

# Loss of driving privileges

**A**rticle 29 of the National Agreement provides strong protection for letter carriers who have the misfortune of losing their on-duty driving privileges. There are two ways a letter carrier can lose driving privileges at work:

- When a letter carrier has his or her state-issued driver's license suspended or revoked outside the workplace, the letter carrier's driving privileges at work are suspended or revoked.
- Management can issue suspension or revocation of driving privileges as a result of alleged misconduct, or because of a letter carrier's medical condition. This can happen after an accident or after an allegation that a letter carrier is an unsafe driver, or both.

A full explanation of Article 29 can be found on pages 29-1 through 29-5 of the April 2009 *Joint Contract Administration Manual (JCAM)*. Driving privileges are also addressed in the 2009 NALC Materials Reference System (MRS) on pages 93-97.

Article 29 provides that: "Every reasonable effort will be made to reassign such employee to non-driving duties in the employee's craft or in 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 find non-driving duties.

Article 29 was interpreted by National Level Arbitrator Carlton Snow in 1998. In the National Level Award (C-18159), Arbitrator Snow stated the following:

Article 29 of the agreement with the National Association of Letter Carriers **requires the Employer to make temporary cross-craft assignments in order to provide work for carriers whose occupational driver's license has been suspended or revoked.** The Employer is required to do so in a manner consistent with the APWU collective bargaining agreement. In instances where it is impracticable to fulfill its contractual obligation under both agreements, **the Employer is without contractual authority to remove such employee. Such individuals shall be placed on leave with pay and reinstated to working status as soon as work is available** by placing the employee in a position which will

not violate the collective bargaining agreement of either party. (Emphasis added.)

Simply put, Arbitrator Snow's decision confirms the fact that Article 29 of the National Agreement provides strong protection for letter carriers who lose their driving privileges at work. The important principles to remember are:

- Management is required to make cross-craft assignments for a letter carrier who loses driving privileges, consistent with the APWU agreement, or place the letter carrier on leave *with* pay.
- Management lacks the contractual authority to remove a letter carrier from the Postal Service because he or she loses their occupational driving privileges.

**When a letter carrier's driving privileges are suspended or revoked**, the first thing he or she should do is inform his or her immediate supervisor. *It's OK to tell them!* A letter carrier who fails to inform management that his or her state-issued driver's license is suspended or revoked is making the wrong decision. Article 29 protection only exists after management becomes aware. Management must then find the letter carrier non-driving duties or place him or her in a *pay status* until work can be provided.

Over the years, there have been many cases where discipline is issued to letter carriers for failing to report, and/or for driving on, a suspended or revoked license. These situations can be easily avoided if we understand our rights under Article 29.

Article 29 can be a strong argument to include in discipline cases that involve the employee's driving privileges. Shop stewards should consider citing the national-level Snow award (C-18159) in any discipline case related to the loss of driving privileges. Arbitrator Snow made it very clear that management lacks the contractual authority to remove a letter carrier from the Postal Service because he or she loses their occupational driving privileges.

For more information or advice on this issue, contact your national business agent. 