

Do you really care about my safety?



Manuel L. Peralta Jr.

My thoughts this month were inspired by feedback from a letter carrier during a station visit in the Minneapolis area. As we spoke, she shared a thought about the sincerity of management's commitment to safety with the following rhetorical question: What part of safety do you want me to give up to make your numbers?

Her comment was on target. While walking throughout the station, I observed so many notices on the bulletin boards (very common throughout the country) that I can only describe it as clutter and of very little value. How many carriers are given time to go read the safety messages, or any other instructions, for that matter?

Throughout my years, I have seen many carriers issued discipline based on rules that may exist but have rarely been addressed or brought up by management.

A disciplinary charge letter might describe the conduct of our carrier (sometimes even accurately), followed by a recitation of rules or regulations to support the discipline issued. We know that the average front-line supervisor is not familiar with all the rules cited in the discipline, and if we investigate thoroughly, we discover that they were assisted by a ghost writer from labor relations who developed the checklist of rules to cite with an endgame in mind. Labor would need to make sure that these rules are in the record of the charge letter to assist them in convincing a neutral party that the discipline was justified. Management frequently attempts to defend its citation of these rules by repeating that ignorance of the law is no excuse. There is, however, a difference between the law and work rules.

On page 16-1 of the *Joint Contract Administration Manual (JCAM)*, the NALC and the USPS define what we mean by the "just cause" principle found in Article 16 of the National Agreement, reminding everyone that: "...These criteria are the basic considerations that the supervisor must use before initiating discipline...Is there a rule? Was the employee aware of the rule?..."

We should be going to the bulletin boards to find where the rule is posted and take note of whether it is obscured (covered by other material) or is not posted at all.

When investigating the discipline, we should be asking when management trained each and every employee regarding the rule cited in the discipline. We should be asking supervisors when they encouraged employees to review the rules, and we should be verifying all of this with

the carrier in the work location. We should then be asking the other carriers in this work location to find out whether they were aware of the rule before the grievant got in trouble and how it applies.

In 1997, I assisted a new advocate in his presentation of a removal grievance that involved application of rules that were not commonly known and were clearly ignored by management. I say "ignored" because management was aware of the rule but allowed it not to be followed because that saved time. When a controversy arose, however, local management (with the help of labor relations) did an about-face and claimed that the rule was well-known and that the grievant knew better.

The moral of the story? Pay close attention to the rules that have been bargained by your union to protect you. Don't allow management to force you to skip these rules just to save a few minutes. Many a time, management knowingly allows a carrier to shortcut safety, but there is no proof that will protect the carrier when management disavows knowledge. Protect yourself at all times. Do not let your guard down. Don't take risks that could cause you harm or cost you your life.

"Pay close attention to the rules that have been bargained by your union to protect you."

In closing, on Workers Memorial Day on April 28, please take a few moments to reflect on safety. Think of the thousands of American workers who are killed each year by their jobs. Do all you can to protect your co-workers from harm and always keep an eye on each other.

