



Welcome to the Safety and Health Workshop

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2015 National Rap Session – Houston, Texas



Today's Workshop will be split up into the following two segments:

- 1) Toxic Work Environment - How do we bring Dignity and Respect to the Workroom Floor?
- 2) Safety and Health - An Update on current events.



2012 September - MSPB Issues a Report to the President and Congress on Employee Perceptions of Federal Workplace Violence

Merit system principles. MSPB completed this study in accordance with its mission to promote Federal merit system principles. One of these merit system principles is that the Federal workforce be used efficiently and effectively. By identifying the level and type of violence that occurs in the Federal workplace and focusing attention on ways to prevent or mitigate this violence, we hope this report enhances the efficient and effective use of the Federal workforce.



MSPB Report (Continued)

By focusing specifically on the prevention of workplace violence perpetrated by Federal employees, this report brings attention to and, we also hope, will result in the reduction of this unacceptable conduct. A number of our recommendations touch on the appropriate training of Federal supervisors and employees, including how to prevent and respond to workplace violence as well as how to create work environments where violent behaviors are not accepted.



What is Workplace Violence?

However, it is important to recognize that workplace violence includes...domestic violence, stalking, threats, harassment, bullying, emotional abuse, intimidation, and all other forms of conduct that create anxiety, fear, and a climate of distrust in the workplace. All are part of the workplace violence problem."



Occupational Safety and Health Act of 1970.

The Occupational Safety and Health Act of 1970 requires that covered employers furnish “a place of employment...free from recognized hazards that are causing or likely to cause death or serious physical harm to...employees.” The Act also requires Federal agencies “to establish and maintain an effective and comprehensive occupational safety and health program [including providing] safe and healthful places and conditions of employment.”



Executive Order 12196 (February 26, 1980) requires that agencies:

- Furnish to employees places and conditions of employment that are free from recognized hazards that are likely to cause death or serious physical harm;
- Operate an occupational safety and health program and designate an agency official to manage and administer that program;
- Comply with all standards of the Occupational Safety and Health Act (as required) except where the Secretary of Labor has approved alternative agency standards; and
- Ensure prompt abatement of unsafe or unhealthy working conditions.



The Role of Organizational Culture

Some organizations may have a culture where members of the organization believe that aggression is just part of the job. In addition, some organizations may be more contentious than others. In either case, “an organizational climate characterized by job stress from authoritarian managers, negative personalities, and work overload is not uncommon, and in such climates stressors can easily translate into violence risk factors.”



Written Workplace Violence Policies

The most straightforward way an organization can communicate its stance against workplace violence—and demonstrate senior management’s commitment to preventing workplace violence—is to establish its antiviolence policy in writing. Absent a written policy, when an incident does occur the organization will not be prepared to intervene proactively. “As a result, what may have started out as a simple case of an angry employee may progress to a more serious situation with frightened coworkers and increased risk of physical violence.”



Threat Assessment and Incident Response Teams

An important part of an organization's planning process is establishing threat assessment and incident response teams. Agencies should identify the personnel who will staff these teams, ensuring they are given the proper training, support, and authority to carry out their responsibilities.

These teams should be responsible for responding to all reports of threats, harassment, violence, or other incidents.



Organizational Culture

Supervisors and managers, of course, cannot control how their employees behave. However, they do exert a profound influence on their employees' immediate environment and daily experiences, as well as on the broader organizational culture. If supervisors are poorly chosen or poorly trained, they may create dysfunctional environments. If supervisors are abusive and authoritarian, they can create dissatisfaction and hostile environments.



Conflict Management

Healthy organizations welcome differences of opinion and conflicting viewpoints. However, when these differences turn into serious conflicts they should be dealt with by organizational leaders before they escalate into episodes of workplace violence.



Workplace violence can be, in part, an uncontrolled release of accumulated unrelieved stress.

Grievance procedures. Employees must be apprised of their grievance rights and the process for filing a grievance. "It is important for employees to have an opportunity to vent their frustrations through established channels within the organization... The absence of such procedures, or the presence of procedures perceived to be biased on the side of management, leads to increasing stress rather than the successful ventilation of hostilities in a controlled arena."



OSHA - What is their stance on Violence in the Workplace?

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors.



OSHA - Workplace Violence Investigation Manual (CPL_02-01-052 / September 8, 2011)

This is the first instruction on the enforcement procedures for investigations and inspections that occur as a result of workplace violence incident(s) and specifically at worksites in industries that OSHA has identified as susceptible to workplace violence. It clarifies and expands the Agency's policies and procedures in this area.



OSHA - Workplace Violence Investigation Manual

(CPL_02-01-052 / September 8, 2011)

This directive is not intended to require an OSHA response to every complaint or fatality of workplace violence or require that citations or notices be issued for every incident inspected or investigated. Instead, it provides general enforcement guidance to be applied in determining whether to make an initial response and/or cite an employer. An instance of workplace violence is presumed to be work related if it results from an event occurring in the workplace.



Evidence or Documentation necessary to establish each element of a general duty clause violation.

1. A serious workplace violence hazard exists and the employer failed to keep its workplace free of hazards to which employees were exposed. Documentation to meet this element should include:

- Past complaints or grievances noting the particular hazard.
- Meeting minutes where workplace violence issues were discussed.
- Employee interviews, which include information on any previous incidents of violence



Evidence or Documentation necessary to establish each element of a general duty clause violation.

2. Employer Recognition

- Documentation of any employees informing the employer of the hazard or related inspections of the employer
- Employer awareness of any prior incidents, injuries or close calls related to workplace violence
- Employee interviews
- Union complaints



Evidence or Documentation necessary to establish each element of a general duty clause violation.

If potential workplace violence hazards noted by a CSHO during an inspection are not covered by a particular standard and do not rise to the level of a 5(a)(1) general duty clause violation, a hazard alert letter recommending the implementation of protective measures that address identified hazards shall be considered. (See Appendix D for a sample hazard alert letter.)



NATIONAL ASSOCIATION OF LETTER CARRIERS

2015 NALC SHOP STEWARD'S GUIDE



TO PRESERVING THE RIGHT
OF **LETTER CARRIERS**
TO BE TREATED WITH

DIGNITY
AND
RESPECT

2015 RAP SESSION



In order for a grievance to have the best chance of success, stewards should be able to answer “yes” to each of the five questions below:

1. Is there a violation of the National Agreement?
2. Did we properly frame the issue?
3. Did we determine all the facts of the case and document each one?
4. Do our contentions clearly explain the documented facts and how the National Agreement was violated?
5. Did we request an appropriate remedy for the contract violation?



Contractual Provisions

Article 14

M-39 §115.4

ELM §814

JSOV #1 (M#1242)

Article 19

ELM §665.24

ELM §824

JSOV #2 (M#1243)



C#17542 - July 24, 1997 - Yucaipa CA Arbitrator Charles Rehmus

Here, Management argues, no safety-related complaint was made to Management by any employee and hence the Union's use of [Article 14-2-c] was improper.

...The conjunction of safety concerns and undue levels of stress in Postal workplaces in these few sentences quoted from the Joint Statement is obvious. When a Union steward comes to a supervisor and complains that an OIC has threatened, bullied, and harassed Postal employees by words and actions, that 'is a complaint of a Safety and Health violation that can properly be raised as a Step 2 grievance under Article 14.2(c) of the National Agreement. The rejection of this argument in Management's Step 3 Answer to this grievance (Jt .Ex .2,p .3) . . .is simply an example of "winks and nods, or skepticism" as the framers of the Joint Statement feared that some of the Service's 700,000 employees might take it.



What part of the Joint Statement on Violence should I cite and why?



What can we do?

Request a labor Management Meeting.

Turn in a 1767.

Request information relating to the offending supervisor(s) training and discipline.

File Complaint with OSHA



NLRB JD-38-15 – Jun. 26, 2015 – Albuquerque, NM Charles J. Muhl, Administrative Law Judge

The Postal Service argues that Trujillo abandoned his request when he did not explain the relevancy of the information to the Respondent. [The Union] wanted to know if corrective measures had been taken to address any possible pattern of abuse and the impact, if any, that those measures had on the pattern...A union can relinquish its statutory right to information, but only through a “clear and unmistakable” waiver. Here, once Trujillo submitted the request for the training information and explained its relevance, the burden was on the Respondent to provide a response to the request...



NLRB JD-38-15 – Jun. 26, 2015 – Albuquerque, NM Charles J. Muhl, Administrative Law Judge

The [USPS] violated Section 8(a)(5) and (1) of the Act by: a. Failing and refusing to provide NALC Sunshine Branch 504 with information the Union requested...

(a) Within 14 days, provide NALC Sunshine Branch 504 with the information the Union requested on March 29, 2014, specifically all measures taken in the prior 2 years to address threats and conduct of managers in the Albuquerque installation to include but not limited to all training received and all certifications of completion..



What is the purpose of a Remedy?

- 1) To make the employee whole for any losses suffered
- 2) To correct behavior
- 3) To document infractions for future use.



C#17542 - July 24, 1997 - Yucaipa CA Arbitrator Charles Rehmus

- 1 . The former Officer-in-Charge, Yucaipa, CA, Charles London, shall cease and desist from violating Article 14 of the National Agreement and the Joint Statement on Violence and Behavior in the Workplace; and,
- 2 . Charles London shall return to the Yucaipa Post Office and hold a stand-up apologizing for his remarks during the September 20, 1996, stand-up; or, as alternative to 2,
- 3 . Charles London shall write a letter to Yucaipa Postal employees including the apology ordered in 2 above; such letter to be posted on the Yucaipa, CA Post Office employee bulletin board for 120 days.



C#26589 - July 1, 2006 - San Leandro, CA Arbitrator Gary Axon

I agree with the Union, that given Dupart's egregious misbehavior, returning him to the San Leandro Post Office would be unacceptable. The assignment of Dupart to the San Leandro Post Office in either a supervisory or craft position would have a toxic effect on employee morale at the San Leandro Post Office. This Arbitrator does not favor the use of open-ended punishments of employees. Therefore, I will enter an order that would prohibit the Postal Service from assigning Mark Dupart to the San Leandro Post Office in either a supervisory or craft position for a period of seven years from the date of this Award.



C#27954 – Dec. 9, 2008 - Oakland, CA Arbitrator Claude Ames

In the case before me, the Union has presented, without rebuttal by Management, a pattern, practice and history by Supervisor Wright in failing to manage and supervise employees under his supervision with the requisite dignity and respect as required not only under the M-39 Handbook, but also the JSOV. The evidence record is littered with prior settlement agreements, JSOV training classes, cease and desist orders and suspension of supervisory duties by Supervisor Wright, over the Letter Craft bargaining unit for a period of two years, with no corrective or lasting effect.

As such, the Arbitrator finds that the appropriate remedy in this matter is to instruct and Order the Postal Service to bar Supervisor Wright from any future supervision of members of the Letter Carrier Craft in the Pacific Area Region.



C#27976 – Jan. 16, 2009 - Manchester, NH Arbitrator Marilyn H. Zuckerman

Since the threat was made, it poisoned the atmosphere for letter carriers at the South Station facility and for Roger Richard. Employees have the right under the Joint Statement to work in a harmonious atmosphere and not to be the subject of threats by supervisors. Every letter carrier at the South Station facility must be apprehensive that he or she will be threatened next.



C#27976 – Jan. 16, 2009 - Manchester, NH Arbitrator Marilyn H. Zuckerman (continued)

To remedy this situation, the Arbitrator orders the Postal Service to send Supervisor Goodman to anger management training (to which the Service did not object at the hearing). The Arbitrator also orders the Service to remove Goodman from supervising letter carriers at the South Station facility in Manchester, NH. This way, a healthier working atmosphere can be restored for the letter carriers there and for Roger Richard if he bids on and is awarded jobs there. This way, Supervisor Goodman has a chance to start fresh supervising other letter carriers and/or employees in other crafts. This remedy is narrower than that requested by the Union, but hopefully will achieve a positive result for all concerned.



C#28130 – Mar. 17, 2009 - Gaithersburg, MD Arbitrator Ellen Saltzman

Of great concern is the testimony of witnesses including Grievant, who spoke about their feelings of being provoked and /or insulted or disrespected or abused. Of even more concern is the testimony of Carriers including Grievant which indicates using personal restraint to not react aggressively after feeling provoked. There have been too many incidents of abusive behavior by Supervisor Aldana and for too long a period of time at Diamond Farms Post Office to risk continuing this abusive behavior which holds open the potential for violence.



C#28130 (continued)

...The Grievance is sustained and the Postal Service will reassign Mr. Aldana to a Supervisor's position at another Post Office or any other position at another Post Office as it deems appropriate.

Within three months (3) months of this decision, Supervisor Aldana shall receive sensitivity training- training geared to learning how to proactively avoid words and actions that can be perceived as disrespectful or intimidating by others as well as training to only reflect the positions of the USPS and not his own personal positions or views, especially with regard to overtime.



C#28716 – Mar. 15, 2010 - Bismark, ND Arbitrator Karen Jacobs

...Supervisors are uniquely in a position to threaten or intimidate. No employee is oblivious to the fact that a supervisor can issue discipline, so Supervisor Welk's frequent threats of discipline can only be seen as intended to raise the stress level. The supervisor's very presence can lead to a sense that you are watching me. In this context of evaluation, this kind of comment is going to be felt, reasonably, as a criticism.



C#28716 – (continued)

...Each individual part of the incidents grieved may not seem to be a terrible monstrous event. It is the continual, wearing nature of the demeaning, insulting, critical and generally unfounded comments showing a lack of respect or concern that creates the unacceptably stressful workplace.

...Supervisor Welk shall do street observation (including 3999s and brief street observations) no more than two times per carrier per calendar year. On those street observations, Supervisor Welk shall say absolutely nothing to the letter carrier, and shall remain at least 15 feet away from the letter carrier during the street observation.



C#28716 – (continued)

Supervisor Welk's activity in relation to the letter carrier on the street will be observation and note taking. Anything Supervisor Welk wants to say to the letter carrier will be said to the letter carrier the next work day, in the post office, in the presence of someone in a supervisory relationship to Supervisor Welk (ie, not a fellow supervisor of customer service) and a Union representative. This is intended to give Supervisor Welk an opportunity to assess the whole observation, determine what is satisfactory or unsatisfactory in that whole context, and have a constructive plan for how to deal with any problem.



C#29087 – Oct. 22, 2010 - Compton, CA Arbitrator Claude Ames

The type of behavior displayed by the Supervisor in both instances has no place in the work setting. No matter how angry or frustrated a Supervisor may become, they have to maintain their composure and deal with the problem in a professional manner. If there is a problem with an employee, the National Agreement spells out the required disciplinary procedures to take and maintain an atmosphere of mutual respect and dignity. If there was a performance problem with Carl, Berry failed in both instances to deal with the problem in a professional manner, referring to him as a 'punk ass' in December 2009, and a 'bitch'; and 'bitch ass' in March 2010. This was totally inappropriate conduct by a Postal Supervisor towards an employee, even one straight out of Compton.



C#29087 – (continued)

...It is, therefore, the decision of this Arbitrator that Supervisor Berry be barred from ever supervising carriers in the Compton Post Office . . . The Supervisor's comments (Bitch, Bitch Ass, Punk) were hurtful, offensive, insulting and rude towards Mr. Carl and a total abuse of her management authority. There can only be one standard under the Joint Statement on Violence in the Work Place that must be applied equally to all Postal employees.



C#29213 – Jan. 3, 2011 - Chicago, IL Arbitrator David Dilts

The proper remedy is the barring of Manager Hartman from administrative or managerial responsibilities for City Letter Carriers until such time as she submits to and passes a fitness for duty physical focused on her emotional stability and appropriate anger management training as discussed in this opinion. In any event, Manager Hartman may not return to managing bargaining unit employees in the Chicago District for one year, and after that time only with meeting the two above obligations and the concurrence of the appropriate National Business Agent for the NALC.



C#29414 – May 9, 2011 - Kokomo, IN Arbitrator Karen Jacobs

I find that the incident did occur, and that the actions of the postmaster did not meet the standards of the Joint Statement. I find that the environment in the Kokomo was very stressful, and unnecessarily and inappropriately so. This finding is based on interactions between letter carriers and the postmaster, and also contributed to by the investigation that led to a series of grievances discussed above

Therefore, I order that the postmaster not engage in any on the street supervision of, or interaction with letter carriers. (The only exception would be something that rises to the level of notifying letter carriers that a tornado is about to hit the area.)



C#29414 – (continued)

Direct supervision of letter carriers in the office is to be done by supervisors. If for some reason, it is necessary for the postmaster to have any supervisory interaction with letter carriers, the Union shall have the right to monitor any 'one on one' interaction by the postmaster, and any letter carrier has the right to immediate Union representation at any time and for any reason during any interaction with the postmaster. Supervisors, not the postmaster, shall handle discipline, of any sort, of letter carriers and it will be done discretely and in private, with Union representation. I am not ordering that this Award be posted or distributed. But I do order that if the Union believes it would be beneficial to do so, management will not interfere.



C#29484 – May 20, 2011 - Cupertino, CA Arbitrator Claude Ames

The Postmaster in this grievance is not being removed from his position by order of the Arbitrator, nor is he being demoted, disciplined or reprimanded by the Arbitrator; he is merely being barred by the Service from supervising the Carrier Craft at the Cupertino Post Office. What his superiors choose to do with him is their decision to make, not the arbitrators.



C#29883 – Mar. 20, 2012 - Gretna, IA Arbitrator Patrick Halter

USPS will comply with the pre-arbitration settlement that includes the Joint Statement on Violence and Behavior in the Workplace.

The remedy directs representatives from USPS and NALC to conduct joint labor-management training at the Gretna facility about the history, purposes and reasons for the Joint Statement. Training will include grievance processing, problem solving as it serves and benefits each party and conflict resolution for interpersonal dealings with adversaries. This training will be a mutual effort by local officials receiving assistance, as necessary, from higher-level authorities within USPS and NALC. The training will be completed within thirty (30) calendar days from the date of this decision or completed by a date mutually agreed by the parties.



C#29904 – Apr. 23, 2012 - Gretna, IA Arbitrator I. B. Helburn

I shall not order that Lewis be suspended . . . I shall not require letters of apology from either Lewis or Perret because with the current climate in the Gretna Post Office such letters would be meaningless coming after repeated violations of the National Agreement and local settlements.

...For now, I take a different approach. In GO6N-4G-C 11388727 (2012) Arbitrator Patrick Halter responded to the abysmal labor relations climate within the Gretna Post Office by requiring joint training—an unusual remedy fully justified by the unusual labor relations environment My remedy goes beyond that. The Postmaster has treated “with winks and nods” the Non-Contest Settlement, the 2010 pie-arbitration settlement, Step B DRT Cease and Desist orders, the Joint Statement on Violence and Behavior in the Workplace and the responsibilities agreed to by the Postal Service in the National Agreement...



C#31550 – Sep. 19, 2014 – San Mateo, CA Arbitrator Nancy Hutt

Notwithstanding the Service's position that there is a "mob mentality" against McCorkle, I do not agree for several reasons. McCorkle has a history of behavior that does not comport with the Service's goal of mutual respect. There are many cease and desist orders with respect to his past behavior and several arbitration decisions that support the Union's position. In other words, McCorkle has a documented history of threats, intimidation and bullying conduct displayed toward Letter Carriers

The grievance is sustained. Management violated Article 15. McCorkle violated the National Agreement and Joint Statement of Violence in the Workplace when he failed to treat Grievants with mutual respect and dignity accorded all Postal employees. He will be restricted from performing those managerial duties that require his dealing or working with employees of the Letter Carrier Craft throughout the United States Postal Service.



Safety and Health Update

Silent No More Campaign & Suicide Prevention

Since December of 2010:

94 Suicides / 8 involving domestic violence

3 suicide attempts.



Safety and Health Update

Heat Related illness:

OSHRC Decision

M#1860

7-2-15 Communication to the NBA Offices



Safety and Health Update

Vehicle Fires:

According to Engineering, there have been 48 LLV fires since January 2015.



Safety and Health Update

Vehicle Fires:

We recently discovered that the OIG has conducted an audit of scheduled vehicle maintenance. A draft copy of the report was issued to the USPS resulting in a Jan. 29 response from Vice President of Delivery Operations Ed Phelan, which includes the following:



Safety and Health Update

Vehicle Fires:

The OIG Report finds that Management has failed in its obligations to timely complete required vehicle maintenance...and that ‘maintaining scheduled maintenance is critical in avoiding vehicle breakdowns and safety issues while meeting the Postal Service’s customer service requirements.’



Safety and Health Update

Vehicle Fires:

In August of 2014, USPS Headquarters Delivery Operations issued an [instructional letter to the field](#) advising that they are required to thoroughly examine all fuel systems for any leaks and that they be free of corrosion during each preventative maintenance inspection.

In response to the Trident Engineering investigation, USPS Headquarters sent a [letter dated April 3, 2015, to vehicle maintenance managers](#) in the field with instructions. The letter refers to [Vehicle Maintenance Bulletin V-07-98](#).



Safety and Health Update

Vehicle Fires:

Trident's reports indicate fires occurred primarily due to electrical system issues or fuel & oil/hydraulic system leaks. In some cases evidence was provided that oil leaks previously existed and this problem was not addressed.