

# Hey, they're ganging up on me



**Manuel L. Peralta Jr.**

**Y**our supervisor advises you that he wants to talk to you about your conduct. You don't trust him and ask for a shop steward. The supervisor responds that you don't need a steward and, in fact, you are not entitled to one based on the circumstances.

You have previously reviewed the *Joint Contract Administration Manual (JCAM)* (pages 17-6 and 17-7) and know that you have the right to representation under the Weingarten rule if it becomes an investigatory interview that you reasonably believe could lead to discipline. The supervisor tells you that he is not going to be asking questions, but rather, he is going to initiate a discussion and you

are not entitled to representation for a discussion.

Article 16.2 of the National Agreement states that:

For minor offenses by an employee, management has a responsibility to discuss such matters with the employee. Discussions of this type shall be held in private between employee and the supervisor.

Based on the above language, a supervisor must have conducted an inquiry of some type to have concluded that you did something wrong. Otherwise, how could they conclude that you have committed a minor offense?

Based on what your supervisor told you and your knowledge of the contract, you agree to go into the office as requested. As you enter, you find that management has another person present (supervisor/manager/postmaster, etc.). You are now concerned and wondering what is going on. You want to speak to your steward and you are getting concerned.

You know you have the right to representation if your supervisor (or the other person) asks any questions that you believe could reasonably lead to discipline. So if that happens, you know that you will repeat your request for representation and you will not answer any questions without the advice and representation of a steward. If one of them begins by giving you a warning for a minor offense, your right to a private discussion between you and your supervisor (as per Article 16.2) is being violated. You know that this would violate your rights, so you want your steward present. You repeat your request for representation. You are told that the other person is only there as a witness and you do not have the right to have a steward present. You again ask for a steward and are denied one.

**This is not a new issue. In fact, we settled this issue 40 years ago at the fourth step of our grievance procedure**

(binding national-level settlement), with the following agreement, M-00645:

...Supervisors may have work related discussions with employees under their jurisdiction without a steward's presence. However, in this specific instance the supervisor wanted a witness present. This unusual action justifiably caused concern by the employee and as a consequence his request to have a steward present was not unreasonable...

If you are subjected to a discussion with another supervisor as a witness, you should reach out to your shop steward or branch officers and ask to file a grievance asserting that the agreement to the above national settlement was violated.

I frequently review grievances involving violations of the Joint Statement on Violence and Behavior in the Workplace (JSOV). Many of them show overzealous supervisor/managers who are pushed to make a productivity number that is impossible to achieve. The carrier makes their best effort based on the reality of their workload as opposed to the *fiction* (not allowed to use my preferred word in print) generated by management's computer programs.

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**“If your front-line managers and your postmaster really became serious about safety, they would stop the abuse that cripples you each and every day.”**

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**How does this tie into safety? When you cannot make management's numbers, they get mad and gang up on you.** When they do, you are unable to focus the necessary attention on performing your duties safely. They cause your distraction. They should be issuing themselves the discipline because they caused you to work in an unsafe environment.

If your front-line managers and your postmaster really became serious about safety, they would stop the abuse that cripples you each and every day. No matter how many “flavors of the month” come along from the management thought process, genuine concern for your safety will surface through behavior, not edicts.

Keep an eye on each other.

**In closing, I wish you all a merry Christmas and a safe holiday season.**

