

## Revocation or suspension of driver's license

**W**hile Article 29 of the National Agreement gives protections to letter carriers who lose their driver's license, many carriers are still removed for driving a postal vehicle without a license.

Article 29 states in relevant part that:

An employee's driving privileges will be automatically revoked or suspended concurrently with any revocation or suspension of State driver's license and restored upon reinstatement. Every reasonable effort will be made to reassign such employee to non-driving duties in the employee's craft or in other crafts.

**An employee must inform the supervisor immediately of the revocation or suspension of such employee's State driver's license** (emphasis added).

Even if a revocation or suspension of driving privileges is proper, Article 29 provides that, "every reasonable effort will be made to reassign the employee in non-driving duties in the employee's craft or other crafts." This requirement is not contingent upon a letter carrier making a request for non-driving duties. Rather, it is management's responsibility to seek to find suitable work.

In I94N-4I-D 960276608 (C-18159), April 9, 1998, Arbitrator Snow held that Article 29 of the 1994 *National Agreement* with the NALC "requires the Postal Service to make temporary cross-craft assignments in order to provide work for letter carriers whose driver's licenses have been [temporarily] suspended or revoked." He rejected the Postal Service's argument that the USPS was no longer bound by cross craft provisions of Article 29 in light of the APWU/NALC bargaining split. However, he also agreed with the APWU that Article 29 of the NALC agreement could not be applied in a manner inconsistent with the APWU agreement.

Arbitrator Snow held that, if it is not possible to accommodate temporary cross-craft assignments in a way that does not violate the APWU agreement, a letter carrier who is deprived of the right to temporarily cross-craft assignment to a position in the APWU-represented crafts must be placed on *leave with pay* until such time as they may return to work without violating either unions' contracts.

Accordingly, in cases where letter carriers temporarily lose driving privileges, the following applies:

- **Management should first attempt to provide non-driving letter carrier craft duties within the installation on the**

carrier's regularly scheduled days and hours of work. If sufficient carrier craft work is unavailable then, an attempt should be made to place the employee in those duties on other hours and days, anywhere within the installation.

- **If sufficient work is still unavailable, a further attempt** should be made to identify assignments in other crafts, as long as placement of carriers in that work would not be to the detriment of those other craft employees.
- **If there is such available work in another craft, but the carrier may not perform that work in light of the Snow award, the carrier must be paid for the time that the carrier otherwise would have performed that work.**
- **Finally, if there is insufficient carrier craft work and also insufficient work in other crafts to which the carrier could be assigned but for the Snow award, and it is expected to continue that way for an extended period of time, the employee has the option of not working and not being paid or being permanently reassigned to another craft if a vacancy exists.**

**In summary, this arbitration award establishes an automatic carrier entitlement to leave with pay in the circumstances discussed by the arbitrator. However, each case must be handled individually based upon management's making "every reasonable effort" to seek work.**

Whether driving privileges were revoked or suspended automatically because of the loss of the employee's state drivers license, or because of an on-the-job situation, including an accident or unsafe driving, the above language applies. A carrier whose license was suspended by the state due to driving while intoxicated (DWI) has the same right as a carrier whose license was suspended by the Postal Service.

If management refuses to provide a carrier whose license has been suspended with temporary work in another craft, claiming that to do so would violate its obligations under a different agreement, the union should file a grievance asking that the carrier be placed on paid leave until work is found or the carrier's license is reinstated.

Article 29 requires employees to report the revocation or suspension of their driver's license immediately. It is simply not worth the chance you take for failure to report such a situation. ☒