

Always go to the scene of the crime



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provided a photo or diagram of it did not excuse my negligence—it only compounded it. I should have known better, and the sinking feeling I had in my stomach made me wish I was back at my unit in my uniform casing mail instead of

“I was keenly aware that I had committed a classic blunder in preparing for the arbitration hearing.”

standing outside of a hearing room in a suit waiting for the hearing to begin.

The grievance I was about to advocate was challenging a seven-day suspension issued to a carrier for driving through an intersection with the door of his postal vehicle open, a violation of postal safety regulations. The carrier had been issued a letter of warning for the same offense less than six months before, so this time management had increased the penalty.

The grievant admitted that he'd had his door open when he drove through the intersection, knowing that his supervisor was directly behind him performing street supervision. He said that he'd done so because he didn't think that intersection was the kind of intersection for which the door needed to be closed. The file noted that this was not your typical “+” intersection where two roads cross each other, but was a “T,” where one of the roads did not continue on the other side. His defense, and the defense by the local union, was that a “T” was not a true intersection and so the grievant should not have been disciplined for driving through it with his door open. Management had main-

tained at each of the three previous steps of the procedure that an intersection is an intersection, whether it's a “T” or a “+.” Since we'd won a similar case a few years back in another office with a different arbitrator, my business agent assigned this one to me saying, “See what you can do.”

So there I was standing outside of the hearing room with the grievant waiting for the arbitrator to arrive when I noticed a large city map on the wall and asked the grievant to show me where the intersection in question was located. He found one of the streets fairly quickly and then moved his finger along the map toward the other one. Then his finger stopped. “There, right there,” he said. I leaned in to get a better look at what he was pointing at and saw a “+.” “This can't be it!” I said, feeling a little panic rising in my throat. I double-checked the map with the streets listed on the suspension notice and sure enough, it was the correct intersection. “I thought you said it was a ‘T!’” I exclaimed, “That's a ‘+!’” The grievant just kind of shrugged his shoulders and said, “Yeah, I guess it is.” Grasping for something to stop my head from spinning, I said, “So what intersection did you get the letter of warning at?” “Same one,” he replied.

I must admit that, for a brief moment, I wanted to blame the grievant and the stewards who had handled the case, but I knew it was my fault. I had not verified what I'd been told. If I had gone to the scene, I would have found that what he and the local union had based their defense on was not true. Instead, I was standing there feeling like I'd had the wind knocked out of me. I couldn't understand how the grievance had taken almost a year to go through the steps to arbitration and no one had questioned the claim that the intersection in question was not a “+.” How could this be? Then it dawned on me: Management hadn't checked it out, either.

It was obvious from the grievance file that the managers at the local level had never argued that the intersection was not a “T” as claimed by the grievant, so maybe they didn't know. It also seemed that they hadn't realized that the infraction that resulted in his earlier letter of warning had occurred at the exact same intersection. But had my opposing advocate discovered this? Was I about to walk into an ambush? As I was thinking about this, the door behind me opened. The arbitrator had arrived.

To be continued...