

Update on the CARE program



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In my March column, I addressed the Counseling At-Risk Employees (CARE) program, emphasizing that management's notice to NALC made numerous statements indicating that their intent was to prevent any adverse action against the employee for participation in the program. NALC was concerned with misuse of the information. During the meeting held late last year, management assured us that this should not happen.

By letter dated June 10, 2016, NALC was provided with a copy of the frequently asked questions and answers prepared by USPS headquarters. Question 4 asked: "What happens if we see no marked im-

provement in the employees enrolled in the program? **Can we then take discipline against them?**" (Emphasis added.)

The answer: "This program does not negate the supervisor ability to implement corrective action." That answer did not appear consistent with the commitment asserted in our meeting of last December, leading to additional inquiries by the NALC.

By letter dated July 13, 2016, USPS reaffirmed that the CARE program was established to resolve safety issues and that the installation head is responsible for program compliance. The letter further noted that "...Information collected under the CARE process cannot be used for discipline. However, an employee may be subject to corrective discipline outside of the CARE program for violation of safety rules/regulations..."

We also asked: "If an employee requests a steward, because they reasonably believe that the subject of the CARE conversation becomes questions that could lead to discipline, such employee, as per Article 17 and Weingarten rights, is entitled to representation by a shop steward. Members of the local safety committee or safety designee are not certified representatives per Article 17, and therefore cannot substitute for a union representative."

Management responded that "...A discussion between an employee and the CARE Team is not an investigative interview and cannot be used for discipline." In addition, page 2 of the CARE reference guide lists an active member of the local safety committee or other union designee as an "optional" CARE Team member.

An employee may request a union steward as an optional CARE team member. If you are not asking for union representation for a CARE interview, you should be, as admitted by USPS headquarters.

If one of your employees is eventually issued discipline based on information you believe was acquired through the CARE program, then we need to drill down to find when and how management acquired the information used to support discipline. If your investigation establishes that CARE information was misused, then you should argue that point in your grievance and include a copy of the employer's July 13, 2016, letter to the NALC.

In June of this year, I was advised that management had, in fact, violated the spirit of the CARE program in Anchorage, AK. Branch 4319 President Jim Raymond provided proof that the program information was misused. I brought this to the attention of management at the headquarters level. They did the right thing, and as a result, the discipline was in fact rescinded by the very same person who had denied the grievance at the Formal A level.

In spite of the intent of many instructions that leave USPS headquarters, the human element in the field misapplies, reinterprets or *cares* less about what headquarters says. A revisit of Question 4 above leads me to believe that local management only *cares* about their productivity numbers until they are called on the carpet over their injury rates. The pressure that they put on our employees is, in my opinion, the root cause of most accidents and injuries. The stress that they cause you each and every day takes your attention away from safe performance of your duties. The inevitable result is the accident and injury that will cost far more than management really *caring* about your safety in the first place.

"When we are able to build a thorough, true and correct grievance, we should be able to prove what actually happened."

We have to investigate all matters to the fullest extent possible and find out what really happened behind the scenes. When we are able to build a thorough, true and correct grievance, we should be able to prove what actually happened. Hard work by your local union officers and willingness of witnesses to come forward are always key to developing a complete package of information and proving what actually took place. Get involved. Get active.