

The Official Newsletter of NALC Branch 1439

# The 1439'er

## Celebration for a Hero



A celebration was held in March 2008 for Ontario Plaza Station carrier **Marcus Ross**. In January 2008, Marcus was carrying mail and summoned to assist young drowning victim Michael Plancarte Jr. Using his training in CPR, Marcus played a pivotal role in saving the young boy's life. (Above Left) Marcus accepts awards from Branch 1439 President Robert Ortiz while Ontario PM Sal LaPaglia looks on. (Left) Marcus received plaudits from NALC Region 1 RAA Chris Jackson. (Above) Michael's mother Maria Avila, Michael, Marcus and Ontario OIC Darren Dilks watch a replay of the news coverage from ABC 7. (Below) Michael with the police dispatcher on duty that fateful day.



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NALC Branch 1439  
P.O. Box 3011  
Ontario CA 91761-0902  
www.nalcbranch1439.org

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## Executive Officers

**President** Robert Ortiz  
**Vice President** Harold Kelso  
**Secretary** Mark Lesch  
**Treasurer** Dennis Martin

## Stewards

**Rancho Cucamonga** Carlos Jauregui  
**Rancho Cucamonga** Richard Spears  
**Rancho Cucamonga** Pedro Urena  
**Ontario Main Office** Jose Lopez  
**Ontario Main Office** Jose Aguilar  
**Ontario Downtown Station** Alex Case  
**Ontario Plaza Station** Luis Hernandez-Tello

## Trustees

**Rancho Cucamonga** Dale Jordan  
**Rancho Cucamonga** Sue St Jean-Silva  
**Rancho Cucamonga** James Worthy

## Branch Meetings

Branch meetings are held on the second Tuesday of each month. The meeting location is the Rancho Cucamonga Senior Center, 11200 Baseline Road in Rancho Cucamonga, just west of Milliken Avenue on the grounds of Central Park. Meetings begin at 7:00 p.m. To submit items to the Branch meeting agenda prior to the meeting, please contact Secretary Mark Lesch at (760) 951-8201 or at the Ontario Downtown Station (909) 984-2937, or via email at branch1439@

## 1439'er Information

The 1439'er is the official publication of the National Association of Letter Carriers Branch 1439, Ontario—Rancho Cucamonga, California. All members are invited to submit articles for publication. All articles must be typewritten and signed by the author, and must be submitted by the twentieth day of the month preceding publication. The editor reserves the right to edit, delete or reject an article for the good of the branch. To submit an article send it to the Branch post office box listed above, in care of Mark Lesch, Editor, or submit via email to mlesch@linkline.com

The 1439'er is produced with computers, software and equipment owned by NALC Branch 1439.

## Branch 1439 Affiliations

NALC Branch 1439 is affiliated with the Central Labor Council of San Bernardino—Riverside Counties, and the International Labor Communications Association (ILCA).

## Useful World Wide Web Information

### NALC National Web Site

<http://www.nalc.org/>

### NALC Contract Administration Unit

<http://www.nalc.org/depart/cau/index.html>

### NALC Health Benefit Plan

<http://www.nalc.org/depart/hbp/index.html>

### Office Of Personnel Management

<http://www.opm.gov/>

### OWCP San Francisco Region Office

<http://www.dol.gov/dol/esa/public/contacts/owcp/9sf.htm>

## Know Your Weingarten Rights

**A** vital function of your shop steward is to prevent management from coercing you into confessions of misconduct. This is especially important when you are questioned by a manager experienced in interrogation techniques.

The National Labor Relations Act (NLRA) includes the right of an employee to request assistance from a steward or union representative during investigatory interviews. These rights were affirmed by the Supreme Court in 1975 in a case involving one J. Weingarten. The rights announced by the Court have become known as Weingarten rights.

What is the advantage of having your steward present at an investigatory interview? Your steward has the ability to do the following:

- Serve as a witness to prevent a supervisor from giving a false account of the conversation;
- Object to intimidation tactics or confusing questions;
- Help an employee to avoid making fatal admissions;
- Advise an employee, when appropriate, against denying everything, thereby giving the appearance of dishonesty and guilt;
- Warn an employee against losing his or her temper;

- Discourage an employee from informing on others; and
- Raise extenuating factors.

Under the Supreme Court's Weingarten decision, the following rules apply to investigatory interviews:

The employee can request union representation before or at any time during the interview.

When an employee asks for representation, the employer must choose from among three options:

1. Grant the request and delay questioning until the union representative arrives;
2. Deny the request and end the interview immediately; or
3. Give the employee a choice of: (a) having the interview without representation or (b) ending the interview.

If the employer denies the request for union representation and continues the meeting, the employee can refuse to answer questions.

Do not confuse Weingarten rights with Miranda rights. Under Miranda rights, police who question suspects in custody must notify them of their right to have a lawyer present. Weingarten does not have a similar requirement. Management does not have to inform you that you have the right to union representation.

Remember one basic point: If you are called to a meeting with management, state the following when the meeting begins:

If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union steward or representative be present at this meeting. Until my steward or representative arrives, I choose not to participate in this discussion.

Look for your convenient  
"Weingarten Rights" wallet-  
sized card in the next edition  
of **The 1439'er**

## I Went ...I Learned...I Froze!

By Mark Lesch

**O**n February 11-12, 2008, yours truly attended a Financial Officer training sponsored by the University of Wisconsin -Extension School for Workers. The purpose of this training was to educate local union financial officers on how to comply with federal regulations for reporting financial information, by learning how to properly file Forms LM-2 or LM-3, and prepare for any compliance audits.

The two-day training, very ably taught by Dr. John Lund, was presented in several modules. The first module was an overview of the legal responsibilities of union financial officers. Included in this section was coverage of the law and union financial standard codes, as well as record keeping requirements. The second module was a briefing on how to prepare and act if/when your local union is

selected for a “compliance audit.”

The third module was a course in how to prepare Form LM-3 for reporting to the Department of Labor. This is the report our branch files (you can view our past filings at [www.unionreports.gov](http://www.unionreports.gov)) and I learned a great deal about how to properly prepare this report. The fourth module was a course about the LM-2 report. This is a report filed by larger unions, and it was interesting and somewhat scary to learn about the onerous reporting that must be done by unions that want to comply with regulations set forth by the Bush Administration and the Department of Labor.

The second day was spent learning how to set up the QuickBooks accounting program to make the Labor Department reporting easier. As this was computer-based I really enjoyed this presentation and learned a great deal of useful information. Also covered was a

section on training local trustees which we will be doing in the near future.

As a result of my attendance at this class I am working with Branch Treasurer Dennis Martin to get the QuickBooks program setup. Also, some of the procedures we use will be changed to meet compliance regulations. We will also be conducting an inventory of branch property, and training the trustees as previously mentioned.

Finally, I would like to thank the branch for sending me to this training. When I arrived in Madison for the class the temperature was -6 degrees and never got above 17 degrees during my stay. This was quite a departure for a lifelong Southern Californian! I have never been so cold or walked to school in a snowstorm. It was worth it for the betterment of NALC Branch 1439.

**Next Branch Meeting:**

**April 8, 2008**