

## Evidence . . .

# The key to a successful grievance

**T**here are a couple of reasons a union steward files a grievance. One is to stop a contract violation and another is to right a wrong. When you sit down to start a grievance, you should think about:

1. What is the issue?
2. What provision of the contract did management violate?
3. What is the appropriate remedy?

Once these questions have been answered, the next step is to assemble a grievance file that documents the violation to give the case the best chance to attain the union's requested remedy for the grievant.

Article 15.2(d) of the National Agreement states:

*At the meeting the Union representative shall make a full and detailed statement of facts relied upon, contractual provisions involved, and remedy sought. The Union representative may also furnish written statements from witnesses or other individuals. The Employer representative shall also make a full and detailed statement of facts and con-*

*tractual provisions relied upon. The parties' representatives shall cooperate fully in the effort to develop all necessary facts, including the exchange of copies of all relevant papers or documents in accordance with Articles 17 and 31. The parties' representatives may mutually agree to jointly interview witnesses where desirable to assure full development of all facts and contentions. In addition, in cases involving discharge either party shall have the right to present no more than two witnesses. Such right shall not preclude the parties from jointly agreeing to interview additional witnesses as provided above.*

For most stewards, it's easy to make arguments about why a contract violation has occurred. What is not easy and too often overlooked is to put together a case file that contains the necessary documentation or evidence to not only prove a violation of the contract, but also to attain the remedy requested by the union.

The broad definition of "evidence" is anything presented in support of an assertion. It's not

what you say happened; it's what the evidence and documentation in the file show happened. It's not enough to make great arguments or contentions — you have to provide documentation and evidence to support the assertions. A good place to start is to use a contention/evidence worksheet to make sure you have the documentation needed to make your case.

The charts that follow on pages 10-13 provide examples of mini-

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# Customer Connect by the numbers

**C**ustomer Connect is a very simple program. Letter carriers, who are the most trusted faces in the entire government, ask their customers if they would be willing to consider shipping their packages with the Postal Service. If the customer agrees to take a closer look at USPS prices and services, the letter carrier simply completes the brief information on the lead card and turns it in to their supervisor when they return to the office. It is that easy.

Customer Connect is also a numbers driven program. More leads equal more sales, more sales generate more revenue, and more revenue will help save the Postal Service. The numbers indicate that Customer Connect has already been responsible for \$1.82 billion in annualized revenue.

A list of the top 20 districts that generated the highest revenue for FY 2013 is at the right.

With just a few more good leads, your district could find its way into the top 20 list.

Leads are the key to the Customer Connect program. While we realize we are not going to make a sale with every lead, we will never make a Customer Connect sale on a lead that is not submitted. Even if we only close a sale on a small percentage of our leads, each one of those sales generate new revenue that we did not have before, and you never know where the next million-dollar sale is going to come from. It might be your station and it might be your route.

District	FY2013 Revenue
TRIBORO	\$14,605,106
SAN DIEGO	\$14,561,562
DETROIT	\$13,743,177
NORTHERN OHIO	\$12,025,144
NORTHLAND	\$9,316,414
SOUTH JERSEY	\$8,759,358
SAN FRANCISCO	\$8,709,748
SUNCOAST	48,411,958
GREATER INDIANA	\$7,780,864
NORTHERN NEW JERSEY	\$7,268,469
ARIZONA	\$6,914,268
TENNESSEE	\$6,864,506
CENTRAL ILLINOIS	\$6,803,419
LAKELAND	\$6,587,195
SANTA ANA	\$6,406,346
CHICAGO	\$6,222,797
BAY-VALLEY	\$6,196,886
LONG ISLAND	\$5,993,091
CONNECTICUT VALLEY	\$5,946,081
SACRAMENTO	\$5,693,924


*Districts with Highest Revenue*

Don't under-estimate the size of a lead. Many billion-dollar corporations have started in garages. Ever heard of Apple?

A list of the districts with the most leads in FY 2013 can be found on the following page.

Kudos to these districts for leading the pack in sales leads, but there are still hundreds of thousands of leads waiting to be submitted. That is why the active participation of all letter carriers is vitally important to the Customer Connect program.

The program was designed and is monitored at the national level, but as with most USPS programs, its success rests squarely on the shoulders of individual letter carriers.




**A NEWSLETTER FOR BRANCH LEADERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS**

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 Fredric Rolando, President



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District	FY 2013 Leads
SUNCOAST	3,150
DETROIT	2,790
GATEWAY	1,689
SANTA ANA	1,686
NORTHLAND	1,641
PORTLAND	1,551
HOUSTON	1,464
CHICAGO	1,387
RIO GRANDE	1,326
ARIZONA	1,319
SAN DIEGO	1,256
SOUTH FLORIDA	1,239
TENNESSEE	1,233
LAKELAND	1,221
CENTRAL ILLINOIS	1,214
GREATER BOSTON	1,138
GREATER INDIANA	1,098
CENTRAL PENNSYLVANIA	1,045
LONG ISLAND	1,040
BAY-VALLEY	1,033

**Districts with Most Leads**

The future success of Customer Connect requires us to remain diligent. Sometimes that will mean that we have to persuade local managers, by way of Article 15, to honor their agreements. Regularly conducting stand-up talks, entering new leads and posting reports are some of the basic elements that can make all the difference in keeping the Customer Connect program thriving in your local office. Unfortunately, some

local managers would be happy to see Customer Connect die on the

vine, but we must refuse to let that happen.

Congratulations to the offices in the list to the right that have made Customer Connect a very high priority and have reached 100% carrier participation

An office reaches 100% participation when at least one lead is submitted for each carrier in that station. Many skeptics said that reaching 100% participation would be impossible, but these stations have proven that it is indeed achievable. For their outstanding efforts these offices all received joint recognition from President Rolando and USPS Executive Vice President Megan Brennan. Whose station will be the next one added to the 100% participation list?

From a pilot program in 2003 Customer Connect has grown into a very successful generator of new revenue for the USPS. Letter carriers recognize that the future success of the Postal Service depends on e-commerce and parcel delivery. Whose lead will be the one that puts us over the \$2,000,000,000 mark?

“By the numbers,” Customer Connect has been very successful, but also “by the numbers,” Customer Connect is just scratching the surface.

- Arcadia Main PO - Arcadia, FL
- Baker Main PO - Baker, LA
- Bradenton Beach Main PO - Bradenton Beach, FL
- Breese Main PO - Breese, IL
- Brightwaters Main PO - Brightwaters, NY
- Broussard Administrative PO - Broussard, LA
- California Administrative PO - California, MO
- Eldon Administrative PO - Eldon, MO
- Ellenton Main PO - Ellenton, FL
- Festus Main PO - Festus, MO
- Franklin Administrative PO - Franklin, LA
- Franklinton Administrative PO - Franklinton, LA
- Gibson City Administrative PO - Gibson City, IL
- Gonzales Administrative PO - Gonzales, LA
- Greenville Administrative PO - Greenville, IL
- Hannibal Main PO - Hannibal, MO
- Harbor City Main PO - Harbor City, CA
- Hastings Administrative PO - Hastings, MI
- Hornigueros Main PO - Hornigueros, PR
- Immokalee Administrative PO - Immokalee, FL
- Ironwood Administrative PO - Ironwood, MI
- Kittery Administrative PO - Kittery, ME
- La Verne Main PO - La Verne, CA
- Main Office Downtown Unit Station - Baton Rouge, LA
- Mt Zion Main PO - Mt Zion, IL
- North Aurora Main PO - North Aurora, IL
- Northwood Station - Irvine, CA
- O’Fallon Main PO - O’Fallon, MO
- Oxford Main PO - Oxford, MI
- Pittsfield Administrative PO - Pittsfield, IL
- Plymouth Main PO - Plymouth, NH
- Ponchatoula Main PO - Ponchatoula, LA
- Pontiac Administrative PO - Pontiac, IL
- Purcell Main PO - Purcell, OK
- Rancho San Clemente Station - San Clemente, CA
- San Dimas Main PO - San Dimas, CA
- Southport Main PO - Southport, CT
- Temperance Administrative PO - Temperance, MI
- Temple City Main PO - Temple City, CA
- Vidalia Administrative PO - Vidalia, GA
- Vidalia Main PO - Vidalia, LA
- Waunakee Main PO - Waunakee, WI
- West Melbourne Branch - Melbourne, FL
- Wood River Administrative PO - Wood River, IL
- Yaphank Main PO - Yaphank, NY

**Offices with 100% Participation**

# Interviewing postal patrons and other civilian witnesses

**N**ALC shop stewards have the right to leave the work area to investigate grievances. They are allowed a reasonable amount of time on-the-clock to interview witnesses, including postal patrons, even if the interview is conducted away from the postal facility. (See M#'s 00054, 00164, 00185, and 00796.) As postal employees, stewards must conduct themselves in a manner that does not reflect negatively on the Postal Service, so interviewing non-postal witnesses must be done with care. The following points are some things to remember when doing so.

## 1. They are under no obligation to speak to you

Unlike postal employee witnesses, civilians are not obligated to cooperate with stewards in a postal or grievance investigation. Although many patrons are more than willing to answer questions and may even be anxious to tell you more than you want to know, others are more cautious, even suspicious, and may be reluctant to talk to you.

While postal inspectors (PI) and OIG agents may use their legal authority in getting civilians to answer questions or give statements, stewards have to rely upon their skill, personality and wit to get a hesitant non-postal witness to cooperate.

## 2. Evaluate your witness

Take time to think about each person you want to interview. How you approach them and the questions you ask will depend upon a number of factors:

- Are they a potentially friendly witness or have they already made damaging statements about the grievant?
- Do they have a history of complaining about letter carriers?
- Do they see themselves as being adversely impacted by what the grievant is accused of doing?
- Are they sympathetic to the grievant's situation?
- Do they have a past history with the grievant - positive or negative?
- Were they previously interviewed by postal management, PIs or OIG? How did that go?
- Have they already given a written statement? When? To whom?
- When and where will it be best to interview them? (At their worksite, at home, a public place, by telephone?)
- Will you need an interpreter?
- Will you need to bring someone with you to set the witness at ease?

- Some of this information you can obtain from asking the grievant or other carriers who may know the witness. It's to your advantage to find out as much as you can about the witness beforehand.

## 3. It's all in the approach

It takes just a quick glance, maybe three seconds, for someone to evaluate you when you first meet. In this short time, the other person forms an opinion about you based on your appearance, your body language, your demeanor, your mannerisms, and how you are dressed. These first impressions can be nearly impossible to reverse or undo, making your first encounter with a witness extremely important, as it sets the tone for what follows. Here are some tips to making a good first impression:

**Interview witnesses at their convenience, not yours** - You should always try to interview a witness at a time when he or she has the fewest competing time demands. The witness has more important ways to spend their time.

**Be on time** - Someone you are meeting for the first time is not interested in your good excuse for running late. Plan to arrive a few minutes early and allow flexibility for possible delays in traffic or taking a wrong turn. Arriving a bit early is much better than arriving late and is



the first step in creating a great first impression.

**Be yourself, be at ease** - If you are feeling uncomfortable and on edge, this can make the other person ill at ease. That's a sure way to create the wrong impression. If you are calm and confident, the witness will feel more at ease, and be more willing to talk to you.

**Present yourself appropriately** - Physical appearance matters. In most cases, the witness you are meeting for the first time does not know you or that you are there to represent the grievant. Your appearance is usually the first clue he or she has to go on. So some thought should go into how you will present yourself.

**Smile!** There's nothing like a smile to create a good first impression. A warm and confident smile projects good feelings and acceptance and will put both you and the witness at ease. But don't go overboard with this – those who take this too far can seem insincere and artificial.

**Be confident** - When it comes to making the first impression, body language as well as appearance speaks much louder than words. Use your body language to project appropriate confidence and self-assurance. Stand tall, smile (of course), make eye contact, greet the witness with a firm handshake. All of this will help you project confidence and encourage both you and the witness to feel more comfortable.

Almost everyone gets a little nervous when meeting someone for the first time, which can lead to nervous habits or sweaty palms. By being aware of your nervous habits, you can try to keep them in check. Controlling a nervous jitter or an

anxious laugh will give you confidence and help the witness feel at ease.

**Think before you speak!** Decorum, politeness, and attentiveness are all qualities that seasoned grievance investigators exhibit. Demanding and overbearing individuals can expect little cooperation.

**Be likeable** - People are more inclined to be helpful to persons they like than those they dislike. Therefore it makes sense to be likeable.

**Small talk goes a long way** - Conversations are based on verbal

**Be courteous and attentive** - It goes without saying that good manners and polite, attentive and courteous behavior help make a good first impression. In fact, anything less can ruin the one chance you might have at finding the nugget of information that saves someone's job. So be on your best behavior!

One modern behavior worth mentioning is, "Turn off your cell." What kind of first impression will you create if you are already speaking to someone else when you meet your witness for the first time, or if you are repeatedly interrupted by

## Stewards have to rely upon skill, personality and wit to get a hesitant witness to cooperate

give and take. To ease the process, it may help you to prepare questions for the witness beforehand. Or take a few minutes to learn something about the person you are meeting for the first time before you get together. For instance, how long have they lived/worked there? How does he/she like it? Is there anything or any acquaintances you have in common with the person you are meeting? We are inclined to like those with whom we have similar interests or common experiences. Focus on things you and the witness have in common.

**Be positive** - Your attitude shows through in everything you do. Project a positive attitude, even if it appears the witness is providing information detrimental to your case. You never know when you might strike gold.

phone calls? The witness deserves 100% of your attention. Anything less and you'll create a less than favorable first impression.

**Listen** - Patiently listen to what the person you are interviewing has to say, whether during the interview or small talk beforehand. Those that listen attentively make people feel more comfortable. Interrupting someone while speaking can create feelings of hostility, especially if he or she is speaking about themselves.

### 4. Interviews are not interrogations

An interview should be an informal meeting where the interviewer approaches the witness on equal terms and encourages their cooperation, allowing them to relate their observations without interruption or intimidation. An interrogation im-

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plies questioning on a formal or authoritative level, such as a lawyer-to-witness or police officer-to-suspect session. Interviews with non-postal witnesses should never have the feel and appearance of being interrogations. If witnesses refuse to cooperate in any way, they must not be harassed.

## 5. To be or not to be; that is the question

In some situations, wearing your postal uniform and identifying yourself as a union official upfront is a good approach. This works well with those that you know are sympathetic to your grievant or to letter carriers and unions in general.

But with others, especially with a witness who has already provided information to postal officials detrimental to your grievant, showing up and waving the NALC flag may not be a good idea. It could signal to the witness that you have already decided they are the enemy and that you are there to trip them up or make them look bad. As a result, they may get defensive, unhelpful or at worst, refuse to talk to you. A steward may get better results approaching a witness while wearing civilian clothes as a simple fact-checker rather than the grievant's defender.

In many cases, you will be approaching a witness who has already been interviewed by postal officials so they may be reluctant to go through it all again. If you downplay the interview as being nothing more than wanting to verify what they've already said or clarify a few things in order to complete the investigation, witnesses will likely be more willing and cooperative as they too want to be done with it.

## 6. Lay the groundwork

In most situations, it's best to contact the witness ahead of time to schedule the interview rather than just show up at their home or workplace and interrupt their day. Start off with a phone call. It might go something like this:

*Hello. Is this Louise Jackson?*

*Yes it is.*

*Hello Ms. Jackson, my name is Jeff Smith. I work at the Springdale Post Office and I am the shop steward. I would like to follow up on an incident involving the mail service to your apartment complex. This concerns mail that was found in the dumpster located near the rental office where you work. I believe this happened about three weeks ago. Do you recall that incident?*

*Yes I do. I'm the one that found the mail in the trash. I already told them everything I know.*

*Yes. I see here that you were already interviewed, so I don't want to take up too much of your time, I just need to verify that the other investigators correctly recorded what you told them. That way we can close this file. I'm hoping you can help me out with this... it should only take a few minutes. When would be a good time for me to stop by?"*

*Can't we just do this over the phone?*

*Well, I have to come out there anyway to take a few pictures for the file. The ones the other guys took didn't turn out so well. So I was hoping to kill two birds with one stone. It should only take a few minutes.*

*Well, okay. How about tomorrow at 4:00 PM?*

*That'll be perfect. Thank you very much. Let me write this down.*

*I'll meet you at the rental office at 4:00 o'clock tomorrow afternoon, right?*

*Right.*

*Great. See you then.*

Sometimes you may not be able to call ahead. In such cases you still want to approach the witness in a neutral non-threatening way. *"I'm just here to verify some facts, maybe take a few pictures, so I can close this file."* Think: *Columbo*.

## 7. Do not lie or misrepresent yourself

Telling witnesses that you work for the Postal Service and are following up on an investigation is entirely truthful. There is no requirement that you identify yourself upfront as a union steward representing the grievant. There will be times when doing so is the best approach and there will be other times when you will get more cooperation if you downplay your union role. That being said, never misrepresent yourself as something that you specifically are not, such as a manager, postal inspector or OIG agent. If a witness asks you a direct question, never knowingly provide a false answer.

## 8. Interviewing by telephone

If you are really shy, interviewing by phone offers some advantages over in-person interviews, because the person you are interviewing can't see your nervousness. You can make use of notes to guide you and help you through the questions. That being said, phone interviews should be a last resort. When interviewing in person, you have the advantage. The witness will find it harder to refuse you in person. Turn on the charm. Project your winning personality. When interviewing one-on-one, you will have

more time to ask questions and the witness won't be able to claim they have another call.

### 9. Conducting the interview

Give the witness a chance to relax. As noted above, a few minutes of small talk will help break the ice and build rapport. Lean forward to emphasize interest in what they have to say. Maintain eye contact. Ask them some routine questions for basic information. Get the correct spelling of their name and then refer to the witness by name. Listen effectively. You can get the answers to these simple questions elsewhere, but people enjoy talking about themselves and it shows you want to get all the facts correct.

If you conduct the interview at the home or workplace of the witness, survey the setting. People surround themselves with symbolic items of interest or importance in their lives. Look around to find some common ground or interesting

are of opposite sexes or if the witness is a child. All requests by the witness for a third party to be present during any interview should be honored.

### 10. Listen to the witness

There is a vast difference between hearing and listening. Most of us prefer to talk rather than listen and are able to listen about four times as fast as the other person talks. The danger is that if you allow your thoughts to leap ahead and anticipate what will come next, you may miss something important.

Listening is more important than talking. An active listener shows respect for what the witness is feeling and expressing. There is a basic but powerful need to be understood; the investigator who is also a good listener is filling that requirement while gaining necessary information. Effective listening begins by keeping the mouth tightly closed. Above all, do not interrupt the wit-

can affect the flow of information. Something as simple as jotting down an answer, or not jotting it down, may cause the witness to believe the subject is important or unimportant, leading them to expand on or stop talking about the topic. If you communicate, either verbally or nonverbally, that some facts are unimportant or that you do not believe what the witness is telling you, that witness is likely to stop offering vital information.

Studies show that even the particular words you use, the way you phrase a question, or the sequence in which you ask questions, can alter the way in which a witness remembers an event. For example, asking witnesses "How *fast* was the vehicle was traveling?" nearly always results in them stating a higher speed than asking "How *slow* was the vehicle traveling?" Similar results occur when asking such things as "How tall?" "How far" "How long" as opposed to "How short" or "How close." Most witnesses are not very accurate when making estimates of time, speed and distance. Try to keep your questioning neutral, using phrases such as "Can you estimate the distance? Or "About how much time did that take?"

Bias is also introduced by investigator reaction to witness testimony. What ends up in your memory may not be what they told you. You may simply not hear some things that the witness says, especially if those things run counter to your own attitudes, beliefs, opinions or preconceptions. You may edit an answer and store the characterization in your memory. Be sure to differentiate between what the witnesses say and how you hear and interpret their testimony. Any preconception about what actually happened makes an investigator highly susceptible to

*(Continued on page 8)*

## Your behavior when asking questions and recording answers can affect the flow of information

hobby the witness has. Get them to like you. Show understanding and concern. Establish a bond of trust and become their friend. Sometimes, offering a sympathetic, non-judgmental ear to someone who needs to be understood will trigger a flood of information. The interviewer should treat the witness as an individual and not as a statistic.

Witnesses are likely to be more open if only one steward investigator is present; it may be prudent, however, to have a third person in the room if the steward and witness

ness. Your question or comment can wait. Let them finish.

### 11. Investigator bias

We are all biased. Everyone has preferences and beliefs. Investigator bias refers to the process by which the investigator influences the interview. If you allow your preferences and beliefs to intrude into the interview, they may produce erroneous information.

Your behavior when asking questions and recording answers



(Continued from page 7)

errors in gathering the evidence. You tend to find what you are looking for.

## 12. Challenging the witness

Occasionally, a witness will make a statement (or verify an earlier one) that you strongly believe is not true. Your natural instinct will be to confront them. Certainly there will be times when you should (carefully) challenge their statement and other times when you will want to leave it alone.

If you do confront a witness about a previous statement, be tactful. Do it in a way that doesn't offend them or cause them to get defensive and clam up. Don't say something like *"I don't believe you"* or *"That can't be true."* Instead, play dumb and ask for their help. *"I just have this one thing that I can't figure out, maybe you can help me..."* or *"You know, my wife tells me I'm not a very good listener, so you have probably already explained this, but could you tell me again..."* or *"The inspectors that interviewed you before didn't take very good notes, so maybe I'm reading this wrong, but it appears that..."* In general, people like to see themselves as helpful and they get good feelings about themselves when they help others. So playing dumb and asking them to help you understand something they said usually works much better than calling them a liar. Again, think *Columbo*.

Sometimes a witness will have said something that is untrue, but they don't know it. This often happens when they are asked questions about distance or height or speed, or it may be about how long something took or what time it was. When you see facts like this in a statement, take the time to verify

them.

*"I see you said the accident occurred at 10:00 AM. How did you know it was that time?"*

*"You said you were about 50 feet from the front porch. Can you show me about how far that was?"*

There may be situations where a witness's statement against your grievant is so obviously untruthful that it's best to not bring it up. If you can prove their statement is false using other evidence, then leave it alone. Trying to get the witness to admit they are wrong or lying serves no useful purpose at this point. Just be sure to note this in the grievance file so those who handle the case after you are aware of the issue.

## 13. Reviewing previous statements

Usually, after a witness is interviewed by a Postal Service investigator, there will be two matters you will have to deal with. The investigator will ask the witness questions about what they saw, heard, or experienced. If the investigator hears something that he thinks is helpful to the investigation, he will ask the witness to write a statement. Sometimes investigators will even "help" the witnesses write them. Additionally, the investigator may prepare a memorandum or summary of the interview, stating in the investigator's own words what the witness told them and other observations made in the investigation. *"The witness appeared nervous."* *"The witness indicated agreement."* It is important to go over both of these documents when you go out to re-interview these witnesses. How you do this will vary depending upon the circumstances of the case.

It may not be the best tactic to just show them the statements upfront and ask them to verify whether or not they are true. A better tactic is to first ask them to recount from their own recollection what they saw, heard and experienced without letting them see their earlier statement or what the investigator wrote down. Several weeks or even months may have elapsed since they were first interviewed and their memories may be foggy, but it's not your job to help them out. If they forget something, do not be too quick to prompt them or refresh their memories by telling them what's in the file. Let them ponder a bit. Be sure to take notes as they talk and flag any inconsistencies between what they or the investigator said or wrote then and what they are telling you now. Then go back over the inconsistencies with the witness to verify the accuracy of the report.

You are also going to want to find out from the witness what is NOT in management's report. As Sherlock Holmes might say, *"The curious thing is the dog that didn't bark in the night."* It may not surprise you to learn that sometimes management-initiated investigative reports leave out information or evidence that helps your case.

## 14. Ending the interview and follow-up

It's always a good idea to end an interview by asking the witness if there's anything they can think of that you might have missed or if there is anything else they'd like to say, no matter how trivial it may seem. You may find the nugget you were looking for.

Witnesses often remember important information after you have left so you want to provide them with a way to get in touch with you.



You also want to leave the door slightly open in case you think of something you want to ask them later.

*“Thank you so much for taking the time to speak with me, you’ve been very helpful. Now, I know how I am in these things, I always remember something or think of something I should have said afterwards... so I want to leave you my business card with my phone number... and if you think of anything that you may have forgotten, no matter how trivial it might seem, please call me. Okay?”*

If you don’t hear from the witness, and if it seems appropriate, call them after a week or so, “just to thank them again for their help.” While you are at it, ask them if they’ve thought of anything else you might have missed.

### 15. What if they won’t cooperate?

Sometimes witnesses won’t want to talk to you. There are many reasons why this happens. It could be they are naturally shy and don’t like talking to strangers. Or it might be that they are at work and can’t talk. Using your skill as an interviewer you should be able to overcome most of these obstacles. Most people have a desire to see justice done and want to see themselves as aiding that, so appeal to their sense of fairness and ask for their help in seeing that the right thing is done. You may be surprised at the lengths some people will go to help you.

Occasionally, you may come across a witness who won’t talk to you at all. In these cases, it’s important to find out if they’ve been coached by someone else not to talk to you. They might even tell you that without your asking.

*The lady from the post office that I talked to said someone from the union might want to talk to me and that I didn’t have to talk to them if I didn’t want to, so go away!*

If this happens, and even your best attempts to persuade them otherwise don’t work, then make sure that you document, with date and time, the attempts you made and the response of the witness and prominently place that in the grievance file so those who handle the case at higher steps in the grievance procedure are aware of this witness’s reluctance.

Finally, if after appealing to a reluctant witness’s better nature they still do not want to participate in an interview, under absolutely no circumstances should you harass or attempt to intimidate them into talking to you. Maintain a courteous and professional demeanor at all times.

Interviewing witnesses is an art. Like painting or acting, some folks are naturally better at it than others, but with practice and experience, anyone can improve. Most of these techniques can be used when interviewing fellow carriers or other postal witnesses, so stewards should have plenty of opportunities to try them out. In the next issue we will discuss the importance of accurately documenting what you learned from your interviews and some methods for doing so. ■



**DELIVERING  
FOR AMERICA**

## Extensions: The exception, not the rule

The parties have put time limits on each step of the grievance procedure to ensure issues are dealt with in a timely fashion. Having said that, requesting or granting an extension to time limits identified in the National Agreement is part of grievance handling. There are times when extensions are appropriate. If you must request an extension, do it right. It should be specific in nature and duration, and should be written and signed by the parties. More importantly, it should be the exception, not the rule.

Extensions may be requested at each step of the grievance procedure. Proof of an extension requested or granted can be a point of contention. There is no nationally agreed upon form for extensions, nor does PS Form 8190 have a location to document that an extension was requested or granted.

There are hundreds of arbitration decisions where the subject of extensions was brought up and have resulted in various outcomes. The current NALC publication *Defenses to Discipline* states:

*The parties may, **by mutual agreement**, agree to extend the time limits for filing or processing a grievance. See JCAM page 15-2. It is not contractually required that such extensions be in writing. However, the Contract Administration Unit strongly recommends that any extensions of time limits be in writing and signed by both parties. All too often, disputes arise concerning oral extensions of time limits. Sometimes these misunderstandings arise because of legitimate misunderstandings about ex-*

*(Continued on page 15)*

**Evidence**

*(Continued from page 1)*

imum documentation or evidence that may be needed to prove your contentions in different types of grievances. They are intended to serve as a starting point; usually there will be more arguments and more documentation or evidence needed to prove your case.

*(Continued on page 12)*

**Daily Overtime Violations**

Contention	Evidence / Documentation
Non list carrier worked overtime (on assignment or off assignment)	Current overtime desired list
	Clock rings (TACS Employee Everything reports)
	Carrier statements
	Weekly work schedule
ODL, PTF, or CCA (as applicable) was available to work	Current overtime desired list
	Clock rings (TACS Employee Everything reports)
	Weekly work schedule
	Carrier statements
	PS Forms 3996

**Steward Time Grievances**

Contention	Evidence / Documentation
Steward time was requested	Written request for steward time showing when time was requested and who it was requested from
	Steward's statement
	Witness statement(s)
Steward time was not provided	Steward's statement
	Clock rings (TACS Employee Everything reports) showing no steward time
	Any written denial of time
Steward time was performed off the clock	Steward's statement
	Steward's documentation showing work done off the clock. (The steward should record time worked off the clock and be able to note exactly what work was performed off the clock.)

**Working a CCA in Lieu of a PTF**

<b>Contention</b>	<b>Evidence / Documentation</b>
PTF worked less than 40 hours at the straight time rate of pay	Clock rings (TACS Employee Everything reports) for the PTF for the pay period in question
	Schedule for the week(s) in question
	Statement of PTF Carrier
CCA was worked when the PTF was available at the straight time rate of pay	Clock rings (TACS Employee Everything reports) for the CCA for the pay period in question
	Clock rings (TACS Employee Everything reports) for the PTF for the pay period in question
	Schedule for the week(s) in question
	Statement of PTF Carrier
PTF was available at the straight time rate of pay when the CCA was worked	Clock rings (TACS Employee Everything reports) for CCA and PTF for the pay period in question
	Schedule for the week(s) in question
	Statement of PTF Carrier

**Medical Certification**

<b>Contention</b>	<b>Evidence / Documentation</b>
Grievant was required to provide medical certification for an absence of 3 days or less	Statement from the grievant
	Notes of steward's interview of requesting supervisor
Management had no reason to believe that the grievant was not in fact ill	Statement of the grievant
	Witness statement(s)
	PS Form(s) 3971
	PS Form(s) 3972 (if relevant)
Medical Certification was provided	Grievant's statement
	Copy of medical certification
Grievant should be reimbursed for the cost of obtaining medical certification	Receipt showing cost of obtaining medical certification (copy)
	Documentation (such as Mapquest directions) showing mileage to and from the doctor's office

**Denial of Light or Limited Duty**

<b>Contention</b>	<b>Evidence / Documentation</b>
Grievant was denied light or limited duty work	Statement of grievant
	Clock rings (Employee Everything reports) and or pay records showing carrier was not worked a full schedule
	PS Form(s) 3971
	PS Form(s) 3972
	Written request for light duty
	Management's written response to request for light or limited duty
Work was available that the grievant could have performed within their medical restrictions	Statement of grievant
	Relevant medical documentation
	All CA-17s if applicable
	LMOU language regarding light duty work
	Documentation showing work was available within the grievant's restrictions
	Statement of other employees who performed available work
	Clock rings (TACS Employee Everything reports) showing other employees performing the work that the grievant could have performed within their restrictions
	Job offer(s)
Management didn't canvas the installation for available work	Notes of interview(s) of management
The injury occurred on the job	Copy of any and all accident reports
	Copy of CA-1, CA-2 etc
	Copy of Accepted Claim from OWCP

(Continued from page 10)

Remember, it's simply not enough to make the right argument; a successful grievance needs to include documentation and evidence to back up the argument. For every contention or argument you make as a steward, an item, or in most cases, multiple items, are needed to prove it.

If you believe you need to investigate a grievance or possible grievance, the first thing to do is request time to investigate and review information. The requests should be put in writing. Many branches have standard forms that are used for just this purpose. If you do not have a standard form, you can use the documents found in the *2012 NALC Grievance Starters DVD*. If you do not have the DVD, contact your national business agent.



**Hold Down or Opting Grievances**

Contention	Evidence / Documentation
Grievant requested a hold down or opt	Grievant's statement
	Any written request for hold down or opt
	Schedule for the week(s) in question
	Any LMOU language or past practice regarding opting issues
Grievant was not allowed to work the opt	Grievant's statement
	Grievant's clock rings (TACS Employee Everything reports)
	Clock rings (TACS Employee Everything reports) for employee who performed the work in place of the grievant
	Schedule for the week(s) in question
	Notes of interview(s) of management
	Schedule

*Residual vacancies . . .*

**Rules of the game**

**T**he NALC has designed a play-book to help officers and stewards understand the rules, reasons and process for filling residual vacancies. When followed, the play-book will help educate NALC players and tip the scale in our favor.

Article 7, Section 3 of the National Agreement contains maximization language. It sets forth management's obligation to create full-time regular letter carrier positions.

Another chapter in the NALC's playbook was an aggressive approach to educate branches about the importance of reporting residual vacancies that are not properly withheld under Article 12. As many of you know, your national business agent has drafted letters to branch leaders requesting a listing of all residual va-

cancies in each installation within their jurisdiction. Reporting residual vacancies remains a vital element to the NALC's approach that leads to part-time flexible and city carrier assistants being converted to full-time status where appropriate.

NALC continued moving downfield during discussions with the Postal Service that resulted in a Memorandum of Understanding (M-01824) on filling residual vacancies. This MOU enhances NALC's ability to ensure residual letter carrier vacancies, which are not subject to a proper withholding order, are filled by a series of steps including assignment of unassigned regulars, PTF and CCA conversions to full-time and trans-

fers. The full text of M-01824, as well as a list of residual vacancies posted on eReassign for transfer opportunities under M-01824 can be easily accessed on the NALC website. The list is updated and posted as the Postal Service provides it to NALC.

A crucial piece of implementing M-01824 is that branch leaders report residual vacancies in the offices under their jurisdiction to the NBA's office. This will help be sure that all vacancies are entered into the process and filled pursuant to M-01824.

Familiarize yourself with this page of the NALC playbook and contact your national business agent if you believe management is not in compliance with M-01824. ■

## Training Seminars & State Conventions

Listed below are all training sessions, educational seminars, or state conventions currently scheduled. For more information on any event, please contact the appropriate business agent. Any region not listed below has not reported any training scheduled as of the publication date of this issue of the *Activist*. Please note that all dates are in 2014.

**Region 1** - NBA Christopher Jackson 714-750-2982  
California, Hawaii, Nevada, Guam

April 4-6 CA State Association State Convention; Hyatt Regency Burlingame, Burlingame CA  
October Date TBA CA State Association Leadership Conference; Hotel TBA, Long Beach CA

**Region 3** - NBA Neal Tisdale 217-787-7850  
Illinois

June 12-14 IL State Association Convention; Clock Tower Resort, Rockford IL  
September 22-24 Region 3 Fall Training Seminar; Marriott-Bloomington/Normal Hotel & Conference Center, Normal IL

**Region 4** - NBA Roger Bledsoe 501-760-6566  
Arizona, Arkansas, Colorado, Oklahoma, Wyoming  
January 23-24 Region 4 Stewards College; Doubletree Hotel, Greenwood Village CO  
January 24-25 CO State Association Training; Doubletree Hotel, Greenwood Village CO  
January 26 CO State Association Legislative Breakfast; Doubletree Hotel, Greenwood Village CO  
February 8-9 Stewards College; Branch 704 Union Hall, Tucson AZ  
May 31-June 1 WY State Convention; Hotel TBA, Laramie WY  
June 14-15 AR State Convention; The Austin Hotel, Hot Springs AR  
September 12-13 Region 4 Rap Session; Doubletree by Hilton, Little Rock AR  
Date TBA Region 4 Stewards College OK/AR; Hotel TBA  
Date TBA Region 4 Stewards College; Branch 1681 Union Hall, Casper WY

**Region 5** - NBA Dan Pittman, 314-872-0227  
Missouri, Iowa, Nebraska, Kansas

March 1-2 Region 5 Rap Session; Weston Crown Center, Kansas City MO  
April 25-26 KS State Training; Holiday Inn, Wichita KS  
April 26-27 NE State Convention; Holiday Inn Express, Hastings NE

**Region 5 (cont)**

May 4-6 IA State Training; Prairie Meadows Hotel & Casino, Altoona IA  
June 6-8 MO State Convention; Tan-Tar-A Resort & Conference Center, Osage Beach MO

**Region 6** - NBA Patrick Carroll 586-997-9917  
Kentucky, Indiana, Michigan

February 22-23 KY District Seminar Meeting; Hilton Lexington Suites, Lexington KY  
May 2-3 IN State Association Convention; Courtyard Fort Wayne Downtown, Fort Wayne IN  
October 10-13 KIM Regional Training Seminar; Motor City Hotel & Casino, Detroit MI

**Region 8** - NBA Peter Moss 256-828-8205  
Alabama, Louisiana, Mississippi, Tennessee  
January 26-29 Regional Rap Session; Sam's Town Tunica Hotel & Casino, Robinsonville MS

**Region 9** - NBA Judy Willoughby 954-964-2116  
Florida, Georgia, North Carolina, South Carolina  
March 1-2 GA State Association Training; Atlanta Airport Hilton, Atlanta GA  
Spring 2014 NC State Association Legislative Trip; Hotel TBA, Washington DC  
Date TBA FL State Association Lobbying Trip; Hotel TBA, Washington DC  
May 14-17 SC State Association Convention and Training; Embassy Suites Airport, Charleston SC  
June 12-14 GA State Convention; Georgia Convention Center, Savannah GA  
October 17-19 FL State Association Training; Embassy Suites, West Palm Beach FL  
October 24-25 NC State Association Training; Hotel TBA, Asheville NC

**Region 10** - NBA Kathy Baldwin 281-540-5627  
Texas, New Mexico

February 15-17 Regional Training Seminar; Doubletree at Intercontinental Airport, Houston TX

**Region 12** - NBA William Lucini 215-824-4826  
 Pennsylvania, South and Central New Jersey  
 February 9-11 Region 12 Training Seminar; Trump Taj Mahal Casino Resort, Atlantic City NJ

**Region 13** - NBA Timothy Dowdy 757-934-1013  
 Delaware, Maryland, Virginia, West Virginia, Washington DC  
 January 19-20 DE Shop Steward Training; Clarion Inn, New Castle DE  
 February 12-13 Region 13 New Stewards Training (region-wide); English Inn, Charlottesville VA  
 February 24-25 MD/DC Stewards Training; Comfort Inn; Bowie MD  
 March 6-7 VA Steward Training; Homewood Suites; Richmond VA  
 April 10 Legislative Day on the Hill; NALC HQ, Washington DC

**Region 13 (cont)**  
 May 3-4 WV Steward Training; Pullman Plaza, Huntington WV  
 May 18-20 Branch Officer Training & Regional Rap Session (region-wide); Hotel TBA VA

**Region 14** - John Casciano 617-363-9299  
 Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont  
 February 22-23 New England RAP & Training Seminar, Omni Parker House Hotel, Boston MA

**Region 15** - Larry Cirelli 212-868-0284  
 Northern New Jersey, New York, SW Connecticut, Puerto Rico, Virgin Islands  
 March 2-5 Region 15 Rap/Training Session: Trump Plaza, Atlantic City NJ  
 August 4-6 NY State Association Convention; Hotel TBA, Syracuse NY

## Allowances for CCA uniforms

City carrier assistants (CCAs) are eligible for a uniform allowance upon completion of 90 work days or 120 calendar days of employment as a CCA, whichever comes first. If the CCA previously satisfied this 90 work day or 120 calendar day requirement as a transitional employee with an appointment made after September 29, 2007, he or she is immediately eligible for a uniform allowance. When a CCA becomes eligible for a uniform allowance, funds must be approved through an eBuy submission by local management. After approval, a Letter of Authorization form must be completed and provided to the employee within 14 days of the eligibility date. CCAs take the completed form to a USPS authorized vendor to purchase uniform items.

The CCA's annual uniform allowance anniversary date is defined as the calendar date the CCA initially becomes eligible for the uniform allowance. When a CCA is

converted to career status, they retain the same anniversary date for the purchase of uniforms. With their first uniform allowance after being converted to career status, former CCAs receive the additional uniform allowance credit authorized by Article 26.2.B.

Shop stewards and local branch presidents should be prepared to answer questions about the CCA uniform program. The joint questions and answers on the 2011 National Agreement (M-01819) cover the CCA uniform program. If CCAs have not received the Letter of Authorization within 14 days of the eligibility date, stewards should treat it just as they would any other contract violation and file a grievance. If you have any questions or need further assistance, contact your national business agent.

### Extensions

*(Continued from page 9)*  
*actly what grievance was involved or how long the time limits were extended. [emphasis added]*

On a positive note, extensions can provide for a thorough investigation, establish a good working

relationship between the parties, and in some cases offer the opportunity to settle cases at a lower level. However, extensions also can cause delays, making information or witnesses unavailable and workloads unmanageable. Extensions can increase the backlog of cases, foster complacency by the parties and abuse the grievance process. Unresolved issues can easily become repeated violations. Unadjudicated discipline can be a source of stress for grievants and/or the grievance handler.

As you can see the cons outweigh the pros. Make sure that if you grant or request an extension there is a valid reason, the time period is no longer than necessary, and the terms are committed to writing and signed by both parties. Grievance handlers should consider the overall impact of an extension. Remember that either party can request an extension, but both sides have to agree. Is the delay (and potential negative impact) worth it?

A grievance is filed to adjudicate, mitigate or stop a violation of the National Agreement. When an extension is in play, violations on similar issues may continue.

# ACTIVIST

NALC

A NEWSLETTER FOR BRANCH LEADERS  
 NATIONAL ASSOCIATION OF LETTER CARRIERS  
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## USPS BY THE NUMBERS

### Operations

	Number	Change from SPLY*
<b>FY 2013 (final)</b>		
Total mail volume (Millions of pieces)	158,384	-0.9%
<b>Mail volume by class (YTD in millions)</b>		
First-Class	65,834	-4.1%
Periodicals	6,359	-5.7%
Standard (bulk mail)	80,890	1.8%
Shipping & Packages**	3,711	6.0%
<b>Workhours (in thousands)</b>		
City Delivery	393,986	1.2%
Mail Processing	203,802	-3.0%
Rural Delivery	176,697	-0.6%
Customer Service/Retail	138,477	-4.0%
Postmasters	56,028	-4.1%
Other	140,841	-1.0%
Total Workhours	1,109,831	-1.1%

\*\* Reflects change in reported USPS categories

\*SPLY=Same Period Last Year

### Finances

<b>FY 2013 (millions)</b>		
Operating Revenue	\$67,318	3.2%
Operating Expenses	\$72,128	-10.9%
Controllable Operating Income	\$479	
PSRHBF Expenses	\$5,600	
Workers' Comp adjustments	-\$311	
Net operating loss	-\$4,997	

### Employment

	Number	Change from SPLY*
<b>FY 2013 —PP23</b>		
City carrier employment	166,459	-5.4%
Full Time	159,427	-1.1%
PT Regular	644	-7.3%
PTF	6,388	-54.7%
Transitional	2	NA
MOU Transitional	2	NA
City Carrier Assistant	30,408	NA
City carriers per delivery supervisor	15.1	
Career USPS employment	489,994	-6.8%
Non-career USPS employment	127,543	24.5%