

Branch 231, Fresno, CA

July 20, 2011—This is in reply to your letter, dated July 11, 2011, concerning charges which have been filed in Branch 231. Specifically, your letter seeks an interpretation of language in Article 10, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* stating that “the vote regarding [charges] may be continued once, by motion to the following regular Branch meeting.”

Article 10, Section 1 contemplates that after charges are read at a Branch meeting, an investigating committee will be appointed and report to the Branch at the next meeting, at which time the members will vote on the charges. The language quoted above allows Branches to entertain and approve a motion to postpone consideration of the charges to the following meeting. Such a vote could extend the time of the committee to complete its investigation.

In the situation described in your letter, if

charges were read at the July meeting, the investigating committee should report, and the Branch should vote, at the August meeting. Article 10, Section 1 would authorize the Branch to vote to postpone consideration of the charges to the September meeting. Previous rulings have held that a motion must be made, seconded, and then approved by the members present and voting in order for the continuation to be effective.

Cheyenne, WY Branch 555

July 20, 2011—This is in reply to your letter, dated July 12, 2011, concerning a dispute in Branch 555 over compensation paid to delegates to the 2010 National Convention. Specifically, you ask me to resolve the question whether payments approved by the Branch at its April meeting are in conflict with the Branch By-laws.

While I certainly appreciate your concern, I must advise that it would be entirely inappropriate for me to issue such a ruling. As President of the NALC, it is my responsibility to interpret the *Constitution*. Disputes over the interpretation or application of Branch By-laws must be addressed, in the first instance, at the Branch level.

The appropriate procedure for challenging the Branch's action would be to initiate an appeal under the provisions of Article 11 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision may ultimately be appealed to the National Committee on Appeals in accordance with the procedures provided by Article 11, Section 2 of the CGSFB. I express no view as to the merits or timeliness of any such appeal.

Loy Arquilada, Stockton, CA

July 20, 2011—This is in reply to your recent letter, received by my office on July 19, 2011. Your letter seeks to appeal the action of Branch 213 in approving a motion to grant an investigating committee additional time to complete its investigation of charges against the Vice President of the Branch.

While I appreciate your concern, I must advise that it would be inappropriate for me to intervene in this matter at this time. As you recognize, charges of misconduct must first be investigated and voted on at the Branch level in accordance with the procedures for investigating charges set forth in Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Any claims of procedural violations may ultimately be the subject of an appeal to the National Committee on Appeals, as provided by Article 11 of the CGSFB.

Andrew Rangel, Kansas City, MO

July 21, 2011—This is in reply to your letter, dated July 16, 2011, requesting authorization to use the NALC and AFL-CIO logos on a “championship style” ring that you would like to have made.

As President of the NALC, I am hereby granting you permission to have the NALC logo placed on a single ring, solely for your personal use. This authorization does not encompass the manufacture of any additional rings bearing the NALC logo, or the use of the NALC logo for any commercial purpose.

I cannot grant permission to use the AFL-CIO logo. Such authorization must be granted by the AFL-CIO, itself.

Virginia State Association of Letter Carriers

July 21, 2011—Your recent letter to Secretary-Treasurer Jane Broendel, which was received on July 18, 2011, has been referred to me for reply.

Your letter requests an official ruling to resolve a dispute over the amount of reimbursement to be paid to a Branch for affiliating with the Virginia State AFL-CIO under a provision of the Virginia State Association By-laws.

Please be advised that insofar as this matter requires the interpretation and enforcement of a State Association By-Law, it would be inappropriate for me to issue a ruling. This is a matter that the State Association must address in the first instance. Article 8, Section 5 of the *Constitution of the Government of State Associations* confers upon the State President and Executive Board “general supervision and control of the Association during recess.” Thus, the President and the Executive Board are fully authorized to address the issues raised in your letter prior to the next State Convention.

Bridget Cervizzi, Scarborough, ME
Portland, ME Branch 92

July 21, 2011—This is in reply to your recent email messages concerning the ongoing investigation of charges in Branch 92.

As I explained in my ruling of July 13, normally an investigating committee should be appointed and complete its investigation in time for the Branch to comply with Article 10, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. Previous rulings, however, have recognized that circumstances may arise which prevent the completion of the investigation in a timely manner. When this occurs, the committee should complete its investigation as soon as possible. A Branch vote to extend the committee's time is not necessary if it has not been possible to complete the investigation.

It would be inappropriate for me to comment on a specific time frame, or the length of an investigation as those issues may be the subject of an appeal. Any claims of procedural violations may ultimately be the subject of an appeal to the National Committee on Appeals, as provided by Article 11 of the CGSFB.

Van Nuys, CA Branch 2462

July 22, 2011—This is in reply to your letter, dated July 15, 2011, requesting dispensation on behalf of Branch 2462 to delay its installation of officers from August until October.

While I appreciate the reasons for your request, I must advise that, in the absence of exceptional circumstances, I am reluctant to grant the requested dispensation. Article 5, Section 6 of the *Constitution for the Government of Subordinate and Federal Branches* requires that elected officers be installed “at the first or second meeting of the Branch following their election.” The installation starts the new term of office for elected officers. The proposed delay described in your letter would improperly extend the terms of the former officers beyond *constitutional* limits.

I recommend instead that the Branch conduct an informal swearing in of the new officers at the August meeting. If you are not present, you can be sworn in as President when you return from annual leave. The Branch could still conduct an installation ceremony at the retirees luncheon in October. Dispensation from me would not be necessary.

Long Island Merged Branch 6000

July 22, 2011—I have carefully reviewed your email of July 21 concerning the determination by

the Committee of Laws that Branch 6000's nomination procedure is inconsistent and in conflict with both Article 5 of the *Constitution for the Government of Subordinate and Federal Branches* and the NALC Regulations Governing Branch Election Procedures (RGBEP). The Committee's conclusion and its explanation are clearly correct. The other exceptions noted in the Committee's ruling also reflect long-established interpretations of the *Constitution*.

It is my understanding that the ruling at issue represents the first time the current Committee of Laws had occasion to review Branch 6000's By-laws. I simply do not know why previous Committees did not catch the problems noted in the ruling. However, I can advise that the current Committee acted properly in calling these matters to the Branch's attention. I appreciate that Branch 6000 has conducted numerous elections utilizing the existing nomination procedure. But characterizing that procedure as a "past practice" does not justify the creation of an implied exemption from the requirements of the *Constitution* and RGBEP.

As you correctly note, the Branch should notify the members of the change in nomination procedure. In accordance with Section 6.1 of the RGBEP, the notice must be sent out at least ten days before nominations. You may contact the *Postal Record* staff to discuss whether an amended notice of nominations can be published in sufficient time to meet this deadline. If not, notice should be sent by other means.

Santa Clara, CA Branch 142

July 28, 2011—This is in reply to your e-mail and fax, both received by my office on July 27, 2011, requesting that I resolve the dispute in Branch 1427 concerning the Executive Board's determination that Brother Madrid has resigned as President of the Branch. According to the documents sent to me, it appears that at the July 20 Executive Board meeting, Brother Madrid submitted a written resignation to be effective on July 29. During the meeting, he also submitted a handwritten document rescinding the resignation. The Board voted to accept the resignation, but not the rescission.

While I appreciate your concerns, I must advise that it would be inappropriate for me to resolve this dispute. I can provide the following general advice.

Past presidential rulings have recognized that once a branch officer's resignation from office has become effective, he/she may not reclaim that office. However, in some cases there is a factual dispute as to whether the officer did submit an effective resignation, or whether he/she properly withdrew the resignation before it became effective. The rulings have consistently held that such disputes must be resolved, in the first instance, at the Branch level. The issue may be voted on by the members. The Branch's decision would then be subject to appeal to the National Committee of Appeals in accordance with the procedures set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

In this case, Brother Madrid's determination that he effectively withdrew his resignation, so that he remains President of the Branch, may be appealed by any member of the Executive Board to the members at the next Branch meeting, as provided by Article 11. The Branch's decision may then be appealed to the National Committee on Appeals.

Aurora, IL Branch 219

August 1, 2011—Your letter to Secretary-Treasurer

Broendel, dated June 6, 2011, has been referred to me for response.

Your letter asks whether Branch 219 would have the authority to enact three proposed changes to its By-laws, each of which would set restrictions on the activities of Branch officers.

The first proposal would provide that "no officer of the branch may be on the EAP DAC Committee." Please be advised that the National Union has sole authority to appoint members to the EAP District Advisory Committee. The proposed language would impermissibly interfere with the National's authority and, therefore, cannot be adopted by the Branch.

Similarly, the third proposal, prohibiting branch officers from being "involved in route adjustments" would also be improper. Branch officers act as representatives of the National Union in administering all aspects of the National Agreement, including route adjustments. The Branch cannot interfere with the exercise of such authority.

By contrast, the second proposal, prohibiting branch officers from serving on the local Credit Union Board, would not conflict with the National Union's authority, or any provision of the *Constitution*. Accordingly, it may be adopted by the Branch.

Greenwood, SC Branch 1145

July 20, 2011—This is in reply to your letter, dated July 3, 2011, requesting dispensation permitting Branch 1145 to conduct a special election for President. According to your letter, the former President of the Branch has resigned from the Postal Service.

It does not appear that a special election is necessary. Your letter indicates that the Branch does have a current Vice President, Rollie Wilson. Under Article 6, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, if the President resigns, the Vice President becomes President until the next election. As President, Brother Wilson would then be authorized by Article 4, Section 2 of the CGSFB to appoint a member to fill the resulting vacancy in the office of Vice President (unless the Branch By-laws provide for an order of succession).

Notwithstanding the foregoing, if the Branch feels that a special election is necessary in this case, please send me a second letter explaining the reasons. I would be prepared to grant dispensation to conduct a special election, if appropriate under the circumstances.

Robert Hannah, Knoxville, TN

August 1, 2011—This is in reply to your recent letter, received by my office on July 1, 2011, requesting information as to two issues involving Branch officers.

Your first question is who should swear in officers who are appointed to fill mid-term vacancies. Please be advised that the relevant *constitutional* provision, Article 5, Section 6 of the *Constitution for the Government of Subordinate and Federal Branches*, requires that an installation of Branch officers be conducted at the first or second meeting of the Branch following the election. There is no language requiring a formal installation ceremony when individuals are appointed to fill vacancies between elections. While the Branch may conduct an installation and swearing-in if it so chooses, such a ceremony is not *constitutionally* required. The Branch would have discretion to determine who would swear in the appointed officer.

As to your second question, please be advised

that there are no provisions in the *NALC Constitution* or the NALC Regulations Governing Branch Election Procedures authorizing recall elections.

South Portland, ME Terry Powers

August 1, 2011—This is in reply to your letter, dated July 3, 2011, concerning the apparent decision of Branch 92 President Mark Guilfoyle to remove you from your position of Steward/Sergeant-at-Arms.

While I appreciate your concerns, I must advise that it would be inappropriate for me to intervene in this matter at the present time based on the limited information contained in your letter. I can provide the following general advice as to the relevant *constitutional* principles.

At the outset, an elected Branch officer may only be removed from office in accordance with the procedures set forth in Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

The ability of the Branch President to remove shop stewards is determined by the manner of steward selection. If the Branch's stewards are appointed to office by the Branch President, the President may remove a steward for good and sufficient cause. If, however, the shop stewards are elected by the members of each respective station, then the President may remove for good cause only if the Branch has made a specific provision for such removal in its By-Laws. In the case of shop stewards elected by the entire Branch, the stewards must be treated as regular Branch officers. Consequently, they cannot be removed without complying with the specific procedures set forth in Article 10 of the CGSFB.

Beyond the foregoing, prior rulings indicate that a Branch President does have the authority to suspend a steward temporarily for failing to meet his/her responsibilities. Article 6, Section 1 of the CGSFB confers upon the Branch President "general supervisory powers over the Branch" as well as the authority to "see that officers perform their duties [and to] enforce the *Constitution*, By-Laws, [and] Rules and Regulations of the Branch." In addition, under Article 6, Section 1 of the CGSFB, the Branch President is designated Chief Shop Steward. He, therefore, retains the ultimate authority to supervise other stewards in the performance of their duties. The delegates to the 2008 National Convention in Boston affirmed this authority by amending Article 6, Section 1 to provide specifically that "The President shall at all times have the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy."

Finally, the removal or suspension of a steward by the President of the Branch would be subject to appeal to the Branch, as provided by Article 11, Section 1 of the CGSFB. The Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures set forth in Article 11, Section 2 of the CGSFB.

Wichita, KS Branch 201

August 2, 2011—This is in reply to your recent letter, received by my office on July 25, 2011, requesting guidance as to the proper resolution of

an issue that has arisen in Branch 201 concerning the election of stewards. According to your email, a fire in the Munger station has resulted in the transfer of three zones at that station to two different offices. The question now arises as to whether Branch 201 should conduct nominations and election of stewards as if Munger station were still intact or whether the election should assume that the Munger carriers have been transferred to their new stations.

At the outset, the *NALC Constitution* does not specifically address the situation described in your letter. The issue must be resolved at the Branch level. I can advise you as to the relevant *constitutional* principles which should guide the decision-making process.

First, Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that the President of the Branch "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members." This language empowers the Branch President to appoint stewards. Accordingly, where stewards are appointed the Branch President has the authority to designate the individual who will serve as steward following a transfer of letter carrier units.

Article 4, Section 5 of the CGSFB states that Branches may provide in their By-laws for the election of stewards "within the respective stations as the Branch may . . . determine[]." Accordingly, Branches may provide rules in their By-laws to cover transfer or merger situations involving elected stewards.

Your letter does not indicate whether the Branch 201 By-laws provide a solution. If (as I assume) the By-laws are silent, then, in accordance with Article 6, Section 1, you would have the authority to resolve the issue. For example, you could decide that there should be a separate steward election by the Munger carriers or, alternatively, that the steward election should be conducted as if the Munger carriers had been absorbed by their new stations. If the election is based on the assumption of a permanent transfer, you could still order a special election if, unexpectedly, Munger station is reopened and the Munger carriers are reassigned to it. In any event, your decision should be based on the best interest of the members.

Atlanta, GA Lewis Jones

August 2, 2011—This is in reply to your recent letter, received by my office on July 29, 2011, which seeks to initiate an appeal from a decision of Branch 73 President Ben Jackson.

While I appreciate your concern, I must advise that an appeal may not be initiated by writing a letter to the National President. The appeal process is set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. As stated in Article 11, Section 1, an appeal from a decision of a Branch President must be made **to the Branch**, not to the National Union. The Branch must then vote on the appeal. It is the Branch's decision that can then be appealed to the National Committee on Appeals in accordance with the procedures described in Article 11, Section 2 of the CGSFB.

There is no indication in your letter that you ever appealed the decision of the Branch President to the Branch or that the members voted on the appeal.

Once this step is taken, if the members deny your appeal, you may submit to the Branch Recording Secretary a written appeal to the Committee on Appeals as provided by Article 11, Section 2.

I express no view as to the merits or timeliness of any appeal.

Terry Powers, South Portland, ME

August 4, 2011—This is in reply to the email that you sent to me yesterday.

By now I trust that you have received my letter, dated August 1, 2011. If the guidance provided in that letter does not result in a resolution of the dispute over your status as Branch 92 Steward/Sergeant at Arms, then you may challenge the action of the Branch President by initiating an appeal to the Branch under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*. Apart from providing this advice, as I stated in my previous letter, it would not be otherwise appropriate for me to intervene directly in this matter at this time.

In response to your second inquiry, I have not received or granted any request for an extension of time related to charges pending in Branch 92.

Paul Martin, Oak Ridge, TN

August 4, 2011—This is in reply to your letter, dated July 27, 2011, concerning the deadline for submitting an appeal from Branch 419's vote on charges you filed against officers of the Branch.

Article 11, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* provides that appeals to the National Committee on Appeals must be submitted to the Recording Secretary of the Branch within twenty days of the decision to be appealed from. In light of the facts described in your correspondence, the Branch could agree to an extension of your time to appeal its decision to the Committee. Any such agreement should be confirmed in writing.

If the Branch does not agree, you may submit a request for an extension to NALC Vice President George Mignosi in his capacity as Chairman of the National Committee on Appeals. The request should state the reasons for the extension. A copy of your letter should be sent to the Branch.

Santa Clara, CA Branch 142

August 4, 2011—This is in reply to your emails, received today, concerning the vote of Branch 1427 to accept Brother Madrid's resignation as President and to decline the withdrawal of that resignation.

As I stated in my ruling of July 28, it would be inappropriate for me to resolve this dispute. The arguments stated in your emails must be submitted to the National Committee on Appeals. The Committee has the authority to issue a complete remedy, if it finds that Brother Madrid's appeal has merit, which could include his reinstatement as Branch President.

In the mean time, I must advise that the Branch's decision, whether right or wrong, must stand pending the Committee's decision. Accordingly, Brother Madrid will be required to vacate his office until such time as the Committee may reinstate him. He should submit his appeal as expeditiously as possible in accordance with the procedures set forth in Article 11, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches*.

This letter should not be read to express a view as to the merits of any of the factual assertions or arguments in your emails.

Hokes Bluff, AL Branch 1047

August 9, 2011—This is in reply to your letter, dated August 5, 2011, requesting dispensation on behalf of Branch 1047 to conduct a vote on proposed By-law changes outside the time frame specified in the current By-laws.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Portland, ME Branch 92

August 9, 2011—This is in reply to your email that you sent yesterday evening, raising two questions.

As to your first question, I am enclosing a copy of my rulings, dated July 13 and 21, 2011, which address the timing of the investigating committee's report under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*.

As to your second question, please be advised that Article 11, Section 1 of the CGSFB does not specify any particular procedure for appeals at the Branch level from decisions of the President. The appeal may be presented verbally at the meeting. The issue may be debated, but must ultimately be decided by vote of the members. The members' decision can then be appealed to the National Committee on Appeals in accordance with the procedures prescribed in Article 11, Section 2 of the CGSFB.

Corpus Christi, TX Branch 1259

August 11, 2011—This is in reply to your letter, dated August 2, 2011, requesting that I rule on whether a letter concerning the upcoming Branch 1259 election was properly posted on the bulletin board at all local stations.

While I appreciate your concern, I must advise that it would be inappropriate for me to intervene in this matter. The *NALC Constitution* and the NALC Regulations Governing Branch Election Procedures do not contain any provisions specifying what may or may not be posted on Branch bulletin boards or when material may be posted. Branches may develop their own policies to address these issues. The only qualification would be that all candidates for Branch office must be treated equally.

If you believe that the letter was improperly posted you would have the authority, as Branch President, to arrange for it to be removed. Your decision would be subject to appeal under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

California State Association of Letter Carriers

August 11, 2011—This is in reply to your letter, dated July 29, 2011, requesting dispensation permitting the California State Association of Letter Carriers to conduct its next Convention in 2014.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation.

Newman, GA Branch 1421

August 11, 2011—This is in reply to your letter, dated August 2, 2011, concerning charges that have been filed against you as President of Branch 1421, along with the Vice President and Shop Steward. Your letter requests that the Secretary-Treasurer be appointed to head the investigation of this matter.

Please be advised that it would be inappropriate for you or me to have any input in the appointment of the committee. The process for investigating charges is controlled by Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*. Article 10, Section 3 requires the appointment of “a committee of three disinterested members” to investigate the charges.

Normally, the committee is to be appointed by “[t]he president, or if the president be the person against whom charges are made, the vice president.” However, where, as in your situation, the President, Vice President, and/or other officers are charged, prior rulings have established that the highest ranking officer who has not been charged should appoint the investigating committee. The rulings have also recognized that an officer who is likely to be involved in the investigation of charges as a witness should not appoint the committee. If there are no other officers eligible to appoint the committee, then the investigating committee may be appointed by action of the members of the Branch. Specifically, the Branch could nominate and elect members to the committee at a regular or special meeting. Alternatively, the members could vote to select an individual disinterested Branch member to appoint the members of the committee.

San Juan, PR Branch 869

August 25, 2011—Your letter to Secretary-Treasurer Jane Broendel, dated August 18, 2011, has been referred to me for reply. Your letter requests a ruling as to whether a provision of the Branch 869 By-laws was properly interpreted by the Branch President and you to require that payment of compensation to eligible stewards be made on a quarterly basis.

Please be advised that it would be entirely inappropriate for the National President or Secretary-Treasurer to resolve this matter. Disputes over the interpretation or application of Branch By-laws must be addressed, in the first instance, at the Branch level. As provided by Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*, the Branch President’s decision may be appealed to the Branch. The Branch’s decision may be appealed to the National Committee on Appeals.

Stockton, CA Branch 213

August 25, 2011—This is in reply to your letter, dated August 4, 2011, inquiring whether charges brought under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches* may be withdrawn by the charging party.

The answer to your question is yes. The charging party may withdraw the charge. Accordingly, the investigating committee may stand down and need not present a report to the Branch.

Dallas, TX Branch 132

August 25, 2011—This is in reply to your letter, dated August 4, 2011, concerning your ruling that the submission of a proposed amendment to the Branch 132 By-laws did not violate By-law provisions barring submission of defeated amendments or alterations for six months.

As President of the Branch, you certainly had the authority to make this ruling. Of course, your decision could have been appealed to the members at the meeting under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*. Your letter does not indicate that such an appeal was made. In any event, it would be

inappropriate for me to comment on the substance of your interpretation of a Branch By-law provision.

Port Huron, MI Branch 529

August 25, 2011—Your letter to Secretary-Treasurer Jane Broendel, dated August 2, 2011, has been referred to me for reply. Your letter requests a ruling as to whether a resolution apparently enacted by Branch 529 in 2005 continues in effect. The resolution provides for reimbursement of dues to the President, Treasurer, and Secretary of the Branch.

Please be advised that it would be entirely inappropriate for the National President or Secretary-Treasurer to resolve this matter. Disputes over the interpretation or application of Branch resolutions must be addressed, in the first instance, at the Branch level. As provided by Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*, the decision of the officers may be appealed to the President and the President’s decision may be appealed to the Branch. The Branch’s decision may be appealed to the National Committee on Appeals.

Fresno, CA Branch 231

August 29, 2011—This is in reply to your letter, dated August 12, 2011, requesting clarification of the rights of members who have been suspended.

Generally speaking, during the term of a suspension under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, a suspended member is precluded from participating in union affairs. For example, he or she may not attend union meetings, vote in union elections, or fill any appointive positions within the union.

A suspended member is entitled to participate in the NALC HBP or any insurance program offered by the MBA and to receive the Postal Record. In addition, a suspended member is entitled to be fully reinstated as a member in good standing upon the “removal of the cause and the payment of all demands against him/her, or at the expiration of the term for which he/she was suspended, without action of the Branch.” (See Article 10, Section 6 of the CGSFB).

The CGSFB explicitly provides that “During the suspension for an offense, a member is not exempt from dues, and he/she shall be subject to all the penalties of Article 7, Section 4, for the non-payment of the same.” (See Article 10, Section 5 of the CGSFB). Accordingly, a suspended member must continue to pay Branch dues and any penalties that may be assessed against him/her.

Barbara Kearney, Prospect Park, NY

August 31, 2011—This is in reply to your letter, dated August 5, 2011, in which you criticize NALC’s continuing recognition of the Landsdowne and Chester, PA Branches.

While I appreciate your concerns, I must advise that it would be inappropriate for me to take any action at this time. Normally, the merger of Branches is a voluntary process following the negotiation of a merger agreement and vote as provided by Article 2, Section 3 of the *NALC Constitution*. Branch 725 is certainly free to persuade the members of other Branches to merge in accordance with those procedures.

Santa Clara, CA Branch 142

August 31, 2011—This is in reply to your email, dated August 16, 2011, concerning the emails sent by Brother Frank Ware in May, 2011 which

appeared to express an intent to resign as Executive Vice President of Branch 1427. According to your email, at the August Branch meeting the Branch President read and accepted two emails from Brother Ware reflecting his intent to resign effective August 3, 2011. You now ask whether this action was proper.

It is my understanding that at the August meeting Brother Ware disavowed his intent to resign and that the resignation has not been effectuated. In any event, as indicated in previous rulings, it would be inappropriate for me to rule on this matter at the present time. Disputes over the effectiveness of any particular letter of resignation must be resolved through the appeal process set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*. I express no view as to the merits or timeliness of any appeal which may be initiated.

Loy Arquilada, Stockton, CA

September 2, 2011—This is in reply to your letter, received by my office on July 28, 2011, that was addressed to my assistant, Cheryl Harrod.

I fully appreciate your position that the charges against Branch 213 Vice President Anthony Talamantes should have been dismissed because the Branch failed to act on them within the time frame outlined in Article 10, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. However, as indicated in my letter of July 20, it would be inappropriate for me to rule on the validity of your argument at this time based solely on the limited information provided in your letter. The argument can be addressed to the Branch if and when the charges are considered. Any action taken by the Branch on the charges may be appealed to the National Committee on Appeals under Article 11 of the CGSFB. Your argument may be included in such an appeal.

Daniel Monceaux, Lake Charles, LA

September 2, 2011—Your letter to NALC Secretary-Treasurer Jane Broendel, dated August 20, 2011, has been referred to me for reply. Your letter indicates that the practice of Branch 914 has been to limit the election of delegates to the National or State Conventions to a number that is less than the total delegates to which the Branch is constitutionally entitled. Your letter seeks clarification of the procedures for electing delegates.

The information in your letter does suggest that the Branch may have a misunderstanding of the delegate election process. Articles 4 and 5 of the *NALC Constitution for the Government of Subordinate and Federal Branches* and the NALC Regulations Governing Branch Election Procedures require that convention delegates be nominated and elected. The Branch must permit a full slate of delegates and alternate delegates to be nominated and elected. For example, if the Branch is entitled to send 15 delegates to the National Convention, then 15 delegates should be elected.

The Branch does have discretion to limit the number of elected delegates who will receive Branch funds as compensation for lost wages and/or expenses, provided such limits are consistent with the Branch By-laws. However, elected delegates who do not receive funding have the right to attend the Convention at their own expense.

Slidell, LA Branch 4342

September 2, 2011—As indicated in Secretary-

Treasurer Jane Broendel's letter, dated August 29, 2011, I write in response to your request for information on the responsibilities, duties, and authority of Branch Trustees.

Please be advised that the duties and responsibilities of the Branch Board of Trustees are set forth in Article 6, Section 9 of the *Constitution for the Government of Subordinate and Federal Branches*, providing as follows:

The Trustees shall examine and report to the Branch the condition of the books of the officers at least once every six months, compare the vouchers and records and see that they correspond with the collections and disbursements. They shall have custody of all Branch property, and shall perform such other duties as the Branch by-laws may require of them. The Board of Trustees shall be known as the Trustees of _____ Branch No. _____ of the National Association of Letter Carriers of the United States of America.

Please note that the above language authorizes the Branch to assign additional duties to the Trustees through its By-laws.

Terry Powers, South Portland Branch

September 2, 2011—This is in reply to your letter, dated August 18, 2011, in which you claim that the President of Branch 92 has informed you that he will not fill current vacancies in certain Branch offices even though the By-laws provide for an order of succession.

While I appreciate your concern, I must advise that it would be inappropriate for me to intervene in this matter at this time, particularly as I have only your side of the story before me. I can advise you that under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches* decisions by the Branch President can be challenged in the form of an appeal to the Branch. The Branch's decision may be appealed to the National Committee on Appeals. I express no view as to the merits of any appeal.

Marion, IN Branch 378

September 2, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated August 14, 2011, has been referred to me for reply. Your letter explains that Branch 378 needs to change the day of its regular meetings from the second Wednesday of the month to Tuesday. The Branch has voted to effect this change immediately, but has not yet amended its By-laws.

In light of the information set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 378 dispensation to hold its meetings on the Tuesday specified by the Branch vote on a temporary basis, pending amendment of the Branch By-laws. I suggest that the Branch mail a notice of this change to each member. Retirees should be notified as soon as possible since they may not have seen the notice posted at the post offices within the Branch.

Your letter also asks for the procedure for amending By-laws. Please be advised that the procedure is set forth in Article 15 of the *NALC Constitution*, providing, in pertinent part, as follows:

By-laws of branches may be amended at any regular meeting of the branch, provided the amendment has been submitted in writing at the last previous regular branch meeting, and suitable notification to members shall be made at least ten (10) days before the regular meeting at which the

vote is to be taken. By-laws and amendments thereto, fixing the amount of initiation fees, dues, and reinstatement fees, or the time and place of meetings, shall become effective at the time determined by the Branch or State Association. All other by-laws must be submitted in duplicate to the Chairperson of the Committee of Laws and shall not become effective until approved by the Committee of Laws as provided in Article 11, Sec. 3, of this *Constitution*.

Additional instructions are available on the NALC website, nalc.org/departments/secretary-treasurer.

September 6, 2011—Newnan, GA Branch 1421

This is in reply to your letter, dated August 23, 2011, concerning charges that have been submitted under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches* against you, as Branch President, and two other officers. According to your letter, no members of the Branch are willing to serve on the investigating committee.

By copy of this letter, I am directing National Business Agent Judy Willoughby to contact Branches located near Branch 1421 and arrange for the appointment of a committee to investigate the charges consisting of three members from outside the Branch.

Roswell, GA Branch 4862

September 7, 2011—This is in reply to your letter, dated August 22, 2011, requesting a ruling as to the eligibility of a member, Linnetta Robinson, to be nominated to serve as an officer, steward or delegate in the upcoming Branch 4862 election. According to your letter, Sister Robinson may have performed higher level functions in the Postal Service during the past two years.

Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* prohibits a member who has applied for or accepted a supervisory position from serving as an officer or steward in the Branch until two years after the termination of supervisory status. In this case it appears that Sister Robinson may not have applied for or accepted a supervisory position. She has said that the duties at issue were assigned to her by management as limited duty. If that is the case, then the prohibitions in Article 5, Section 2 would not be applicable. Sister Robinson would remain eligible for nomination to an elective position in the Branch.

Moreover, as previous rulings have repeatedly held, higher level assignments are not necessarily supervisory for purposes of Article 5, Section 2. Generally speaking, a position is considered supervisory, within the meaning of Article 5, Section 2, if the person holding that position would have the authority to discipline bargaining unit employees or otherwise supervise them in the performance of their duties. It is the responsibility of the Branch, in the first instance, to determine whether duties of a position applied for or accepted by a member are supervisory within this definition.

Sabrina R. Jackson, South Florida Branch

September 8, 2011—This is in reply to your recent letter, received by my office on September 1, 2011, requesting that I provide guidance to Branch 2550 with respect to an appeal you wish to submit under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

While I appreciate your concern, I must advise that the appeal described in your enclosure would not be appropriate. It appears that you are challeng-

ing the resolution of a grievance against the Postal Service with regard to your reassignment to the Weston Post Office. The appeal procedure set forth in Article 11 is designed to address matters of Branch governance. It cannot be utilized to secure a remedy against the Postal Service.

You may contact your National Business Agent's office to discuss issues pertaining to the handling of grievances by your Branch.

Angel Thompson, Spartanburg, SC

September 8, 2011—This is in reply to your recent letter, received by my office on September 1, 2011, which seeks an election in Branch 3082, Inman SC. According to your letter, the former Branch President, Karen Mitchell, is no longer employed in your office.

Please be advised that the Branch may conduct a special election at any time it deems convenient. By copy of this letter, I am so advising your Branch Secretary, Kyle Mathis.

Tewksbury, MA Branch 25

September 9, 2011—This is in reply to your letter, dated September 7, 2011, advising that Branch 25 was unable to submit its notice of nominations and election of delegates in a timely manner. It appears that the notice cannot be published in the *Postal Record* in sufficient time to reach the members before the October meeting at which nominations are scheduled to take place.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 25 dispensation to reschedule its nomination of delegates to take place at the November, 2011 meeting and to conduct the election at its December, 2011 meeting, notwithstanding any contrary provisions of the Branch By-laws. The notice previously submitted to the *Postal Record* will be modified accordingly.

Slidell, LA Branch 4342

September 12, 2011—This is in reply to your letter, dated August 26, 2011, regarding an ongoing dispute between you, as Secretary-Treasurer of Branch 4342, and the Branch's Trustees. Your letter raises several issues.

Your first question is whether it is necessary for the Branch to have a budget. Please be advised that the *NALC Constitution* permits, but does not require, Branches to enact a budget. Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* does provide that all expenditures of Branch funds must be authorized "by a majority vote of the members present and voting at a regular meeting." As previous rulings have recognized, a Branch may satisfy this requirement by authorizing certain expenditures in its By-laws or by enacting a budget. But this form of authorization is not mandated by Article 12, Section 3.

Please note that the above comments only concern the requirements of the *Constitution*. Your letter does not indicate whether the Branch 4342 By-laws provide for the enactment of a budget. In any event, it is the Branch's responsibility, in the first instance, to resolve any questions as to the interpretation or application of its By-laws.

Your second question is whether the Branch Trustees have the authority to formulate a budget for the Branch. As indicated in my letter of September 2, the only duties of the Trustees provided by the

Constitution are those set forth in Article 16, Section 9 of the CGSFB. Article 16, Section 9 does not refer to the formulation of a Branch budget. It does authorize Branches to provide for additional duties of Trustees in their By-laws. Once again, your letter does not suggest that the Branch 4342 By-laws contain any such provisions.

Your third question is whether the Trustees have the right to take home the books and financial records of the Branch. Although Article 6, Section 9 of the CGSFB does state that the Trustees "shall have custody of all Branch property," there is no language which specifically authorizes the Trustees to take the Branch's books and records home. Past rulings have consistently held that it is up to the Branch to determine how the Trustees are to perform their duties.

So long as the Trustees are allowed to discharge their responsibilities, as defined by Article 6, Section 9 and the Branch By-laws, there is no requirement that they be permitted to take home any records. For example, Article 6, Section 9 provides that the Trustees "shall examine and report to the Branch the condition of the books of the officers at least once every six months, compare the vouchers and records and see that they correspond with the collections and disbursements." This means that the Trustees must be permitted to examine these records. But, under the prior rulings, the manner of examining and reporting the condition of the books is left to the discretion of the Branch and its Trustees.

Your decision as Secretary-Treasurer that the books of the Branch may not be taken home by the Trustees may be appealed to the Branch President under Article 11, Section 1 of the CGSFB. The President's decision may be appealed to the Branch. I express no view as to the merits of any appeal.

Finally, in response to your last question, the National Union does not have the kind of budget described in your letter.

Dennis R. Foran, Vancouver, WA

September 14, 2011—This is in reply to your letters, dated September 1 and 2, 2011, each requesting a ruling as to whether Brother Foran is entitled to transfer his membership back to Branch 82. Your letters indicate that Brother Foran has been, and remains, a resident of Vancouver, Washington which is within the jurisdiction of Branch 1104. When he retired from the Postal Service, Brother Foran transferred his membership from Branch 82, where he worked, to Branch 1104. He now wishes to transfer back to Branch 82.

Please be advised that Brother Foran is not eligible for this transfer under the *Constitution*. As you both correctly point out, Article 2, Section 3(a) of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides that a "retiree in good standing in his/her Branch moving to another city, may transfer membership to the Branch located in such city." In 1985, President Sombrotto interpreted this language to mean that a retiree member may transfer to another Branch "only . . . [if] he or she moves to another city." (Emphasis in original.) This interpretation reflects the clear language of the *Constitution*, and I affirm it. Insofar as Brother Foran has not moved from Vancouver to a location within the jurisdiction of Branch 82, he is not now eligible to transfer.

Brother Foran argues in his letter that under this interpretation his original transfer to Branch 1104

should not have been processed since he had not moved then. This argument raises a question of first impression. It is my decision that the original transfer was proper under Article 2, Section 3 of the CGSFB. The intent of this provision is clearly to permit retirees to be members of the Branch that is located where they reside. In this case, Brother Foran effectively moved from the jurisdiction of Branch 82 when he retired from the Postal Service and became a member of the Branch that is located where he resides. Accordingly, the transfer was permissible under the *Constitution*.

I do recognize that the provision is ambiguous and that interpretation was necessary. Given the understandable confusion, I am prepared to consider a request for dispensation from Branch 82 to authorize Brother Foran's transfer. Any such request should state the reasons for the transfer and indicate whether Branch 1104 agrees to it.

I trust that the foregoing addresses your concerns.

Dennis R. Foran, Vancouver, WA

September 20, 2011—This is in reply to your several recent email messages concerning my ruling of September 14.

At the outset, please understand that my ruling was not intended to prevent your ultimate transfer back to Branch 82. Article 9, Section 1 of the *NALC Constitution* confers upon the National President "the power to grant dispensations when, in his/her judgement, the good of the Union may require it." As I stated at the end of my previous letter, I am prepared to approve a request for dispensation from Branch 82 to transfer you to that Branch. I assure you that I will act on that request promptly upon receipt.

As to the merits of my ruling, you must understand that when I am asked to interpret the *Constitution* I am obliged to consider more than the particular situation before me. You have asked me to rule that your original transfer to Branch 1104, which you voluntarily initiated, was improper under Article 2, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*. Your narrow interpretation of the language would mean that members who worked at post offices distant from their homes would not be able to transfer to the closest Branch to their residence when they retire. I have concluded that the intent of Article 2, Section 3 is to give retiree members the option of transferring to the Branch that is located where they live. That will enable them, if they so choose, to continue to participate in Union activities without having to travel great distances to the Branch where they worked. Your interpretation would prevent retirees from so transferring which would defeat the purpose of the provision. Therefore, I stand by my ruling.

One of your emails indicated that you may wish to cancel your membership in the NALC. As a retiree, you do have the right to cancel your membership in the NALC at any time if you wish. You may do so by writing a letter to the NALC Membership Department clearly stating your intent to withdraw your membership in the NALC.

Please understand that I am not encouraging you to withdraw from the NALC. To the contrary, we welcome your continuing membership. The foregoing paragraph is merely intended to provide you with relevant information in light of the issues raised in your email.

Binghamton, NY Branch 333

September 20, 2011—This is in reply to your letter, dated August 20, 2011, requesting a ruling as to whether Branch 333 may create a new officer position, to be entitled Western New York District 2nd Vice President, who would represent letter carriers employed in that district. The proposal calls for this officer to be elected only by the members in Western District. He/she would sit on the Branch Executive Board.

Please be advised that while the Branch may create a new paid position to be filled by a member elected solely by members employed in the Western District, it may not authorize that member to sit on the Executive Board. Articles 4 and 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, in accordance with federal law, require that all officers and any other members of the Executive Board be elected by vote of the entire membership. See also Section 2 of the NALC Regulations Governing Branch Election Procedures.

The Branch could permit a Western District representative to attend Branch Executive Board meetings in a non-voting capacity or as an observer.

It would not be necessary to amend the By-laws to create a paid position that is not treated as a Branch office. However, under Article 12, Section 3 of the CGSFB any expenditure of Branch funds must be authorized by vote of the members. The compensation for a non-officer position may be authorized by either a By-law amendment establishing the position or by a resolution voted upon at a Branch meeting.

Finally, a non-officer position may be filled, at the discretion of the Branch, by election during the Branch's regular election of officers, by special election, or by appointment by the President.

Reginald Johnson, Victoria, TX

October 4, 2011—This is in reply to your recent letter, received by my office on September 12, 2011, requesting a ruling as to whether the current President of Branch 1221, Timothy Castner, is eligible to be a candidate for re-election. According to your letter, Brother Castner has failed to pay a debt that he owes to the Branch.

It would be inappropriate for me to address the eligibility of a specific individual to be a candidate based solely on receipt of your letter. However, I can advise you that previous rulings have held that a member's failure to pay an individual debt to the Branch does not, by itself, result in a forfeiture of membership. Article 7, Section 4 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* provides for forfeiture of membership where a member fails to pay "any fine, assessment or monthly dues within thirty (30) days." However, the term "assessment," as used in Article 7, Section 4, refers only to general assessments imposed on all the members of the Branch, not to individual charges or debts. The term "fine" refers to a penalty imposed by the Branch following the filing and processing of charges under Article 10 of the CGSFB.

The following discussion concerns the procedures that may be pursued at the Branch level to enforce the debt claim.

Past rulings have concluded that the procedure for filing and adjudicating charges set forth in Article 10 of the CGSFB is a legitimate method for enforcing a debt claim. The rulings further establish that when the Branch claims that a member owes

an individual debt, the member may be removed from membership for failing to pay such debt only after charges have been processed pursuant to Article 10 of the CGSFB. Absent Article 10 procedures, a simple motion at a Branch meeting is insufficient for this purpose.

If Article 10 charges are filed, an impartial investigating committee must be appointed. The committee will be obligated to hear both sides of the dispute. After hearing the committee's report, the Branch can vote to determine whether the charged party owes the disputed sum and can vote to impose a requirement of reimbursement. Prior rulings have established that an order to reimburse the Branch the amount of a debt is not a "fine" within the meaning of Article 10, Section 4 of the CGSFB and, therefore, does not require a two thirds majority.

The Branch's decision may be appealed to the National Committee on Appeals.

Pensacola, FL Branch 321

October 12, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated September 21, 2011, has been referred to me for reply insofar as your letter raises an issue of *constitutional* interpretation. According to your letter, Branch 321 conducted nominations for Branch office at its September 13 meeting. All nominees were unopposed and elected by acclamation. You now ask whether it would be consistent with Article 5, Section 6 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* to install the new officers on the first or second meeting after the September meeting.

The answer to your question is no. Article 5, Section 4 of the CGSFB provides that the election of Branch officers "shall take place at a time prescribed in the Branch By-laws." Article 5, Section 6, provides that the installation of elected officers "shall take place at the first or second meeting of the Branch following their election." It is my decision that these two provisions, read in tandem, require that the installation take place at the first or second meeting of the Branch following the election date specified in the Branch By-laws. Your suggested approach, which would measure the time frame from the nominations meeting, would potentially shorten the term of the incumbent officers, which would be inconsistent with the *Constitution*.

Sabrina R. Jackson, South Florida
FL

October 12, 2011—Thank you for your letter of September 19. I am pleased that you are contacting your National Business Agent as suggested in my September 8 letter.

In response to your question, as I indicated in my letter, the appeal procedure set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches* is designed to address matters of Branch governance. In particular, Article 11 allows decisions of Branch officers to be appealed to the Branch President; decisions of the President to be appealed to the Branch; and decisions of the Branch to be appealed to the National Committee on Appeals. Generally speaking, this procedure is not intended to resolve issues relating to the grievance procedure.

Washington, DC Branch 142

October 12, 2011—This is in reply to your let-

ter, dated October 4, 2011, advising that Branch 142's two election notices, which were published in the August and September issues of the Postal Record, misstated the date on which ballots would be picked up from the Post Office. It is now too late to publish a correction in the Postal Record.

Given the circumstances, I agree that the most prudent course of action would be to include a corrected statement of the date that ballots will be picked up with the ballots when they are mailed. In addition, all candidates should be notified that the Branch will be sending this correction with the ballots as soon as possible.

Please understand that this letter cannot preclude an aggrieved member from submitting a post-election appeal based on the original error. I express no view as to whether any such appeal could have merit.

Tom Giron, Salt Lake City,

October 24, 2011—This is in reply to your letter, faxed to my office on September 14, 2011, inquiring as to whether there are any procedures requiring that you report contributions to your campaign for Branch President.

Please be advised that there are no provisions in either the *NALC Constitution* or the *NALC Regulations Governing Branch Election Procedures* which address the issues raised in your letter.

I can tell you that federal law prohibits both "any labor organization" and any "employer" from contributing funds to promote the candidacy of any person in a union election. Accordingly, I would recommend that you consult an attorney as to the application of the law to your situation.

Dayton, OH Branch 182

October 24, 2011—Your two recent letters, faxed to Executive Vice President Timothy O'Malley on October 20 and 21, 2011, have been referred to me for reply.

Your first letter seeks a ruling with respect to a motion passed by Branch 182 at its October 13 regular meeting to extend the end time for voting in the Branch election to be conducted on November 10 from 7:00 pm to 7:30 pm. The previously published election notice had specified that voting would end at 7:00 pm.

While I appreciate your concern, I must advise that there is no basis for any intervention in this matter at the present time by the National Union. Certainly, notice of the change in the time for voting should be published in the Branch newsletter. However, any candidate who feels that the change was inappropriate would retain the right to raise that issue in the form of a post-election appeal under Section 21 of the *NALC Regulations Governing Branch Election Procedures*. I express no view as to whether such an appeal would have merit.

Your second letter inquires whether the Branch may publish a paid endorsement of one candidate in the Branch newsletter. The answer is yes. Branches may permit paid political advertisements in Branch publications, but are not required to do so. If the Branch does allow paid ads to be published, it must treat all candidates equally.

San Francisco, CA Branch 214

October 27, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated October 25, 2011, has been referred to me for reply insofar as seeks an interpretation of the *Constitution*. According to your letter, Brother Mike Callahan was nomi-

nated for the Branch 214 MBA Officer position at the Branch meeting on October 21. Since there were no other nominees, you declared him elected by acclamation. You now ask whether his subsequent failure to submit a written acceptance of nomination invalidates his election.

The answer to your question is no. Article 5, Section 5 (c) of the *Constitution for the Government of Subordinate and Federal Branches* specifically provides that "when there is but one candidate for any office, the President may declare that such person has been elected." Once you made the *constitutional* declaration that Brother Callahan had been elected, any requirement that nominees submit a written acceptance became moot. Brother Callahan's election stands.

I express no view as to whether the other candidates in contested elections were properly disqualified for failure to submit acceptances as described in your letter.

Portland, ME Branch 92

October 27, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine, which was faxed on October 20, 2011, has been referred to me for reply insofar as your letter seeks an interpretation of the *NALC Constitution*. Specifically, you ask two questions pertaining to the appeal procedure provided by Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

In response to your first question, please be advised that a member who files charges against an officer or other member is entitled to appeal a Branch decision rejecting the charges. Under Article 11, Section 1 an appeal to the National Committee on Appeals may be made by "any member considering that an injustice has been done him/her by a decision of the Branch." A charging party whose charge has been rejected by the Branch is such a member.

Your second question is whether all the documents and exhibits submitted with the appeal must be read at the Branch meeting. Prior rulings have held that it is not necessary to read aloud all the material submitted by the appellant when that material is so voluminous that reading it in its entirety would consume so much time as to interfere with Branch business. Rather, it would be sufficient to read pertinent excerpts and to provide a reasonable summary of the material so as to inform the Branch of the substance of the appeal. The Branch should have a copy of the entire package of appeal material available during reasonable hours for those who might wish to read it.

Key West, FL Branch 818

October 27, 2011—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated September 28, 2011, has been referred to me for reply insofar as your letter seeks an interpretation of the *Constitution*. Specifically, your letter seeks an explanation of the procedure by which a member may forfeit membership in the NALC for failure to pay past union dues which were incurred when the individuals in question were in non-pay status.

It would be inappropriate for me to address the eligibility of the specific individuals referenced in your letter based on the limited information provided. I can offer a summary of the numerous presidential rulings which have addressed the application of the *Constitution* to the issue raised in your letter. These interpretations may be summarized as follows.

Under Article 7, Section 4 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, any member who fails to pay monthly dues for 30 days must forfeit his/her membership. Article 7, Section 4 permits Branches to extend the 30 day grace period for not more than an additional 60 days “for good and sufficient reasons, under reasonable rules uniformly applied.” Your letter does not indicate whether Branch 818 has ever acted to extend the 30 day grace period. In any event, at the end of the grace period, if the member is still delinquent, he/she must forfeit his or her membership.

An additional exception to the forfeiture rule is provided by Article 7, Section 3(b) of the CGSFB. It states that a Branch may exempt any member from dues payments under reasonable rules uniformly applied for a stated period of time. Thus, for example, a Branch could adopt a policy providing that members will be exempt from dues payments while on workers compensation or leave without pay. Your letter does not indicate that Branch 818 has implemented such an exemption. However, the question whether the Branch has done so must be resolved at the Branch level. If the Branch does forgive the back dues pursuant to such an exemption, then the individual would retain full membership status.

Prior to the time of forfeiture, the member retains full membership rights, including the right run for office or to vote in an election, notwithstanding the dues delinquency. But when the point of forfeiture is reached, the member loses all rights of Branch, State Association and National membership.

Where Article 7, Section 4 applies — i.e., cases in which a member fails to pay a fine or an assessment or monthly dues within 30 days or an extended grace period — the forfeiture of membership is automatic. It would not be necessary for the Branch to initiate charges or provide formal notice to the individual. While the Branch is expected to notify NALC Headquarters in writing of any forfeiture and the reasons for it, the mere fact that the Branch has failed to notify NALC Headquarters of the changed status of a member does not, in and of itself, confer membership rights on an individual who has forfeited membership rights by failing to pay dues.

As indicated above, it is the responsibility of the Branch to apply the above guidelines to individual situations based on the particular fact circumstances.

Bradenton, FL Branch 1753

October 28, 2011—This is in reply to your letter, dated October 19, 2011, requesting dispensation to postpone Branch 1753’s nomination and election of officers and delegates to the 2012 National Convention. According to your letter nominations are usually held during the October regular meeting. You now request permission to hold nominations at the November or December meeting, with the election to be held in January. This request is necessitated by the Branch’s inadvertent failure to publish a timely notice of nominations and election in the Branch newsletter.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Unless the Branch can provide timely notice for nominations to take place at

the November meeting, the Branch should conduct nominations in December and conduct the election in January. Please make sure that appropriate and timely notice is provided to the members. This dispensation releases Branch 1753 from the requirement set forth in Article 5, Section 4 of the *NALC Constitution* that delegates be elected no later than December of the year prior to the Convention.

Please understand that this dispensation applies only to the 2011 nomination and election of officers and delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the NALC Regulations Governing Branch Election Procedures.

Phoenix, AZ Branch 576

October 28, 2011—Your e-mail to Assistant Secretary-Treasurer Nicole Rhine, dated October 20, 2011, has been referred to me for reply, insofar as your letter requests an interpretation of a provision of the *NALC Constitution*. Specifically, you ask for the meaning of the phrase “in writing” which appears in Article 5, Section 5(b) of the *NALC Constitution*, as well as in Article 5, Section 5(b) of the *Constitution for the Government of Subordinate and Federal Branches*.

The two identical provisions authorize Branches to provide that nominations for delegate positions or Branch officer positions “may be made in writing.” The sole qualification is that written nominations must be received by the Branch Secretary “not less than 30 days before the date of the election.”

The *constitutional* language does not define or restrict the term “in writing.” Accordingly, any of the examples cited in your email (handwritten, typed/printed and signed, email, or facsimile signed by the individual) would satisfy the requirement that a nomination be in writing.

Fort Walton Beach, FL Branch 4559

October 28, 2011—This is in reply to your letter, dated October 23, 2011, requesting dispensation to postpone the nomination and election of delegates to the 2012 National Convention from Branch 4559. According to your letter nominations are usually held in October and the election is held at the November regular meeting. You now request permission to hold nominations at the November 10 meeting and the election at the December 8 meeting. This request is necessitated by the Branch’s inadvertent failure to send out a timely notice of nominations and election of delegates.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is provided to the members.

Please understand that this dispensation applies only to the 2011 nomination and election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the NALC Regulations Governing Branch Election Procedures.

Roswell, GA Branch 4862

October 28, 2011—This is in reply to your letter, dated October 10, 2011, inquiring whether Sister Linnetta Robinson is eligible to be nominated for office in Branch 4862. According to your letter, Sis-

ter Robinson applied for supervisory positions within the past two years.

As noted in my letter of September 7, Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* prohibits a member who has applied for or accepted a supervisory position from serving as an officer or steward in the Branch until two years after the termination of supervisory status. In that letter, I observed that Sister Robinson may not have applied for or accepted a supervisory position if, as she indicated, supervisory duties had been assigned to her by management as limited duty.

However, the documentation provided with your current letter does show that Sister Robinson did submit a formal application for a supervisory position. Accordingly, I conclude that she is not eligible to be a candidate for any office or steward position in the Branch.

Reno, NV Branch 709

October 28, 2011—Your letter, dated October 20, 2011, has been referred to me for reply insofar as your letter seeks an interpretive ruling. In particular, you ask for guidance as to how Branch 709 may determine which one of its three trustees is to receive funding as a delegate to the National Convention, where all three trustees were elected by acclamation.

Please be advised that there are no provisions of the *NALC Constitution* which address this issue. As numerous presidential rulings have recognized, all delegates are entitled to attend the Convention at their own expense. Branches may provide funding to all or some of its delegates and have broad discretion to determine which of its delegates will receive funding.

In light of the foregoing, the Branch may utilize any reasonable method to resolve the issue described in your letter which is consistent with the Branch By-laws. For example, your suggestion that the trustees be placed on the ballot would seem a sensible way to resolve the issue. Alternatively, a direct vote by the members at a meeting to determine which trustee will receive funding would be acceptable. So too would a series of coin flips. I would suggest that for the future the Branch amend its By-laws to provide a procedure for resolving this issue.

Amarillo, TX Branch 1037

November 1, 2011—This is in reply to your letter, dated October 27, 2011, advising that a member of Branch 1037 who is employed in the Clerk craft was elected by acclamation to the position of OWCP-FMLA representative. You ask whether this is a violation of the *Constitution*.

The answer to your question is that there is no violation. The individual in question can remain in this position even though she is now employed in the Clerk craft. Article 2, Section 1 of the *NALC Constitution* defines “regular member” as including non-supervisory employees in the Postal Career Service and does not limit membership to the letter carrier craft. In addition, as a regular member of the NALC, she has a voice and vote in all union matters with the exception of the ratification of the National Agreement and on a work stoppage.

Kingsport, TN Branch 1999

November 1, 2011—This is in reply to your letter, dated October 20, 2011, regarding the 2011 election of officers in Branch 1999.

While I appreciate your legitimate concerns and the seriousness of the issues raised in your letter, I must advise that it would be wholly inappropriate for me to issue a ruling on those matters at this time. All objections to the conduct of a Branch election must be submitted in the form of a post-election appeal in accordance with the procedures set forth in Section 21 of the NALC Regulations Governing Branch Election Procedures. I express no view at this time as to the merits or timeliness of any appeal.

Similarly, it is for the Branch to decide whether, and if so how, to respond to the letter from Brother Deadrick.

Grand Forks, ND Branch 517

November 3, 2011—This is in reply to your letter, dated October 5, 2011, requesting dispensation permitting Branch 517 to postpone its nomination and election of officers until its merger with Branch 3140 has been effectuated.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please send out notices of nominations and election as expeditiously as possible.

Paris Harrison, Temple Hills, MD

November 1, 2011—This is in reply to your letter, dated October 8, 2011, concerning the situation in the Temple Hills Post Office. I appreciate your bringing this matter to my attention.

While I do recognize your concern, I must advise that it would not be appropriate for the National Union to intervene in the dispute over President Branson's decision not to allow a steward election in Temple Hills. That decision may be subject to an appeal to the Branch under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The Branch's decision on the appeal may, in turn, be appealed to the National Committee on Appeals in accordance with the procedures provided by Article 11, Section 2 of the CGSFB. I express no view at this time as to the merits or timeliness of such an appeal.

Macon, GA Branch 270

November 1, 2011—This is in reply to your letter, dated October 12, 2011, inquiring whether the Branch may waive the back unpaid dues of a member who has been out of work for more than two years and waiting for workers compensation benefits.

The answer to your question is yes. The relevant constitutional provision, Article 7, Section 3(b) of the *Constitution for the Government of Subordinate and Federal Branches*, states that a Branch may exempt any member from dues payments under reasonable rules uniformly applied for a stated period of time. Thus, for example, a Branch could adopt a policy providing that members will be exempt from dues payments while on workers compensation or leave without pay.

Toms River, NJ Branch 2128

November 1, 2011—Your letter to Executive Vice President Tim O'Malley, dated October 25, 2011, has been referred to me for reply. You seek a ruling as to whether the notice provided by Branch 2128 of the postponement of its election of officers was proper and in compliance with the *Constitution*.

Please be advised that, normally, the postponement of an election requires dispensation from the National President. In this case, the postponement

has already occurred. While it does appear from your correspondence that sufficient notice was provided, I cannot preclude the issue from being raised in the form of a post-election appeal. If no candidate or other member objects, the result of the election will stand.

Seattle, WA Branch 79

November 1, 2011—This is in reply to your letter, dated October 24, 2011, requesting dispensation permitting Branch 79 to change the dates of its regular meetings in August and October, 2012 because of conflicts with the Washington State Labor Council convention and your Regional Assembly. Under the current Branch 79 By-laws meetings are to be held on the second Wednesday of each month.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please ensure that the members receive timely notice of these changes.

Leslie Thomas, Hobart, IN

November 1, 2011—This is in reply to your recent letter, faxed to my office on October 5, 2011, inquiring whether branches must be geographically adjacent to each other to merge.

Please be advised that the relevant constitutional provision, Article 2, Section 3 of the *NALC Constitution*, does not require that in order to merge the two branches must have territorial jurisdictions with borders that touch each other, as suggested in your letter. Of course, geographic proximity is a factor to be considered by the members in determining whether a merger will be practical.

Metairie, LA Branch 4342

November 1, 2011—Your letter, dated October 17, 2012, to the Committee of Laws has been referred to me for reply. Your letter requests a ruling to resolve a controversy in Branch 4342 as to whether its current officers are entitled to compensation.

According to your letter the Branch's By-laws were destroyed by flooding during Hurricane Katrina. The Branch President has apparently taken the position that those By-laws did authorize a certain level of compensation for the officers and that those By-law provisions remain in effect even though the Branch recently voted down proposals to authorize compensation for the officers.

Please be advised that it would be inappropriate for me to issue a ruling on these issues at this time, particularly since I only have your side of the story before me. I can provide the following guidelines for addressing this matter.

At the outset, all appropriations of Branch funds, including officer salaries, must be authorized by vote of the members as required by Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*. The authorization may be provided in the Branch By-

laws. The dispute over the content and continuing effectiveness of the destroyed By-laws may be addressed in the form of an appeal from the President's decision to the members of the Branch in accordance with Article 11, Section 1 of the CGSFB. The appeal may be brought by any member. The issues should be debated and voted on at a Branch meeting. The Branch's decision may then be appealed to the National Committee on Appeals as

provided by Article 11, Section 2 of the CGSFB.

Santa Clara, CA Branch 1427

November 2, 2011—This is in reply to your letters, dated October 25, 2011, requesting that I rule that former Branch 1427 President Robert Madrid is not disinterested in pending charges against you and should be removed from the investigating committee. You base this claim, at least in part, on the decision of the National Committee on Appeals to dismiss Brother Madrid's appeal as untimely.

While I appreciate your concern, I must advise that it would be entirely inappropriate for me to intervene in this matter at this time. A claim that a member of the investigating committee is not "disinterested" within the meaning of Article 10, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches* may be raised by the charged party during the course of his/her defense to the Branch. Additionally, previous rulings have recognized that a claim that one or more committee members was not disinterested may be included in an appeal to the National Committee on Appeals from the Branch's ultimate decision on the merits of the charges.

Mr. Robert Williams, Fort Washington, MD

November 2, 2011—This is in reply to your two letters, dated October 28 and 31, 2011, concerning the decision of the Branch 142 Election Committee to exclude you, and candidates you nominated, from the ballot in the current election of Branch officers. By copy of this letter, I am also responding to recent correspondence on this issue from Brothers Paul Simmons, James Davis, Michael Byrd, and Robert Harlan, Jr. In addition, I am providing copies of this letter to Branch 142 President Alton Branson, Branch 142 Recording Secretary Chandria Perry, and the members of the Branch 142 Election Committee.

According to your letters, the Election Committee initially excluded you, and all the candidates you nominated, on the ground that you were not a member in good standing based on your failure to pay Branch dues. You subsequently provided proof that you had paid the dues at issue. However, the Committee informed you that the exclusion of candidates would stand because you had failed to pay a back fine and assessment arising from your late payment of dues.

Please be advised that it would be inappropriate for me to issue a final ruling in this matter at this time, particularly since I only have your side of the story before me. Nonetheless, I can provide the following guidance to all interested parties and the Branch.

First, as to the question of back fines and assessments, it appears that the Election Committee is referring to Article 7, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* providing that:

"a former member whose membership has been forfeited may be reinstated by the payment of back fines, assessments and dues, as well as such reinstatement fee as the Branch may prescribe by reasonable rules, uniformly applied."

As previous rulings have recognized, the phrase "back fines [and] assessments" refers to fines or assessments that had been assessed while an individual was a member, which he/she had failed to pay at the time membership had been forfeited. In particular, the term "assessment" refers only to

general assessments imposed on all the members of the Branch. Prior rulings have held that the term “fine” refers to a penalty imposed by the Branch following the filing and processing of charges under Article 10 of the CGSFB.

Second, if you were a member in good standing at the time nominations took place, then a post-election appeal based on your disqualification would likely be upheld, and a re-run election would be required. However, I can make no final judgment on this matter at this time.

Third, and in response to the other members who have written, if the facts show that you have been disqualified from being a candidate based on non-payment of dues, it would not necessarily follow that the candidates that you nominated were properly left off the ballot. An appeal from any of them could possibly result in a re-run of the election for the offices for which they sought to be candidates.

To permit this matter to be resolved, I would be prepared to grant Branch 142 dispensation to postpone its election and have new nominations, or to authorize some other process for resolving all or some of the issues discussed above. Any request for dispensation, however, must be made on behalf of the Branch. The request could be submitted by President Branson or by the Election Committee. Alternatively, the members could vote at a Branch meeting to request the dispensation.

Ms. Maria T. Hernandez, Peoria, IL

November 3, 2011—This is in reply to your letter, dated October 21, 2011, in which you ask me to rule on whether the President of Branch 6156, who is a candidate for reelection, violated Section 19.4 of the NALC Regulations Governing Branch Election Procedures (RGBEP) by including biographical and other statements in support of herself and another candidate in her column in the Branch newsletter. Campaign biographies submitted by other candidates were also published in the newsletter.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter at this time. All objections to the conduct of an election, including allegations of violations of the election rules, must be resolved in accordance with the post-election appeal procedures set forth in Section 21 of the RGBEP.

Rodney Redding, Fayetteville, AR

November 4, 2011—This is in reply to your letter, dated October 20, 2011, requesting dispensation permitting you to be a nominee for delegate to the 2012 National Convention from Branch 1128. According to your letter, you were nominated at the Branch nominations meeting in October. However, you were not present at the meeting because you unexpectedly had to work late. Accordingly, you were not able to formally accept your nomination at that time, and did not have a written acceptance on file.

Given the circumstances described in your letter, it does not appear that special dispensation is required. Section 6.31(d) of the NALC Regulations Governing Branch Election Procedures (RGBEP), provides: “If a nominee is not present at the [nominating] meeting, written acceptance is permissible.” Past presidential rulings interpreting this language have recognized that a nominee may be allowed to accept nomination after the nominations meeting based on a claim by the member that he/she was absent for unanticipated reasons. The facts set forth

in your letter indicate that you were unable to attend the meeting due to work responsibilities that were unanticipated.

Accordingly, the Branch may permit you to submit a written acceptance of your nomination to be delegate. Please note that I am providing a copy of this letter to your Branch President.

Albuquerque, NM Branch 504

November 4, 2011—This is in reply to your letter, dated October 27, 2011, requesting a ruling with respect to the method used by Branch 504 to finance its delegates fund. Article XI, Sections 4 and 5 of the Branch By-laws specify a certain amount to be allocated to the fund. Your letter indicates that the practice of the Branch has been to conduct a vote at the Branch meeting two months before the Convention month to allocate additional funds to the account above the amount specified in the By-laws. You now ask whether this practice is permissible.

At the outset, the practice described in your letter appears to be consistent with the *Constitution*. The relevant provision, Article 12, Section 3 of the of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, states that all Branch funds “shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present and voting at a regular meeting.” So long as the allocation to the convention fund is authorized by such a vote, there is no violation of the *Constitution*.

To be sure, a Branch may not vote an appropriation of funds, or take any other action, which is inconsistent with its By-laws. Here, it is not clear to me why you believe that there is a conflict with the By-laws. I note that, apart from the provisions cited in your letter, Article VII, Section 7 of the By-laws specifically requires that a vote be taken two months before the conventions to authorize funds for the reimbursement of delegates.

However, it would be entirely inappropriate for me to issue a ruling resolving this question. As National President, it is my responsibility to interpret the *NALC Constitution*. Disputes over the interpretation or application of Branch By-laws must be resolved, in the first instance, at the Branch level. Relevant factors include the language of the By-law, any pertinent past practices, and any evidence of the intent of the Branch when it originally enacted the By-law provision at issue.

The decision of the Branch President interpreting a By-law may be formally appealed, initially to the Branch itself, in accordance with the procedure set forth in Article 11, Section 1 of the CGSFB. The decision of the Branch may be appealed to the National Committee on Appeals in accordance with Article 11, Section 2 of the CGSFB.

Finally, the Branch may wish to consider enacting an amendment to the By-laws to clarify any ambiguity.

George Paulson, et al, Ithaca, NY

November 10, 2011—I have carefully reviewed your letter, dated July 28, 2011, requesting that I consider transferring the membership of letter carriers employed in the Ithaca, N.Y. Post Office from Branch 333, Binghamton, to Branch 21, Elmira.

Before considering your request, I would like to have confirmed in writing the positions of the two Branches. I am enclosing a copy of my letter to the

Presidents of the two Branches.

Binghamton, NY Branch 333
Elmira, NY Branch 21

November 10, 2011—I have received a request from a group of letter carriers employed at the Ithaca, New York Post Office requesting that I consider transferring their membership from Branch 333, Binghamton, to Branch 21, Elmira. A copy of this correspondence is enclosed.

The *NALC Constitution* does not contain any procedures for implementing the requested transfer. The transfer could only be accomplished through an extraordinary exercise of my authority as NALC President under Article 9, Section 1 of the *NALC Constitution*.

Before considering taking this action, I would like to have confirmed in writing the positions of the two Branches. Therefore, I ask that you both send me a letter indicating whether your Branch supports or opposes the requested transfer, along with any other information you believe would be relevant to the issues raised in the members’ letter.

Tyson J. Garza, Victoria, TX

November 10, 2011—This will acknowledge receipt of a copy of a charge that you have apparently filed against Branch 1221 member Timothy Castner.

While I appreciate your concern, I must advise that it would be completely inappropriate for me to comment on a pending charge. Charges must be resolved at the Branch level in accordance with the provisions of Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*.

Evansville, IN Branch 377

November 29, 2011—Your e-mail to Assistant Secretary-Treasurer Nicole Rhine, sent on September 21, 2011, has been referred to me for reply, insofar as your letter seeks an interpretation of the *Constitution*. Specifically, your message seeks clarification of the rights of members detailed to 204b assignments to attend Branch meetings.

As you correctly observe, the membership rights of 204b members are addressed by Article 2, Section 1(c) of the *NALC Constitution*, providing as follows:

[P]resent members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance[.]

Previous rulings interpreting this provision have established that a 204b may not exercise membership rights or otherwise participate in official Branch activities, including attending Branch meetings, while he or she is acting in a supervisory status, except for the matters listed in the above language. Accordingly, 204b members do have the right to

participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues.

The rulings have also recognized that when a 204b member returns to a bargaining unit assignment, he or she immediately regains full membership rights, except for the right to be a candidate for Branch office. In the situation you describe, if the member were to complete his/her work as a 204b, and clock back onto a bargaining unit assignment, the member would at that point have the right to attend a Branch meeting that night.

Rick Keller, Quakertown, PA
Angel Ramirez, Jr., Bethlehem, PA

November 29, 2011—Your e-mails to Assistant Secretary-Treasurer Nicole Rhine, sent on November 4th and 5th, 2011, have been referred to me for reply.

Your letters contains serious allegations of improprieties in connection with Branch 254's election of officers. While I appreciate your concerns, I must advise that it would be entirely inappropriate for the National Union to intervene in this matter at this time, particularly since we only have your side of the story. The issues raised in your e-mails can all be raised in the form of a post-election appeal in accordance with Section 21 of the NALC Regulations Governing Branch Election Procedures. I express no view as to the merits of any such appeal.

Pekin, IL Branch 209

November 29, 2011—This is in reply to your letter, dated November 23, 2011, advising that Branch 209 was unable to conduct nominations for delegates to the National and Illinois State Conventions at its November meeting, as required by the Branch By-laws. Your letter indicates that there were not enough members in attendance to conduct nominations at the November meeting.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 209 dispensation to postpone its nomination and election of delegates until its December and January meetings. Please send out corrected notices of nominations and election as expeditiously as possible.

This dispensation releases Branch 209 from the requirement set forth in Article 5, Section 4 of the *NALC Constitution* that delegates be elected "no later than December of the year preceding the convention year." However, please understand that this dispensation applies only to the 2011 election. In the future the Branch must adhere to the time frames set forth in its By-laws.

San Juan, PR Branch 869

December 2, 2011—This is in reply to your letter, faxed today, requesting advice as to how to remedy errors in the election ballot recently sent out by the Branch 869 Election Committee.

I would be prepared to grant the Branch dispensation to delay the election so that the Committee can send out a corrected ballot. Please send me a formal request for such dispensation as expeditiously as possible.

San Antonio, TX Jose Menchaca

December 5, 2011—This is in reply to your letter, dated November 12, 2011, concerning the apparent action of the Vice President of Branch 421 to declare vacant your position as shop steward in

the North Broadway Station.

While I appreciate your concern, I must advise that there is no basis for any intervention in this matter by the National Union at this time. Under Article 11, Section 1 of NALC's *Constitution for the Government of Subordinate and Federal Branches*, any decision by a Branch officer may be appealed to the Branch President. Any decision by the Branch President may be appealed to the Branch. The Branch's decision may be appealed to the National Committee on Appeals.

Washington, DC Branch 142

December 5, 2011—This is in response to Branch 142 Recording Secretary Chandria Perry's letter, dated December 2, 2011. This letter also responds to recent correspondence from Executive Vice President Harnest, the Branch 142 Election Committee, and fifteen members of the Branch, listed below.

Sister Perry's letter confirms that at its meeting on November 2 Branch 142 approved a motion providing as follows:

1. The current ballots shall not be mailed to the membership and shall be destroyed;
2. New ballots shall be printed listing all names submitted for nomination on October 5, 2011;
3. The new ballots shall list the names of all candidates in the order of nomination;
4. The Branch shall request that the National President grant a dispensation to delay the Branch elections in accordance with the *NALC Constitution*.

Having reviewed and considered all the correspondence referenced above, I have concluded that it will be in the best interest of the Branch to proceed with the election in accordance with the November 2 motion. Therefore, pursuant to my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant dispensation to Branch 142 to postpone its election of officers, and hereby direct the Branch Election Committee to implement the November 2 motion as expeditiously as possible.

I caution that all issues in dispute are reserved for the post-election appeal process. In particular, I have made no findings as to whether any candidates have forfeited their membership for non-payment of dues. Any such contention may be the subject of an appeal. A subsequent determination that a candidate was delinquent in paying dues may or may not require that the election be re-run. Again, I do not pre-judge this matter.

I call to the attention of all concerned Article 7, Section 5 of the *Constitution for the Government of Subordinate and Federal Branches* which provides that individuals may have their NALC membership "reinstated by the payment of back . . . dues, as well as such reinstatement fee as the Branch may prescribe by reasonable rules, uniformly applied." This is not to suggest that I have concluded that any candidate owes back dues.

Finally, all incumbent officers of Branch 142 shall remain in office until the installation of their successors, notwithstanding any contrary provisions of the Branch By-laws.

Georgetown, TX Branch 1558

December 6, 2011—This is in reply to your letter, dated November 20, 2011, requesting guidance as to several issues that have arisen between you and former Branch 1558 Secretary-Treasurer Robert Hannington. Please note that I am providing a copy of this letter to Brother Hannington.

Your first question seeks guidance as to the

rights of two Branch members who are presently employed in the Clerk Craft. Generally speaking, non-letter carrier members, such as clerks and rural letter carriers, have full rights as members of the NALC. Article 2, Section 1(a) of the *NALC National Constitution* defines regular members as including "non-supervisory employees in the Postal Career Service." The *Constitution* does not limit regular membership to employees in the letter carrier craft. Accordingly, non-supervisory employees, in most instances, are entitled to participate fully in the activities of the Branch. For example, they may attend, speak, and vote at branch meetings; vote in national and branch elections; and be elected officers.

There are certain limited restrictions on the rights of non-letter carrier members. Article 2, Section 1(a) provides that "non-letter carrier regular members shall have no voice or vote in the branch in any matter pertaining to the ratification of a national working agreement, local memorandum of understanding, or proposed work stoppage." In addition, prior rulings have established that non-letter carrier regular members may not vote for shop stewards who are elected by station.

The second issue concerns the eligibility of members to hold Branch office upon acceptance of a 204-b assignment. Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* prohibits any member who holds a supervisory position in the Postal Service from serving as a Branch officer for two years following termination of supervisory status. Such a member has no choice in this matter. Moreover, there is no particular process that must be followed to effect the member's removal from office. He/she is expected to vacate his/her office as soon as the member is no longer eligible under the *Constitution* to serve.

Finally, you advise that Brother Hannington has failed to turn over to the Branch financial records and minutes in his custody. Your letter requests advice as to steps the Branch may take to recover its property, and resolve the internal tensions that the Branch is now experiencing.

At the outset, I cannot make any ruling on this matter as I only have your side of the story before me. I can advise that Brother Hannington does have both a legal and *constitutional* obligation to return this property to the Branch. See, e.g., Article 6, Sections 4 and 5 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, requiring the Financial Secretary and Treasurer of the Branch to turn over all records, money and property to their successors in office.

I would hope that upon receipt of this letter Brother Hannington will cooperate and that any further action would be unnecessary. In the past, we have recommended a number of steps that the Branch can consider when former officers refuse to return property. For example, charges may be filed against the member in question under Article 10 of the CGSFB. Such charges could lead to the imposition of penalties.

Another option would be to retain a local attorney to initiate a civil action in a local court to recover the Branch's property. Alternatively, the Branch may seek assistance from the nearest office of the U.S. Department of Labor or local law enforcement.

I would encourage you to choose whichever of these options seems most practical in light of the resources available to the Branch. However, as noted above, I would hope that your dispute with

Brother Hannington will be resolved amicably and that any such steps will prove unnecessary.

If you require additional advice, I suggest that you contact your National Business Agent, Kathy Baldwin.

Greenwood, SC Branch 1145

December 8, 2011—This is in reply to your letter, dated December 1, 2011, requesting dispensation permitting Branch 1145 to conduct a special election of officers. According to your letter, this request is prompted by the resignation of the former Branch President and the apparent unwillingness of the current Vice President to assume the presidency of the Branch.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1, I hereby grant Branch 1145 dispensation to conduct a special election of officers.

George Paulson et al, Ithaca, NY

December 8, 2011—This follows up our earlier correspondence concerning your request to transfer the membership of letter carriers employed in the Ithaca, N.Y. Post Office from Branch 333, Binghamton, to Branch 21, Elmira.

As I previously indicated, the *NALC Constitution* does not contain any procedures for implementing the requested transfer. The transfer could only be accomplished through the extraordinary exercise of my authority as NALC President, an action I would not consider without being advised of the positions of the two Branches involved.

I have since been informed that Branch 333 opposes the proposed transfer. Branch 21 has indicated that it would accept the proposal, but only if Branch 333 agreed.

In light of the foregoing, I am declining the requested transfer. I would, however, urge all parties to continue to address the representational issues raised by the Ithaca letter carriers. National Business Agent Dan Toth should be consulted for appropriate advice and assistance.

Oklahoma City, OK Branch 456

December 9, 2011—This is in reply to your letter, dated December 5, 2011, which my office received on December 6. I regret that I was unable to respond by December 7, as you requested.

There is no requirement that you answer the question posed to you in the email included in your letter. The issue raised may be the subject of a post-election appeal pursuant to Section 21 of the NALC Regulations Governing Branch Election Procedures.

Jersey City, NJ Branch 42

December 21, 2011—This is in reply to your letter, dated December 11, 2011, requesting guidance as to the request of a losing candidate for Branch President to look over the ballots and the voting register.

Please be advised that Section 11.83 of the NALC Regulations Governing Branch Election Procedures specifically provides that candidates may act as their own observers. Accordingly, the candidate, acting as his own observer, had the right to look at ballots and the register during the election process.

The Regulations are silent with respect to observations after the election. Accordingly, the Branch may allow the candidate to examine the ballots and register, but is not required to do so. I caution that Section 19 of the Regulations, consistent with federal law, requires the Branch to preserve all election

records, including ballots, eligibility lists, and tally sheets for one year. If the Branch does agree to the requested observation, care should be taken to ensure that the physical security of these records is not disturbed.

Terry T. Daniels, Arvada,

December 21, 2011—This is in reply to your letter, dated December 14, 2011, questioning the validity of charges that have been served on you under Article 10 of the *Constitution for the Government of Subordinate and Federal Branches*.

While I appreciate your concerns, I must advise that it would be entirely inappropriate for me to intervene in this matter at the present time. Charges must be processed at the Branch level.

I can advise you as to the general principles applicable to the question whether charges are sufficient to state a violation of the *Constitution*. As you recognize, Article 10, Section 2 of the CGSFB states:

Charges must be made in writing, specifying the offense, failure, neglect, or misconduct so as to fully apprise the member or officer of the nature thereof, and shall be signed by a member of the Branch

Previous rulings have consistently recognized that while specificity is required by the *Constitution*, this does not mean that charges are invalid unless stated in exhaustive detail. The rulings have also noted that it is up to the investigating committee and the Branch to apply the above-stated principles to the facts of this case. The committee may very well conclude that the charges, as written, are insufficient to state a violation of the *Constitution*. However the investigating committee may not rely on any such conclusion to avoid completing its investigation and reporting to the Branch. The committee may communicate its opinion as to the sufficiency of the charges to the members. But the members must be given the opportunity to vote on the charges.

A claim that charges are insufficient on their face may be raised as a defense by the charged party before the committee and the Branch. I can only suggest that you do so in presenting your defense. The other issues raised in your letter may also be presented to the committee and the Branch.

Paul Sheets, Paulsboro, NJ

December 21, 2011—This is in reply to your letter, dated December 12, 2011, concerning the apparent decision of the President of Branch 908 not to appoint you to the position of shop steward of the Gibbstown, NJ Post Office following a DUO merger.

At the outset, I want to convey my appreciation for your 47 years of service as a shop steward. In addition, I am sorry to learn of your disability.

As I have noted in previous rulings, the *NALC Constitution* does not specifically address the situation described in your letter. Accordingly, the designation of stewards following a DUO merger must be resolved at the Branch level. I can advise you as to the relevant *constitutional* principles which apply to the decision-making process.

First, Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* specifically provides that the President of the Branch "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members." This language empowers the Branch President to appoint stewards. Accordingly, where stewards are appointed, the Branch President has

the authority to designate the individual who will serve as steward following a DUO merger.

Article 4, Section 5 of the CGSFB states that Branches may provide in their By-laws for the election of stewards "within the respective stations as the Branch may . . . determine[]." Accordingly, Branches may provide rules in their By-laws to cover merger situations involving elected stewards.

Your letter does not indicate whether the Branch 908 By-laws provide a solution. If the By-laws are silent, then the Branch President would have the authority under Article 6, Section 1 to resolve the issue. The President's decision would be subject to appeal to the Branch under Article 11, Section 1 of the CGSFB. I express no view as to the merits or timeliness of any appeal.

Aurora, CA Branch 5996

December 21, 2011—This is in reply to your letter, dated December 15, 2011, requesting that I rule on the rights of stewards elected in the Centennial Office, in light of the successful bid by one steward out of that office.

While I appreciate your concern, I must advise that it would be completely inappropriate for me to intervene in this matter. As you recognize, the issues described in your letter arise under the Branch By-laws. As National President, it is my responsibility to rule on questions of interpretation under the *NALC Constitution*. However, issues involving the interpretation or application of the Branch By-laws must be resolved, in the first instance, at the Branch level.

If you determine that the By-laws are silent, then you would have the authority as Branch President to resolve the issues described in your letter. Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches* specifically provides that the President of the Branch "shall, by virtue of his/her office, be the chief steward for the Branch, and he/she may delegate such authority to other members." This language empowers the Branch President to appoint stewards. Accordingly, you have the authority to designate the individuals who will serve in particular steward positions following a return to the Centennial Office by Brother Herrera.

Carla Harnest, Laurel, MD

December 21, 2011—This is in reply to your letters, dated December 1 and 15, 2011.

I am well aware of the situation in Branch 142 and the difficulties that Bob has encountered. However, while I do appreciate these difficulties and your understandable concerns, I must advise that it would not be appropriate for me to intervene in this matter at this time.

There is a process under the *NALC Constitution* which Bob can pursue. Under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, he may appeal President Branson's actions withholding his pay checks to the Branch. The Branch's decision, if it is not satisfactory, may then be appealed to the National Committee on Appeals.

Similarly, the accusations of misconduct directed at President Branson reflected in your correspondence may be the subject of charges under Article 10 of the CGSFB. However, until these procedures are fully pursued, I must refrain from expressing any view as to the merits of these disputes.

I understand your suggestion that NALC

would not stand by if a letter carrier's paycheck were withheld by the Postal Service. But there again, any remedy would be the result of pursuing an agreed-upon procedure, i.e. by filing and appealing a grievance.

While I appreciate that you may not find this answer satisfactory, I am bound to advise you that Bob must follow the procedures provided by our *Constitution*.

Rob Randall, Wells, MI

December 21, 2011—This is in reply to your recent letter, received by my office on December 19, 2011, concerning the possible merger of your Branch 1691, Gladstone, MI with Escanaba Branch 438. This merger is being considered as a result of a DUO consolidation in which Gladstone was the losing installation. You now ask whether such a merger could be reversed if the DUO consolidation were to be undone and the carriers transferred back to their original office.

As you correctly observe, the general rule is that mergers are final and binding under Article 2, Section 3 of the *NALC Constitution*. However, Article 2, Section 2 does contain language allowing carriers to form a new Branch when the Postal Service separates "one office into more than one office." This language might permit the restoration of Branch 1691 as an independent Branch if the DUO consolidation were reversed as suggested in your letter. However, I would have to examine the particular facts to make a final ruling.

Derby, CT Branch 109

December 21, 2011—This is in reply to your letter, dated December 16, 2011, requesting dispensation permitting Branch 109 to postpone nominations for delegates to the National Convention to its February 1 and March 7 meetings. Your letter indicates that the branch inadvertently failed to send out timely notices that would have allowed nominations and the election to take place prior to December 31, as required by the *Constitution*.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 109 dispensation to postpone its nomination and election of delegates until its February and March meetings. As set forth in your letter, the Branch must provide timely notice of nominations and election.

This dispensation releases Branch 109 from the requirement set forth in Article 5, Section 4 of the *NALC Constitution* that delegates be elected "no later than December of the year preceding the convention year." However, please understand that this dispensation applies only to the election of delegates to the 2012 Convention. In the future the Branch must adhere to the time frame set forth in the *Constitution*.

Newnan, GA Branch 1421

December 29, 2011—This is in reply to your letter, dated December 8, 2011, requesting dispensation permitting Branch 1421 to hold a special election, due to the recent resignations of the President, Vice President, and Shop Steward.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution* I hereby grant the requested dispensation. Branch 1421 may conduct the special election as expeditiously as possible.

Rita Wilder, Grand Prairie, TX

January 5, 2012—This is in reply to your letter,

dated December 15, 2011, requesting that I rule on your claim for payment for service as a steward under the Branch 132 By-laws.

While I appreciate your concern, I must advise that it would be completely inappropriate for me to intervene in this matter. As you recognize, the issues described in your letter arise under the Branch By-laws. As National President, it is my responsibility to rule on questions of interpretation under the *NALC Constitution*. However, issues involving the interpretation or application of the Branch By-laws must be resolved, in the first instance, at the Branch level.

You may appeal the decision of the Branch President to the members under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*. The Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures outlined in Article 11, Section 2. I express no view as to the merits of any such appeal.

Omaha, NE Branch 5

January 5, 2012—This is in reply to your letter, dated December 5, 2011, requesting that I review and comment on the procedure used by Branch 5 to designate its delegates to the National and State Conventions.

According to your letter, the Branch sent a timely notice of nominations prior to the November, 2011 meeting. Therefore, the Branch was entitled to conduct nominations at that meeting. Insofar as the total number of members at the meeting was less than the Branch's total delegate entitlement, it was appropriate to declare each of the members as having been nominated and elected by acclamation. Whether it was proper, in effect, to reopen nominations to accommodate a late arriving member is simply a procedural question. In the absence of a challenge, the Branch's action stands.

The issue presented by the one additional member who sought to be nominated at the December meeting is more difficult. Article 5, Section 4 of the *NALC Constitution* requires that delegates be elected "no later than December of the year preceding the convention year." Insofar as the Branch did not nominate this individual, he cannot now be named as a delegate.

However, since the Branch has still not filled its total delegate entitlement, I would consider a request by the Branch for dispensation to allow additional nominations, and, if necessary, an election out of time. Such nominations would have to be open to all members who have not already been elected delegates. A request for dispensation should be in writing and signed by the Branch President.

Dionisio Agosto, Carolina, DE

January 5, 2012—This is in reply to your letter, which was faxed to my office on December 12, 2011, inquiring as to the eligibility of members who have been temporarily detailed to supervisory positions to vote in Branch elections.

The membership rights of members who accept supervisory positions are addressed by Article 2, Section 1(c) of the *NALC Constitution*, providing as follows:

[P]resent members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These

members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance[.]

Previous rulings interpreting this provision have established that a member occupying a supervisory position may not exercise membership rights, including the right to vote, or otherwise participate in official Branch activities while he or she is acting in a supervisory status (except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues). However, the rulings have also consistently recognized that when the member returns to a bargaining unit assignment, he or she immediately regains full membership rights, except for the right to be a candidate for Branch office.

In the situation you describe, if any of the members return to a bargaining unit assignment, the member would at that point have the right to vote in the election.

Lina Hankerson, Lauderdale, FL 33311

James Gay, Ft. Lauderdale, FL 33312

Leona Yerks, Tamarac, FL 33321

January 5, 2012—This is in reply to your letter, dated December 20, 2011, requesting extension of the investigating committee's time to complete its investigation of charges brought by Sister Sabrina Jackson against Branch 2550 President Tammie Cadwell and Step A Representative D.J. Williams.

In light of the facts set forth in your letter and an additional email from National Business Agent Judy Willoughby, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. The committee may present its findings at the regular Branch meeting in February, 2012.

San Antonio, TX Branch 421

January 6, 2012—This is in reply to your letter, dated December 22, 2011, concerning the election appeal filed by Brother Carmichael Lewis, an unsuccessful candidate for Branch 421 Vice President. Specifically, you point out that Brother Lewis is currently a Branch Trustee and sits on the Executive Board. You now ask whether he is disqualified from participating in the Board's consideration of his appeal.

Please be advised that under Section 21 of the NALC Regulations Governing Branch Election Procedures, when an appeal is made from a decision of the Election Committee to the Executive Board of the Branch, the appeal is to be decided by whichever members of the Board are in office at that time. As previous rulings have recognized, nothing in the regulations or the *NALC Constitution* prohibits any member of the Executive Board from participating in making the decision as to how to respond to the Election Committee ruling. The fact that an Executive Board member is also an appellant does not

disqualify him. In any event, the decision of the Executive Board is ultimately subject to appeal to the Branch.

Pensacola, FL Branch 321

January 6, 2012—This is in reply to your letter, dated December 22, 2012, concerning the failure of Branch 321 to nominate and elect a member to fill the office of Vice President of the Corporation for the new term beginning January 15, 2012. You now ask whether, as President, you may appoint a member to that position and/or whether the Branch must conduct a special election.

At the outset, the *Constitution* does not require Branches to conduct special elections to fill vacant officer positions. To the contrary, Article 4, Section 2 of the *Constitution* of the Government of Subordinate and Federal Branches specifically provides that the Branch President may fill vacancies in officer positions by appointment, unless the Branch By-laws provide for an order of succession. Assuming that the Branch 321 By-laws do not provide for succession, then, following your installation as President on January 15, you may appoint a member to the vacant position of Corporation Vice President for the balance of the term.

Apart from the foregoing, previous presidential rulings have held that Branches may make provision in their By-laws to hold special elections to fill vacancies in Branch offices, even though such special elections are not required by the *Constitution*. Your letter does not indicate whether the Branch 321 By-laws provide for a special election. If they do, then the Branch should conduct a special election, but only for the Corporation Vice President position.

Finally, if the Branch would prefer to conduct a special election, but there is no provision for such in the By-laws, it may submit a request to me for dispensation to conduct a special election for Corporation Vice President.

Marion, IN Branch 378

January 6, 2012—Your letter to Secretary-Treasurer Jane Broendel, dated December 18, 2011, has been referred to me for reply. Your letter asks whether you properly advised members voting in an election of delegates to indicate their preferences numerically so as to guide the Branch in determining which delegates will receive funding, if the Branch is unable to provide funds for all five delegates.

As previous rulings have repeatedly recognized, Branches have broad discretion to determine how many, and which, of its delegates it will fund. The method described in your letter is permissible under the *Constitution* and may be adopted by the Branch.

Your letter does not indicate whether the Branch By-laws contain any provisions with respect to funding convention delegates. Of course, if there are such provisions, they would be binding on the Branch.

Finally, I would note that any expenditure of funds to reimburse delegates must be approved by the members either through the By-laws or by a vote at a Branch meeting as provided by Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches*.

Highland, IN Branch 580

January 6, 2012—This is in reply to your letter, dated December 26, 2011, requesting guidance as to two issues that have been raised in an election appeal pending in Branch 580.

Please be advised that it would be entirely inappropriate for me to comment on the merits of a particular appeal. All such appeals must be resolved in accordance with the procedures set forth in Section 21 of the NALC Regulations Governing Branch Election Procedures (RGBEP). I can make the following general comments.

As to the issue of mailing campaign literature, the relevant provision is Section 9.2 of the RGBEP, which, consistent with federal law, provides that "A branch must honor all reasonable requests to distribute campaign literature at a candidate's expense." Please note that this obligation is borne by the Branch, not necessarily the Election Committee.

As to the issue of the membership list, there is no requirement that a Branch permit a candidate to copy its list. However, as clearly provided by Section 9.1 of the RGBEP, "The branch must treat all candidates equally; any and all privileges extended to one candidate by the branch must be extended to all candidates." In particular, as stated in the Comments to Section 9.1, "if a branch permits one candidate to copy a membership list, all other candidates must be allowed to copy it." Disputes over the application of this requirement must be resolved on a case-by-case basis, in light of the particular facts presented. As indicated above, it would not be appropriate for me to comment on the particular facts described in your letter or in Brother Bell's appeal.

Long Island Merged Branch 6000

January 6, 2012—Thank you for sending me copies of your recent correspondence with respect to the status of Brother Pammer.

I see no reason for me to intervene in this matter at this time. Generally speaking, disputes over whether actions taken at the Branch level are in conflict with the *Constitution* may be resolved through the appeal process. Accordingly, if Brother Chan (or any other member of Branch 6000) believes that the apparent designation of Brother Pammer to handle grievances in the steward's absence is inconsistent with my previous rulings, he/she may initiate an appeal to the Branch under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*. The Branch's decision may be appealed to the National Committee on Appeals.

Slidell, LA Branch 4342

January 25, 2012—This is in reply to that portion of your letter to Secretary-Treasurer Jane Broendel, dated January 9, 2012, inquiring whether retirees may vote in the election of shop stewards in Branch 4342.

Article 5, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches* provides that "shop stewards shall be elected only by the regular members within the station or area they represent." Accordingly, retiree members do not vote for stewards if stewards are elected by station. However, if stewards are considered branch officers who are elected by a vote of the entire membership, then retirees may vote for stewards.

Fall River, MA Branch 51

January 25, 2012—This is in reply to your letter, dated January 11, 2012, which was received by my office on January 17. Your letter asks two questions pertaining to the scheduling of the February Branch 51 meeting, and the replacement of a convention delegate.

Please be advised that, as a general rule, Branch meetings must be held at the time prescribed by the Branch By-laws. The Branch may submit to me a request for dispensation to change the date of a particular meeting. Such a request should be signed by the Branch President and should include a statement of the reason for the change.

As to your second question, previous rulings have consistently held that Articles 4 and 5 of the *NALC Constitution*, consistent with federal law, require that all delegates be elected. If a Branch has a delegate vacancy, and no alternates to fill it, it may make a request for dispensation to conduct a special election.

Dayton, OH Branch 182

January 25, 2012—This is in reply to your letter, dated January 7, 2012, inquiring whether the procedure followed by Branch 182 to pay its normal recurring operating expenses is appropriate. According to your letter, the Branch periodically enacts "standing orders" authorizing certain officers to utilize Branch funds to pay routine expenses such as utility and phone bills.

Expenditures of Branch funds must be authorized by the members of the Branch. Article 12, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches* expressly states that all Branch funds "shall be devoted to such uses as the Branch may determine; provided that no appropriation shall be made except when ordered by a majority vote of the members present at a regular meeting." Previous rulings have recognized that a Branch may authorize payments in advance through its By-laws or by enacting a budget or a specific resolution authorizing the expenditures.

The limited information contained in your letter does indicate that the procedure followed by Branch 182 is consistent with the *Constitution*.

San Antonio, TX Branch 421

January 25, 2012—This is in reply to your telephone messages concerning the appeal of the recent election of officers in Branch 421.

As previous rulings have consistently held, the outcome of the original election is presumed to be valid, pending the completion of the appeal process. This means that the winners of the election should be installed as scheduled, even if an appeal is still pending, or a new election has been ordered.

Jim Ruetze, Corpus Christi, TX

January 26, 2012—This is in reply to your letter, dated January 15, 2012, concerning the appeal of the recent election of officers in Branch 1259.

As previous rulings have consistently held, the outcome of a Branch election is presumed to be valid, pending the completion of the appeal process. This means that the winners of the election should be installed as scheduled, even if an appeal is still pending, or a new election has been ordered.

Accordingly, if the facts stated in your letter are accurate, the Branch should arrange for installation of the elected officers as expeditiously as possible. Please note that I am providing a copy of this letter to Brother Garza and National Business Agent Kathy Baldwin.

Washington, DC Branch 142

January 30, 2012—This is in reply to your letter, dated January 28, 2012 (e-mailed yesterday), requesting special dispensation permitting Branch 142 to postpone its installation of officers, due to

alleged election irregularities which, according to your letter, are now under investigation.

While I appreciate your concerns, I must deny the requested dispensation. Consistent with federal law and Department of Labor regulations, presidential rulings have consistently held that the outcome of a Branch election is presumed to be valid, pending the completion of the appeal process. This means that the winners of the election, as determined by the ballots received and counted by the Election Committee, must be installed as scheduled, even if an appeal is still pending, or a new election is ordered.

This letter should not be read to express any view as to the merits of the allegations described in your letter. The issues that you have raised may ultimately necessitate a re-run election. However, that determination can only be made through the appeal process. Intervention at this stage by the National Union would be completely unwarranted.

Robert D. Williams, Fort Washington, MD

January 30, 2012—This is in reply to your letter, dated January 24, 2012, asking five questions pertaining to the election appeal process provided by Section 21 of the NALC Regulations Governing Branch Election Procedures (RGBEP). The answers to your questions are set forth below.

1. Section 21.1 of the RGBEP states that objections to the conduct of a branch election may be submitted to the Election Committee by “an aggrieved member.” This language allows any member dissatisfied with the conduct of the election to initiate an appeal. The right to appeal is not limited to losing candidates.

2 and 3. If the Branch Election Committee issues a ruling recommending that an appeal be sustained — i.e., that a branch election be set aside — that ruling may be appealed by any aggrieved member to the Executive Board of the Branch under Section 21.2 of the RGBEP. The Election Committee is responsible for informing the members of its decision so as to ensure that appeals to the Executive Board can be made in a timely manner.

4 and 5. The RGBEP does not contain any provisions addressing the right to request access to documents. An appellant may request documents from the Election Committee or the Branch which are relevant to the appeal. Whether or not any particular documents must be produced would depend on the specific fact circumstances. A denial of access to documents may be included as an issue on appeal.

Washington, DC Branch 142

January 31, 2012—This is in reply to your letter, dated January 29, 2012, requesting special dispensation permitting Branch 142 to postpone its installation of officers, due to alleged election irregularities which, according to your letter, are now under investigation. Your letter requests that the installation be placed on hold indefinitely, pending a re-run election.

While I appreciate your concerns, I must deny the requested dispensation. Consistent with federal law and Department of Labor regulations, presidential rulings have repeatedly held that the outcome of a Branch election is presumed to be valid, pending the completion of the appeal process. Accordingly, the Election Committee is obliged to count the ballots it has received. The winners of the election, as determined by the ballots received and counted by

the Election Committee, must be installed as scheduled, even if an appeal is still pending, or a new election is ordered.

This letter should not be read to express any view as to the merits of the allegations described in your letter. The issues that you have raised may ultimately necessitate a re-run election. However, that determination can only be made through the appeal process. Intervention at this stage by the National Union would be completely unwarranted.

Greensboro, NC Branch 936

January 31, 2012—This is in reply to your letter, dated January 18, 2012, concerning the pending appeal of the election of the Branch Secretary in Branch 936. Your letter indicates that you intend to appeal the decision of the Executive Board to the Branch.

At the outset, I must advise that it would be inappropriate for me to address the merits of your contentions as to whether the Executive Board vote was properly conducted, particularly since the issues you raise may involve interpretation of the Branch By-laws. Such issues must be resolved, in the first instance, by the Branch in the context of the pending appeal.

I can clarify the appeal process. Section 21.2 of the NALC Regulations Governing Branch Election Procedures (RGBEP) specifically provides that “The Branch Executive Board must respond [to an appeal from the decision of the Election Committee] in writing within thirty (30) days.” Thus, the Board does have an obligation to issue a written decision.

Section 21.3 of the RGBEP provides that an aggrieved member may appeal the Board’s decision to the next scheduled meeting of the Branch by notifying the Branch Recording Secretary of his or her intention to appeal to the branch “[w]ithin five (5) days after receiving the ruling of the Branch Executive Board.” Accordingly, the five day time frame for notifying the Recording Secretary begins to run when the appellant receives the Executive Board’s ruling.

It is the responsibility of the Branch to apply the above rules to any appeal you may submit. The Branch’s decision may be appealed to the National Committee on Appeals under Section 21.4 of the RGBEP.

Slidell, LA Branch 4342

January 31, 2012—This is in reply to your letter, dated January 17, 2012, requesting a ruling as to whether Branch 4342 properly consolidated the offices of Secretary and Treasurer. According to your letter, the Branch voted in favor of consolidation twenty years ago, but inadvertently failed to amend its By-laws to reflect the vote. It has since elected a combined Secretary/Treasurer, even though such election is inconsistent with the written By-laws.

While I appreciate your concern, I must advise that the Branch remains obliged to have a separate Secretary and Treasurer insofar as that is what is provided in the By-laws. The vote twenty years ago was insufficient to consolidate those offices under the *Constitution*. The vote should have been in the form of an amendment to the By-laws in accordance with the procedure set forth in Article 15 of the *NALC Constitution*. To become effective, the amendment, if passed, should have been submitted to the Committee of Laws.

As things stand now, the Branch will have to conduct separate nominations and election of a

Secretary and Treasurer. However, in light of the unusual facts set forth in your letter, I would be prepared to consider a request for dispensation to allow the Branch to elect a combined Secretary/Treasurer, pending enactment of an appropriate By-law amendment. Any such request for dispensation should be submitted by the Branch President and should contain a detailed statement of the reasons for the dispensation.

James Fulsher, Marquette, MI

February 1, 2012—This is in reply to your letter, dated October 4, 2011, concerning the consolidation of the Ishpeming and Negaunee, MI Post Offices.

I am taking the liberty of enclosing a copy of the *NALC Constitution* and the NALC Regulations Governing Branch Election Procedures. The *Constitution for the Government of Subordinate and Federal Branches* contained in the *Constitution* booklet may be used as a guide to preparing new Branch By-laws. The Election Regulations should be followed in conducting Branch elections.

Please contact your National Business Agent Pat Carroll if you need any additional assistance in preparing new By-laws or conducting an election of officers.

High Point, NC Branch 936

February 1, 2012—This is in reply to your letter, dated October 16, 2011, concerning the conduct of nominations for Branch 465 Health Benefits Representative and one Trustee at the October 13 Branch meeting.

As to the substance of your letter, the actions that you describe appear to have been reasonable corrections of relatively minor errors in the nominations process. In the absence of any appeals, the result of the nomination and election should stand.

Paul McGowan, Jacksonville, FL

February 1, 2012—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated January 15, 2012, has been referred to me for reply. Your letter asserts that there were irregularities in the procedure followed by Branch 53 in nominating delegates to the National Convention, and in authorizing compensation to the delegates who were nominated and elected by acclamation. You now ask what recourse is available to correct these alleged irregularities.

Members may challenge the conduct of nominations or the election of delegates through the appeal procedure provided by Section 21 of the NALC Regulations Governing Branch Election Procedures. Decisions of the Branch with respect to funding may be appealed to the National Committee on Appeals under Article 11 of the *Constitution for the Government of Subordinate and Federal Branches*.

San Antonio, TX Branch 421

February 1, 2012—This is in reply to your letter, dated January 26, 2012, concerning the decision of the Branch 421 Executive Board to uphold an appeal challenging the conduct of the November, 2011 Branch election, and to order a new election. Specifically, you ask whether this decision is subject to further appeal by members other than the original appellant.

The answer to your question is yes. Section 21.3 of the NALC Regulations Governing Branch Election Procedures (RGBEP) provides that the ruling of the Executive Board may be appealed to the next meeting of the Branch by “an aggrieved mem-

ber.” This language allows any member dissatisfied with the Board’s decision to make the appeal. The right to appeal is not limited to losing candidates.

In addition, please be advised that prior rulings have held that the re-run election process should not be commenced before the appeal process has been exhausted at the Branch level. The decision of the Branch Executive Board does not necessarily constitute the final decision of the Branch.

Finally, the appeal procedure set forth in Article 11 of the *Constitution for the Government of Subordinate and Federal Branches* is not relevant to an appeal of a decision of the Branch Executive Board under the RGBEP.

Columbus, GA Branch 546

February 1, 2012—This is in reply to your recent letter, received by my office on January 26, 2012, requesting dispensation to hold a run-off election for national and state delegates from Branch 546. According to your letter, the Branch was unable to hold the required run-off in a timely manner during its transition to new officers.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. Please make sure that appropriate and timely notice is provided to the members. This dispensation releases Branch 546 from the requirement set forth in Article 5, Section 4 of the *NALC Constitution* that delegates be elected no later than December of the year prior to the Convention.

Please understand that this dispensation applies only to the 2011 nomination and election of officers and delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the NALC Regulations Governing Branch Election Procedures.

Pamilla Walker, Pensacola, FL

February 3, 2012—This is in reply to your letter, received by my office on December 12, 2011. Your letter describes various conflicts you had with other officers during your recently completed tenure as President of Branch 321. I am sorry to hear of these problems, and appreciate your expressions of support for the NALC.

As to the issues addressed to me, I must advise that it would not be appropriate for me to resolve the dispute over your compensation by granting a dispensation. The question whether you were entitled to receive compensation for serving as Branch President in addition to the compensation you received as Formal Step A representative arises entirely under the Branch By-laws. As President, it is my responsibility to interpret and apply the *NALC Constitution*. However, it is the Branch’s responsibility, in the first instance, to interpret and apply its own By-laws. Decisions by Branch officers may be appealed to the Branch under Article 11 of NALC’s *Constitution for the Government of Subordinate and Federal Branches*. The Branch’s decision may be appealed to the National Committee on Appeals.

As to your second issue, the NALC web site has information to assist Branches that have lost their tax-exempt status.

Garden Grove, CA Branch 110

February 7, 2012—This is in reply to your letter, dated January 30, 2012, requesting that I issue a presidential dispensation permitting former mem-

ber JoAnne Davis to rejoin the NALC as a retiree member of Branch 1100.

In light of the extraordinary hardships Ms. Davis confronted at the time of her retirement, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*,

I hereby grant the requested dispensation. Ms. Davis must execute a Form 1189 and must pay all dues that accrued during the period when her membership lapsed. By copy of this letter I am instructing Secretary-Treasurer Jane Broendel and the NALC Membership Department to calculate the back dues and to make all necessary arrangements for payment.

Neenah, WI Branch 700

February 10, 2012—This is in reply to your letter, dated February 3, 2012, requesting dispensation on behalf of Branch 700 to conduct an election of delegates outside the December 31 deadline specified in the *NALC Constitution*. According to your letter, the Branch was unable to hold the required election in a timely manner.

In light of the facts set forth in your letter, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested dispensation. As requested, I am authorizing the Branch to reduce the deadline for the notice of election to 25 days. This dispensation releases Branch 700 from the requirement set forth in Article 5, Section 4 of the *NALC Constitution* that delegates be elected no later than December of the year prior to the Convention.

Please understand that this dispensation applies only to the 2011 election of delegates. For future elections, the Branch must comply with the time frames and notice requirements provided by its By-laws, the *Constitution*, and the NALC Regulations Governing Branch Election Procedures.

Albert White, Los Angeles, CA

February 10, 2012—Your email to NALC Director of Safety and Health Manny Peralta, dated January 18, 2012, has been referred to me for reply. Your email requests that your Branch membership be transferred from Branch 782, which represents Bakersfield, CA where you are employed, to Branch 24 since you live in Los Angeles.

While I appreciate your concerns, I must advise that it is not possible to transfer your membership to Branch 24 under the *NALC Constitution*. Article 2, Section 3 of the *Constitution for the Government of Subordinate and Federal Branches* permits retiree members to transfer membership to the Branch located where they live. However, there is no such authorization for active members who must belong to the Branch that represents the office in which they are employed. It is my understanding that you remain on the active rolls of the Postal Service and that the finance number of the office to which you are assigned is in Bakersfield. Accordingly, the *Constitution* requires that you be a member of Branch 782.

I understand that you may have rejoined the NALC based on the mistaken impression that your membership would be in Branch 24. Accordingly, I am prepared to authorize the cancellation of your Form 1187. If that is your wish, please contact Secretary-Treasurer Jane Broendel to make the necessary arrangements. (Please understand that we do welcome your continued membership.)

San Antonio, TX Branch 421

February 14, 2012—Your emails to Executive Vice President Tim O’Malley, dated February 6 and 7, 2012, have been referred to me for reply. Specifically, your emails raise issues pertaining to the timeliness of appeals to the Branch from the decision of the Executive Board with respect to the 2012 election of officers in Branch 421.

Please be advised that it would be inappropriate at this stage for me to express any views as to the issues described in your emails. When the appeals are presented to the Branch, the members may debate and vote on these questions. The Branch’s decision may be appealed by any aggrieved member, as provided by Section 21.4 of the NALC Regulations Governing Branch Election Procedures.

Corpus Christi, TX Branch 1259

February 14, 2012—This is in reply to your letter, dated January 26, 2012, concerning the status of the recent election of officers in Branch 1259.

As I stated in my letter to Brother Jim Ruetze, dated January 26, 2012 (copy enclosed), the outcome of a Branch election is presumed to be valid, pending the completion of the appeal process. This means that the winners of the election should be installed as scheduled, even if an appeal is still pending, or a new election has been ordered. Accordingly, I instructed the Branch to arrange for the installation of the elected officers as expeditiously as possible.

However, the installation of the elected officers does not end the appeal process. If the appeal process at the Branch level results in a final determination that there must be a rerun election, such election should proceed. If the rerun results in a different outcome, then the new winners will be installed.

I trust that the foregoing addresses your concerns. This letter should not be read as expressing my view as to the merits of any pending appeals.

Fresno, CA Branch 231

February 21, 2012—Your letter to Assistant Secretary-Treasurer Nicole Rhine, dated February 2, 2012, has been referred to me for reply, insofar as your letter raises a question of *constitutional* interpretation. Specifically, you ask whether a Branch may enact a By-law requiring all officers and stewards to contribute to COLCPE.

The answer to your question is no. While I appreciate the sentiment underlying this proposal, I must advise that such a qualification standard for officers and stewards would be in conflict with both the *NALC Constitution* and the NALC Regulations Governing Branch Election Procedures (RGBEP). Article 5, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches* expressly states that “All regular members shall be eligible to hold any office or position in the Branch,” except for those members who hold, accept, or apply for supervisory positions in the Postal Service. Similarly, Section 4.1 of the RGBEP provides that “All regular members . . . are eligible to hold any office or position in the branch,” except for those who fall within the supervisory disqualification (Section 4.11) or have been convicted of certain crimes (Section 4.12). Restricting officer or steward eligibility to members who participate in COLCPE would be inconsistent with these provisions.

Dallas, TX Branch 132

February 21, 2012—This is in reply to your letter, dated January 12, 2012, requesting a ruling as to whether your decision as President of Branch 132 to relieve a steward of his representational duties may be overturned by the membership.

As you recognize, Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* expressly provides that a Branch President has “the authority to relieve any steward, whether appointed or elected, of any representational duties or functions, and to assign such duties or functions to another member appointed by the President, whenever the President concludes that such action is necessary to ensure that the Branch meets its representational responsibilities or to ensure Branch compliance with NALC policy.”

However any such decision by a Branch President is subject to appeal under Article 11 of the CGSFB. This was made clear at the 2008 Convention in Boston, when the provisions of Article 6, Section 1 quoted above were first adopted. Following the debate, President Young stated the following from the podium:

There is an appeal in Article 11 from any decision made by the branch president. So Article 11 of the Constitution clearly covers any steward who is removed, they would have a right to appeal decision of the branch president to remove them to the entire branch.

—Proceedings, 2008 Convention, page 38.

The foregoing is not intended to cast doubt on the validity of your decision or to suggest that any appeal to the Branch would have merit. A Branch vote to overturn your decision may be appealed to the National Committee on Appeals under Article 11, Section 2 of the CGSFB.

Pearl City, HI Branch 468

February 23, 2012—This is in reply to your letter, dated February 15, 2012, concerning a motion to be considered at the March 8 meeting of Branch 4682 calling for the Branch to merge with Branch 860. Specifically, you ask whether the Branch may vote on this proposal by secret ballot and, if so, whether the Branch must send a new notice to the members.

Your letter does not indicate that the Branch has actually discussed this matter with Branch 860, or that an actual merger agreement has been negotiated. Rather, it appears that what is being considered is a motion to contact Branch 860 for the purpose of exploring a possible agreement to merge.

Please be advised that the *NALC Constitution* does not specify any particular procedures for initiating the merger process. Accordingly, the Branch has discretion to handle the motion in any appropriate manner that is consistent with its By-laws. In particular, voting on the motion by secret ballot is permissible, and no new notice is required.

Ultimately, two Branches seeking to merge must enter into a proposed merger agreement. The provisions of Article 2, Section 3 of the *Constitution*, which you cite in your letter, require that any such agreement must be approved by the members of both Branches. Under the scheme set out in Article 2 Section 3, before a vote on a proposed merger may be taken, the details of the proposed merger must be developed and included in a notice to the members. Such details include:

(c) the identity and geographic area covered by the Branch which will emerge from, or the name and number of the Branch which will survive, ...;

(d) 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.

As you correctly note, Article 2, Section 3 (e) provides that “a majority affirmative vote of all regular members in good standing, present and voting, of each Branch proposing to merge, shall be necessary to authorize application for merger.” This language applies to the vote on whether to approve the proposed merger agreement between the two Branches. Article 2, Section 3 (e) does not require that this vote be by secret ballot. At the same time use of a secret ballot is not prohibited. If the Branch elects to use a secret ballot, it would certainly be advisable to include this information in the notice to the members, even though there is no *constitutional* requirement to do so.

Sun City, AZ Branch 6156

February 23, 2012—Your letter to NALC Secretary-Treasurer Jane Broendel, dated January 23, 2012, has been referred to me for reply. Your letter advises that in the recent Branch 6156 election the positions of OWCP Representative and Director of Retirees, along with four steward positions, were not filled. You now ask whether these positions must be filled or whether, alternatively, the duties associated with these positions may be assigned to incumbent officers.

Previous rulings have held that the *Constitution* does not permit members to simultaneously hold more than one elected Branch office. Accordingly, Section 6.5 of the NALC Regulations Governing Branch Election Procedures specifically provides that “No person shall accept nomination for more than one office.” However, the rulings have also recognized that it is permissible under the *Constitution* for a member to serve simultaneously as both a branch officer and a steward, so long as the steward position is not a branch office under the By-laws (e.g. if stewards are elected by station, rather than the entire membership, and do not sit on the Branch Executive Board). The *Constitution*, by itself, does not prohibit simultaneous service as both branch officer and shop steward in these circumstances.

The Branch By-laws forwarded with your letter provide that stewards in Branch 6156 are elected by station and do not sit on the Branch Executive Board. The By-laws also indicate that the OWCP Representative and Director of Retirees do not sit on the Branch Executive Board. If that is the case, it would be permissible under the *Constitution* for the Branch President to assign the duties of all six positions to incumbent officers.

However, I note that Article IV, Section 3 of the By-laws states that “This Branch may not consolidate offices of the Branch.” It would be inappropriate for me to express a view as to whether the proposed assignment of duties would violate this provision. As President, it is my responsibility to interpret the *Constitution*. Questions concerning the interpretation and application of By-law provisions must be resolved, in the first instance, at the Branch level. For that reason, it would also be inappropriate for me to rule on whether officers who are assigned the duties of other positions would be entitled to an additional stipend under Article IV, Section 6 of the By-laws.

Carmichael Lewis, San Antonio

February 23, 2012—This is in reply to your letters, dated February 8 and 9, 2012, concerning your appeal of the recent election of officers in Branch 421.

As indicated in my letter to Branch President Boyd, dated February 1, 2012 (copy enclosed), a decision by the Branch Executive Board to uphold an election protest and order a new election is subject to appeal to the members of the Branch under Section 21.3 of the NALC Regulations Governing Branch Election Procedures (RGBEP). The members at the meeting have the authority to overturn the decision of the Executive Board.

I also noted in my letter to Brother Boyd that prior rulings have held that the re-run election process should not be commenced before the appeal process has been exhausted at the Branch level. The decision of the Branch Executive Board does not necessarily constitute the final decision of the Branch. If the Branch votes to overturn the decision of the Executive Board, then the re-run election should not be conducted.

I express no view as what may or may not have transpired at the Branch meeting on February 9, and whether the actions taken at that meeting were consistent with the *Constitution* or the Branch By-laws. However, I do note that any decision of the Branch with respect to an election appeal is subject to appeal to the National Committee on Appeals under Section 21.4 of the RGBEP.

Paul Sheets, Paulsboro, NJ

February 24, 2012—This is in reply to your letters, dated February 6 and 17, 2012, concerning the situation in the Gibbstown, NJ Post Office.

At the outset, I appreciate your sincere concerns. Nonetheless, I must advise you that the Branch disaffiliation that you request cannot be granted. Presidential rulings dating back more than 25 years have consistently held that merger votes are final and binding. There is no provision in the *NALC Constitution* which permits branch mergers to be dissolved after they have been finalized. Once a merger has taken place, there is no way to undo that action even if the members who voted on it change their minds, or future members object.

In addition, while I understand your position on the steward issue, I must reiterate what I advised in my previous letter: under Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*, the Branch President has the authority to appoint stewards. The proper procedure for challenging the President's decision is to initiate an appeal to the Branch, as provided by Article 11, Section 1 of the CGSFB.

Longmont, CO Branch 642

February 24, 2012—This is in reply to your recent letter, received by my office on February 15, 2012, requesting guidance as to two matters.

The first question is whether, as Recording Secretary of Branch 642, you properly declined to read charges at the Branch meeting on February 9 because, so far as you could tell, the charges had not been served. Assuming the facts are correctly stated in your letter, it would appear that you made the correct decision. Article 10, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)* expressly requires that charges be served upon the charged party before the charges are read at the branch meeting. In the circumstances described in your letter, the Branch should serve the charges before the next meeting. If

this is done, you should read them at that meeting.

As to your second question, you are correct that Article 11, Section 2 of the CGSFB requires that an appeal from a decision of the Branch to the National Committee on Appeals must be filed "within twenty days from the date of the Branch meeting at which the decision to be appealed from was made." However, it would be entirely inappropriate for me to comment on whether a particular appeal was timely submitted based on the limited information contained in your letter. The Branch is free to argue that the appeal was untimely in its response to the Committee.

Vancouver, WA Branch 1104

February 24, 2012—This is in reply to your letter, dated, February 18, 2012 concerning the procedures for scheduling meetings of the Branch 1533 Executive Board.

Please be advised that there are no provisions in the *NALC Constitution* which address this matter. The Branch is free to schedule Executive Board meetings in any manner that is consistent with its By-laws.

While I appreciate your concern, I must advise that it would be inappropriate for me to express a view as to the proper application of the Branch 1533 By-laws to the situation described in your letter. As President, it is my responsibility to interpret the provisions of the *NALC Constitution*. Disputes over the interpretation or application of By-laws must be addressed, in the first instance, at the Branch level.

I can advise you as to your authority as President of the Branch. Article 6, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches* provides that the Branch President shall have "general supervisory powers over the Branch" and the authority to "see that officers perform their duties [and] enforce the *Constitution*, By-Laws, Rules and Regulations of the Branch." Accordingly, as President of Branch 1533 you do have the authority to direct the other officers in the performance of their duties.

Wilmette, IL Branch 1107

February 29, 2012—This is in reply to your letters, dated February 21 and 22, 2012 requesting a ruling as to whether Sister Rogers properly accepted nomination for both Vice President and shop steward in the current election of officers in Branch 1107.

Generally speaking, members cannot hold more than one Branch office. Section 6.5 of the NALC Regulations Governing Branch Election Procedures (RGBEP) specifically states that "No person shall accept nomination for more than one office." However, a shop steward position is not necessarily a branch office.

Previous presidential rulings have recognized that if a steward position is not treated as a branch office under the By-Laws (e.g., if stewards are elected by station, rather than by the entire membership, and do not sit on the Branch Executive Board), then a member would have the right to be nominated for both a branch office and a steward position.

Your letters do not provide any information regarding the Branch 1107 By-laws. Accordingly, I cannot comment specifically on Sister Rogers' situation. Moreover, it is the Branch's responsibility to interpret its own By-laws.

If you conclude that the shop steward is a Branch 1107 officer, then Sister Rogers must

decide which office she will seek. After this is clarified, I would be prepared to grant the Branch dispensation to delay the election so that an appropriate period of campaigning is ensured with the members knowing who is running for which office. Such a request should be submitted by the Branch President and should specify how much time is needed.

Notwithstanding the foregoing, I caution that my ruling does not necessarily preclude any member from submitting a post-election appeal under Section 21 of the RGBEP.

Joseph Altamirano, Ingleside, TX

February 29, 2012—This is in reply to your letter concerning the possibility of a rerun election of officers in Branch 1259. Specifically, you ask whether the Branch President may appoint a new election committee to conduct the rerun.

The answer to your question is yes. As previous rulings have recognized, the President of the Branch is free to disband the election committee and to appoint a new committee when a rerun is held.

In any event, it would be entirely inappropriate for me to intervene in this matter at this time. All issues pertaining to any re-run election that the Branch may authorize must be resolved at the Branch level. The conduct of the re-run is subject to appeal under Section 21 of the NALC Regulations Governing Branch Election Procedures.

Goleta, CA Branch 290

March 5, 2012—This is in reply to your letter, dated February 23, 2012, requesting rulings on two issues pertaining to the recent election of officers in Branch 290. Your letter indicates that an appeal has been submitted which has been denied by the Branch Executive Board.

Your first question asks that I address the timeliness of the appeal from the Board's decision. Please be advised that it would be inappropriate for me to do so. Challenges to the timeliness of an appeal must be resolved, in the first instance, at the Branch level. Such issues remain subject to appeal to the National Committee on Appeals. I can offer the following general guidance.

The failure of an appellant to meet any of the timeliness requirements set forth in Section 21 of the NALC Regulations Governing Branch Election Procedures (RGBEP) is a basis for dismissing the appeal without reaching the merits. However, any determination by the Election Committee or the Executive Board that an appeal is untimely is itself subject to appeal.

In the present case, the Executive Board has denied the appeal on the merits, and appellant has submitted an appeal from the Executive Board's decision to the Branch. Section 21.3 of the RGBEP requires that such an appeal must be presented to the Branch. It is of no consequence that the Executive Board has concluded that the appeal to the Branch was not submitted in a timely manner. The Board's position may be presented to the Branch during debate on the appeal. The Branch is responsible for deciding the issue of timeliness. The Executive Board has no authority to prevent the appeal from being presented to the Branch.

In addition, please be advised that prior rulings have established that the five day time limit for appeals to the Branch set forth in Section 21.3 is satisfied if a member mails the appeal within five days after receiving the ruling of the Branch Executive Board. It is not necessary that the appeal be

received by the Branch Recording Secretary within five days. Again, the question whether or not the appellant in this case satisfied this requirement is an issue for the Branch to decide.

As to your second question, you are correct that the RGBEP does not contain any provisions requiring the Branch to turn over to an appellant the minutes of meetings of either the Election Committee or the Executive Board, or any other documents other than their rulings. Nonetheless, there could be cases in which documents in the custody of the Branch could be relevant to the issues raised in an appeal, so that fundamental fairness would require that an appellant be given an opportunity to review them. This too is an issue which must be decided at the Branch level, subject to appeal to the National Committee on Appeals.

Albert White, Los Angeles, CA

March 5, 2012—This is in reply to your e-mail, dated April 19, 2012.

At the outset, I am pleased that you do wish to remain a member of the NALC. However, as I explained in my previous letter, it is not possible to permit you to become a member of Branch 24 while you remain in active status.

It may be possible for you to attend Branch 24 membership meetings as a guest. But each Branch has discretion to determine whether it will permit guests to attend its meetings. Therefore, the decision to allow you to attend Branch 24 meetings must be made by the Branch itself.

Pensacola, FL Branch 321

March 9, 2012—This is in reply to your letter, dated January 30, 2012 (but received by my office on March 6), requesting that I rule on a dispute over the appropriate compensation owed to the former President of Branch 321 under the Branch By-laws.

While I appreciate your concern, I must advise that it would be completely inappropriate for me to intervene in this matter. As you recognize, the issue described in your letter arises under the Branch By-laws. As National President, it is my responsibility to rule on the interpretation of the *NALC Constitution*. However, issues involving the interpretation or application of the Branch By-laws must be resolved, in the first instance, at the Branch level.

Sister Walker may appeal your decision as Branch President to the members under Article 11, Section 1 of the *Constitution for the Government of Subordinate and Federal Branches*. The Branch's decision may be appealed to the National Committee on Appeals in accordance with the procedures outlined in Article 11, Section 2. I express no view as to the merits of any such appeal.

High Point, NC Branch 936

March 9, 2012—This is in reply to your letter, dated March 2, 2012, concerning the timing of Branch 936's election of delegates to the 2012 National Convention. According to your letter, the Branch elected to send the Branch President and Vice President as delegates at its meeting on February 9. You now ask whether this election was in conflict with the *NALC Constitution*.

Article 5, Section 4 of the *NALC Constitution* does provide that delegates must be elected no later than December 31 of the year prior to the Convention. However, this provision would not be applicable to the Branch 936 President since the By-laws state that he/she shall be a delegate by virtue of his/her office. (The December 31 deadline does not

apply to a vote to authorize the expenditure of Branch funds to cover a delegate's expenses.) The election of the Vice President to be a delegate does appear to have been untimely.

In light of the facts presented, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant Branch 936 dispensation to send both delegates to the Convention. This dispensation releases the Branch from the December 31 deadline provided by Article 5, Section 4. By copy of this letter, I am so notifying NALC Secretary- Treasurer Jane Broendel.

You also ask whether the Branch By-laws are in conflict with the *Constitution* insofar as they provide that delegates shall be nominated "no less than 60 days prior to the Convention." Strictly speaking, there is no conflict since the election of delegates before December 31, as required by the *Constitution*, would also comply with the minimum 60 day time limit set forth in the By-laws. However, given what transpired, I would recommend that the Branch amend its By-laws to reflect the December deadline for delegates to avoid similar confusion in the future.

Finally, please note that the dispensation provided above applies only to the election of delegates to the 2012 National Convention. In the future, Branch 936 must comply with all relevant deadlines provided by the *Constitution*.

Des Moines, IA Branch 352

March 9, 2012—This is in reply to your letter, dated February 29, 2012, requesting an interpretation of the purposes for which a Branch may call a special meeting.

The only requirements for special meetings are those provided in Article 3, Section 2 of the *Constitution for the Government of Subordinate and Federal Branches (CGSFB)*:

Special meetings shall be called by the President upon the written request of members (number to be determined by the Branch) in good standing or by vote of the Branch and notification of such meetings, stating the object of the call shall be given the members by the Recording Secretary as directed by the Branch or as required by the by-laws.

As previous rulings have recognized, there are no restrictions in Article 3, Section 2 on the purposes for which a special meeting may be called. Accordingly, the examples cited in your letter would all be appropriate purposes for a special meeting. However Article 3, Section 3 of the CGSFB does provide that: "No business shall be transacted at a special meeting other than that for which it may have been called."

Georgia State Association of Carriers

March 19, 2012—This is in reply to your letter, dated March 5, 2012, requesting dispensation allowing the Georgia State Association to register its Delegates-at-Large to the 2012 National Convention after the May 24 registration deadline established by the Executive Council under Article 5, Section 5(d) of the *NALC Constitution*. According to your letter, the Delegates-at-Large will not be elected until June 8 or 9, 2012 when the Georgia State Convention takes place.

In light of the circumstances, and in accordance with my authority under Article 9, Section 1 of the *NALC Constitution*, I hereby grant the requested

dispensation. The Georgia State Association must inform Secretary-Treasurer Broendel's office of the names of the Delegates-at-Large as expeditiously as possible following their election.

Jersey City, NJ Branch 144

March 19, 2012—Your letter to Assistant Secretary-Treasurer Nicole Rhine, which was faxed to her office on March 5, 2012, has been referred to me for reply. Your letter seeks clarification of the voting rights of members who are in 204b status.

The membership rights of members who accept supervisory positions (including 204b assignments) are addressed by Article 2, Section 1(c) of the *NALC Constitution*, providing as follows:

[P]resent members who have left the Postal Service, or have been temporarily or permanently promoted to supervisory status, may retain their membership but shall be members only for the purpose of membership in the NALC Life Insurance Plan and/or the NALC Health Benefit Plan. These members shall have no voice or vote in any of the affairs of such Branch, except they shall have a voice and vote at the Branch level upon matters appertaining to the NALC Life Insurance Plan, and/or the NALC Health Benefit Plan, if they are a member thereof, and on any proposition to raise dues. These members are not eligible to be candidates for any State Association, Branch, or National office, or delegates to any conventions. They may attend only that part of the meeting which concerns them, such as change of dues structure and information concerning Health or Life Insurance.[.]

Previous rulings interpreting this provision have established that a member occupying a supervisory position may not exercise membership rights, including the right to vote in a Branch election, or otherwise participate in official Branch activities while he or she is acting in a supervisory status (except for the right to participate and vote in any part of a Branch meeting concerning NALC insurance programs and/or the NALC Health Benefit Plan, if he/she is a member thereof, or the raising of Branch dues). However, the rulings have also consistently recognized that when the member returns to a bargaining unit assignment, he or she immediately regains full membership rights, except for the right to be a candidate for Branch office.

In response to your second question, the Branch may enact By-law provisions which are consistent with the above principles.

Robert Lerma, Corpus Christi, TX

March 19, 2012—This is in reply to your letter, dated March 4, 2012, requesting that I enforce a decision of the Branch 1259 Election Committee to conduct a re-run election. According to your letter, Branch President Juan Araiza improperly informed the members at the Branch meeting on February 28 that a re-run election would not be held. Brother Araiza apparently based this assertion on a vote taken at the Branch's meeting on January 24.

While I appreciate your concern, I must advise that it would be inappropriate for me to resolve the issues presented based on the limited information contained in your letter. The Branch's failure to implement the decision of the Election Committee may be the subject of an appeal to the National Committee on Appeals under Section 21.4 of the NALC Regulations Governing Branch Election Procedures. Such an appeal could address all issues raised by your letter, including your contention that Brother Araiza's original appeal from the Election

Committee's decision was procedurally defective.

The Committee on Appeals has the authority to order a new election.

This letter should not be read to express any view as to the merits or timeliness of any appeal or the merits of any decision made by the Election Committee or the Branch President. ☒

CUMULATIVE PAY SINCE POSTAL REORGANIZATION

Year	Old step: New step: (Last year of Post Office Department) (First MALC-USPS National Agreement)	A	B	C	1	2	3	4	5	6	7	8	9	10	11	12
1970					\$7,072	\$7,307	\$7,542	\$7,777	\$8,012	\$8,247	\$8,482	\$8,717	\$8,952	\$9,187	\$9,422	\$9,657
1971					\$7,322	\$7,557	\$7,792	\$8,027	\$8,262	\$8,497	\$8,732	\$8,967	\$9,202	\$9,437	\$9,672	\$9,907
1972					\$8,072	\$8,307	\$8,542	\$8,777	\$9,012	\$9,247	\$9,482	\$9,717	\$9,952	\$10,187	\$10,422	\$10,657
1973					\$9,188	\$9,423	\$9,658	\$9,893	\$10,128	\$10,363	\$10,598	\$10,833	\$11,068	\$11,303	\$11,538	\$11,773
1974					\$10,129	\$10,364	\$10,599	\$10,834	\$11,069	\$11,304	\$11,539	\$11,774	\$12,009	\$12,244	\$12,479	\$12,714
1975					\$11,298	\$11,533	\$11,768	\$12,003	\$12,238	\$12,473	\$12,708	\$12,943	\$13,178	\$13,413	\$13,648	\$13,883
1976					\$11,902	\$12,137	\$12,372	\$12,607	\$12,842	\$13,077	\$13,312	\$13,547	\$13,782	\$14,017	\$14,252	\$14,487
1977					\$13,313	\$13,548	\$13,783	\$14,018	\$14,253	\$14,488	\$14,723	\$14,958	\$15,193	\$15,428	\$15,663	\$15,898
1978					\$14,416	\$14,651	\$14,886	\$15,121	\$15,356	\$15,591	\$15,826	\$16,061	\$16,296	\$16,531	\$16,766	\$17,001
1979					\$15,577	\$15,819	\$16,061	\$16,303	\$16,545	\$16,787	\$17,029	\$17,271	\$17,513	\$17,755	\$17,997	\$18,239
1980					\$17,658	\$17,900	\$18,142	\$18,384	\$18,626	\$18,868	\$19,110	\$19,352	\$19,594	\$19,836	\$20,078	\$20,320
1981					\$19,268	\$19,510	\$19,752	\$19,994	\$20,236	\$20,478	\$20,720	\$20,962	\$21,204	\$21,446	\$21,688	\$21,930
1982					\$20,130	\$20,372	\$20,614	\$20,856	\$21,098	\$21,340	\$21,582	\$21,824	\$22,066	\$22,308	\$22,550	\$22,792
1983					\$20,991	\$21,233	\$21,475	\$21,717	\$21,959	\$22,201	\$22,443	\$22,685	\$22,927	\$23,169	\$23,411	\$23,653
1984					\$18,532	\$20,518	\$22,092	\$22,340	\$22,589	\$22,837	\$23,086	\$23,334	\$23,583	\$23,832	\$24,080	\$24,329
1985					\$19,032	\$21,072	\$23,068	\$23,322	\$23,578	\$23,832	\$24,088	\$24,342	\$24,598	\$24,854	\$25,108	\$25,364
1986					\$19,927	\$22,021	\$24,045	\$24,305	\$24,568	\$24,828	\$25,091	\$25,351	\$25,614	\$25,877	\$26,140	\$26,400
1987					\$20,814	\$22,950	\$25,013	\$25,279	\$25,547	\$25,812	\$26,080	\$26,346	\$26,614	\$26,882	\$27,147	\$27,416
1988					\$21,480	\$23,616	\$25,679	\$25,945	\$26,213	\$26,478	\$26,746	\$27,012	\$27,280	\$27,548	\$27,813	\$28,082
1989					\$22,903	\$25,039	\$27,102	\$27,368	\$27,636	\$27,901	\$28,169	\$28,435	\$28,703	\$28,971	\$29,236	\$29,505
1990					\$24,381	\$26,517	\$28,580	\$28,846	\$29,114	\$29,379	\$29,647	\$29,913	\$30,181	\$30,449	\$30,714	\$30,983
1991					\$22,420	\$24,927	\$27,088	\$29,176	\$30,716	\$32,256	\$33,796	\$35,336	\$36,876	\$38,416	\$39,956	\$41,496
1992					\$23,026	\$25,775	\$27,968	\$30,087	\$32,359	\$34,635	\$36,907	\$39,183	\$41,455	\$43,731	\$46,006	\$48,282
1993					\$24,028	\$26,809	\$29,036	\$31,184	\$33,461	\$35,740	\$38,017	\$40,294	\$42,573	\$44,852	\$47,131	\$49,410
1994					\$24,907	\$27,723	\$29,984	\$32,165	\$34,447	\$36,730	\$39,011	\$41,294	\$43,576	\$45,859	\$48,142	\$50,423
1995					\$25,240	\$28,056	\$30,317	\$32,498	\$34,780	\$37,063	\$39,344	\$41,627	\$43,909	\$46,192	\$48,475	\$50,756
1996					\$25,647	\$28,497	\$30,785	\$32,992	\$35,264	\$37,564	\$39,848	\$42,135	\$44,420	\$46,706	\$48,993	\$51,279
1997					\$26,375	\$29,225	\$31,513	\$33,720	\$36,005	\$38,292	\$40,576	\$42,863	\$45,148	\$47,434	\$49,719	\$52,005
1998					\$27,011	\$29,895	\$32,210	\$34,443	\$36,731	\$39,022	\$41,309	\$43,598	\$45,888	\$48,177	\$50,466	\$52,755
1999					\$27,219	\$30,103	\$32,418	\$34,651	\$36,939	\$39,230	\$41,517	\$43,808	\$46,096	\$48,385	\$50,673	\$52,961
2000					\$28,893	\$31,875	\$34,269	\$36,578	\$38,876	\$41,177	\$43,473	\$45,774	\$48,072	\$50,371	\$52,672	\$54,972
2001					\$29,267	\$32,249	\$34,643	\$36,952	\$39,256	\$41,561	\$43,867	\$46,174	\$48,481	\$50,788	\$53,094	\$55,401
2002					\$32,735	\$36,013	\$39,285	\$42,557	\$45,830	\$49,102	\$52,374	\$55,646	\$58,918	\$62,190	\$65,462	\$68,734
2003					\$33,446	\$36,773	\$38,063	\$40,535	\$43,007	\$45,479	\$47,951	\$50,423	\$52,895	\$55,367	\$57,839	\$60,311
2004					\$34,331	\$37,697	\$39,002	\$41,502	\$44,002	\$46,502	\$49,002	\$51,502	\$54,002	\$56,502	\$59,002	\$61,502
2005					\$35,602	\$39,010	\$40,331	\$42,862	\$45,393	\$47,924	\$50,455	\$52,986	\$55,517	\$58,048	\$60,579	\$63,110
2006					\$37,205	\$40,655	\$44,105	\$47,555	\$51,005	\$54,455	\$57,905	\$61,355	\$64,805	\$68,255	\$71,705	\$75,155
2007					\$38,527	\$42,025	\$45,525	\$49,025	\$52,525	\$56,025	\$59,525	\$63,025	\$66,525	\$70,025	\$73,525	\$77,025
2008					\$39,669	\$43,229	\$46,789	\$50,349	\$53,909	\$57,469	\$61,029	\$64,589	\$68,149	\$71,709	\$75,269	\$78,829
2009					\$41,888	\$45,513	\$49,138	\$52,763	\$56,388	\$60,013	\$63,638	\$67,263	\$70,888	\$74,513	\$78,138	\$81,763
2010					\$42,610	\$46,300	\$49,990	\$53,680	\$57,370	\$61,060	\$64,750	\$68,440	\$72,130	\$75,820	\$79,510	\$83,200
2011					\$43,313	\$47,067	\$50,821	\$54,575	\$58,329	\$62,083	\$65,837	\$69,591	\$73,345	\$77,099	\$80,853	\$84,607
2012					\$44,291	\$48,045	\$51,851	\$55,657	\$59,463	\$63,269	\$67,075	\$70,881	\$74,687	\$78,493	\$82,299	\$86,105

Notes: All salaries are for July of each year and include cost-of-living adjustments not yet rolled into basic pay. Prior to 1971 it took 21 years for employees to reach top step, between 1971 and 1984 it took 8 years; between 1984 and 1991 it took 10.7 years; it now takes 12.5 years.

LETTER CARRIER PAY SCHEDULE

City Carrier Wage Schedule: Effective Sept. 20, 2011

The following salary and rate schedule for all NALC-represented employees includes the \$978 cost-of-living adjustment (COLA) on Sept. 20, 2011—the last of five such increases provided by the 2006-2011 National Agreement.

2006-2011 National Agreement

Date	Type of Increase*	Amount
Nov. 25, 2006	General wage increase	1.4%
Sept. 21, 2007	COLA**	\$0
Oct. 19, 2007	Lump-sum COLA***	\$686
Nov. 24, 2007	General wage increase	1.8%
March 2008	COLA	\$458
Sept. 2008	COLA	\$1,497
Nov. 22, 2008	General wage increase	1.9%
March 2009	COLA	\$0
Sept. 2009	COLA	\$0
Nov. 21, 2009	General wage increase	1.9%
March 2010	COLA	\$0
Sept. 2010	COLA	\$0
Nov. 20, 2010	General wage increase	1.85%
March 2011	COLA	\$0
Sept. 20, 2011	COLA	\$978

* Value of COLAs depends on changes in the level of the Consumer Price Index.

** Two-month COLA; CPI had not increased over this timespan.

*** Lump-sum COLA covering Nov. 2005-May 2007; was not added to basic pay.

CITY CARRIER GRADE 1

Step	Waiting period to next step (in weeks)	Yearly	Hourly	Bi-Weekly ¹	Regular overtime ²	Hourly Rate for Part-time Flexibles
A	96	\$44,291	\$21.2938	\$1,703.50	\$31.94	\$22.15
B	96	48,045	23.0986	1,847.89	34.65	24.02
C	44	49,501	23.7986	1,903.89	35.70	24.75
D	44	52,291	25.1399	2,011.19	37.71	26.15
E	44	52,675	25.3245	2,025.96	37.99	26.34
F	44	53,061	25.5101	2,040.81	38.27	26.53
G	44	53,440	25.6923	2,055.38	38.54	26.72
H	44	53,824	25.8769	2,070.15	38.82	26.91
I	44	54,208	26.0615	2,084.92	39.09	27.10
J	34	54,588	26.2242	2,099.54	39.37	27.29
K	34	54,972	26.4288	2,114.30	39.64	27.49
L	26	55,355	26.6130	2,129.04	39.92	27.68
M	26	55,741	26.7986	2,143.89	40.20	27.87
N	24	56,125	26.9832	2,158.66	40.47	28.06
O	--	56,507	27.1668	2,173.34	40.75	28.25

CITY CARRIER GRADE 2³

Step	Waiting period to next step (in weeks)	Yearly	Hourly	Bi-Weekly ¹	Regular overtime ²	Hourly Rate for Part-time Flexibles
A	96	\$46,210	\$22.2163	\$1,777.30	\$33.32	\$23.11
B	96	50,202	24.1356	1,930.85	36.20	25.10
C	44	50,294	24.1798	1,934.38	36.27	25.15
D	44	53,150	25.5529	2,044.23	38.33	26.58
E	44	53,565	25.7524	2,060.19	38.63	26.78
F	44	53,982	25.9529	2,076.23	38.93	26.99
G	44	54,392	26.1500	2,092.00	39.23	27.20
H	44	54,804	26.3481	2,107.85	39.52	27.40
I	44	55,223	26.5495	2,123.96	39.82	27.61
J	34	55,626	26.7433	2,139.46	40.11	27.81
K	34	56,043	26.9438	2,155.50	40.42	28.02
L	26	56,458	27.1433	2,171.46	40.71	28.23
M	26	56,868	27.3404	2,187.23	41.01	28.43
N	24	57,291	27.5438	2,203.50	41.32	28.65
O	--	57,703	27.7418	2,219.34	41.61	28.85

1. Due to differences in rounding because of the impact of annual leave, sick leave, etc., these figures may vary slightly from the figures in any given paycheck.

2. Calculations are for regular overtime rate (1.5 times the base hourly straight-time rate) as provided for in Article 8.4A of the 2006 National Agreement.

3. Carriers bidding to a CC Grade 2 position must begin a new waiting period for their next step increase. Those bidding from steps A, B and C are subject to the promotion pay anomaly, which results in the payment of so-called 'ABC' lump-sum payments. Such payments offset any wage losses that would otherwise occur due to the anomaly. However, they do not compensate carriers for reduced Thrift Savings Plan contributions, earnings and tax savings. The timing of ABC promotions can greatly affect total earnings—carriers should exercise great caution when bidding to carrier-technician positions.