

Contract Administration Unit

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Heat-related safety

Independence, MO letter carrier John Watzlawick died while in the performance of his duties on July 24, 2012. His death was determined to have been caused by the heat. The Occupational Safety and Health Administration (OSHA) issued USPS a citation because it failed to protect him. A judge from the OSHA Review Commission determined that:

...From the very top of the management chain down to the floor supervisor, the message was clear: heat is not an excuse for performance issues...The problem, of course, is that this message flies in the face of long-established industry knowledge...Considering the amount of information available to [USPS] regarding heat hazards, the Court also finds that [USPS] should not be entitled to any credit for good faith...

What should you do in preparation for the heat of summer before it arrives? Letter carriers should first educate themselves on heat safety by reading available information. OSHA maintains a website displaying its heat safety material at osha.gov/heat, which instructs employers as follows.

Under OSHA law, employers are responsible for providing workplaces free of known safety hazards. This includes protecting workers from extreme heat. An employer with workers exposed to high temperatures should establish a complete heat-illness prevention program that includes the following:

- Providing workers with water, rest and shade.
- Allowing new or returning workers to gradually increase workloads and take more frequent breaks as they acclimatize, or build a tolerance for working in the heat.
- Planning for emergencies and training workers on heat-illness prevention.
- Monitoring workers for signs of illness.

Go to the above OSHA webpage and read all of the information available on heat safety. This information will

give you a full understanding of the dangers of working in the heat. Here letter carriers also can download and install the OSHA and the National Institute of Occupational Safety and Health (NIOSH)'s Heat Safety Tool Smartphone App. Once the app is installed, it can detect your location and provide you with the current temperature, humidity and heat index (combination of temperature and humidity). It also will provide the expected heat index for the balance of the workday. (See app screen capture below.)

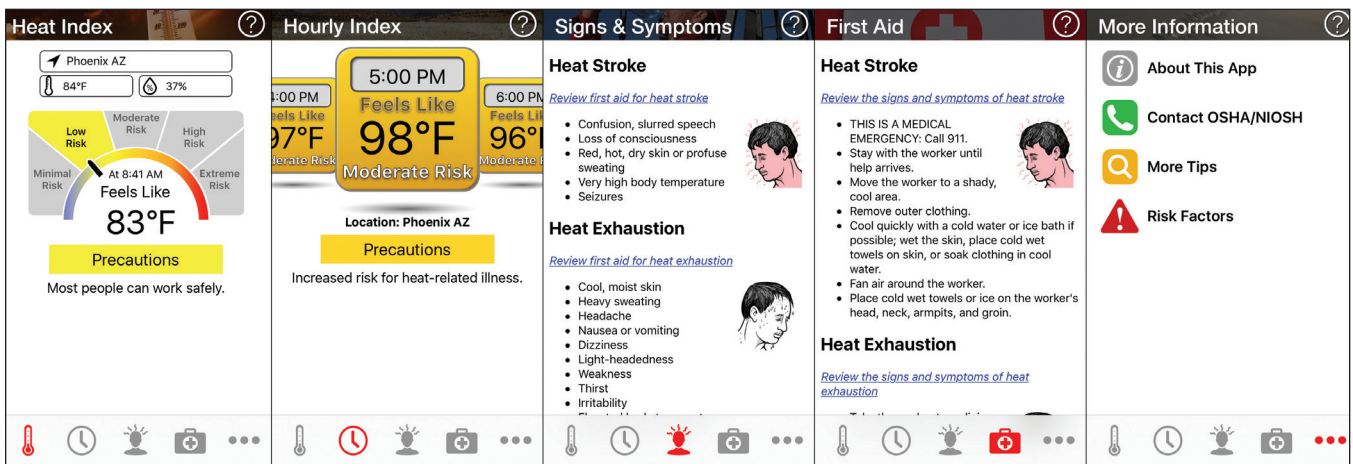
The NALC Safety and Health page on the NALC website (nalc.org/workplace-issues/safety-and-health) also provides material on heat safety. Under the heading "Extreme weather" are sections titled: "Safety in extreme heat," "Enforcing heat safety rules," "OSHA/NIOSH Heat Safety Tool" and "OSHA citations relating to heat safety." Each section contains information important to letter carriers working in the heat of the summer.

Prior to the heat season beginning, local NALC representatives should initiate a conversation with their supervisors/managers/postmasters asking that they share their plans to prevent letter carriers from suffering a heat injury, including copies of the training materials that will be used in stand-up talks. If there is pushback, shop stewards have the right to investigate what management plans to do to prevent you from suffering harm.

In the event a letter carrier suffers a heat related injury, the following steps should be taken:

- 1. The first thing that needs to be done is to provide the injured employee with medical attention by transporting the employee to a medical facility or immediately calling 911 for emergency care.** Bringing the employee back to the office to fill out paperwork before medical care is provided

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Heat-related safety (continued)

could further jeopardize the employee's health and is not required. An employee does not need permission to seek emergency treatment. Section 866.1 of the *Employee and Labor Relations Manual (ELM)* provides that "In the event of a medical emergency, immediate and appropriate medical care must be provided." (See the August 2017 *Postal Record* article by the NALC director of safety and health.)

2. The employee, a union representative or a member of the family should request a CA-1 and complete the form to request continuation of pay. Once the form is submitted to management, we should immediately obtain the receipt of the CA-1 from them.

3. Obtain a Form CA-16, signed by management, and then provide the form to the treating physician.

4. After medical care is provided, NALC requests that the employee or a union representative fill out an NALC Initial Heat Injury Report. (See an example of the form below.) NALC seeks contact information for the injured employee as well as for the branch president. We then need a description, from the employee, as to what happened leading up to the injury. When filling out the form, please share what type of delivery is involved (mounted, park-and-loop, centralized), temperature (heat, humidity and heat index, if possible) symptoms experienced by the injured employee, as well as communication with management and its response. All these factors are very helpful in getting a picture of what went wrong.

Once the form is completed, it should be forwarded to the NALC director of safety and health and to the appropriate national business agent (NBA). A copy of the form can be found on NALC's safety page in the section titled "Enforcing heat safety rules."

Once the form is received at NALC Headquarters, it will be tracked and a copy will be forwarded to the appropriate NBA so that they can follow up as necessary with the injured employee, make sure that they have received the necessary medical care, and to assist, if necessary, with workers' compensation paperwork and processing, a service that is provided to NALC members only.

5. The local representative should then investigate the facts leading up to the injury. The following represent some of the issues that need to be explored, though other questions also may need to be asked:



- Did the employer properly train all letter carriers (including the injured employee) on how to prevent a heat injury? If so, when was this training last provided?
- Did the employer provide water, rest and shade, as recommended by OSHA and NIOSH?
- If the employee or someone else communicated with management to advise of the employee's condition, did management act appropriately and get the employee out of harm's way, or did they fail their responsibilities to the employee? If they failed, what were their actions?

After making a determination of the facts leading to a letter carrier's injury, an NALC representative may need to do some or all of the following things depending on the circumstances:

- A PS Form 1767 should be filled out to report the hazard (keeping a copy for your records).
- A grievance may need to be initiated.
- A complaint may need to be initiated with the U.S.

Department of Labor. (The fifth panel on the OSHA-NIOSH Heat Safety App provides contact information. You can press the "Contact" button and call or connect with the OSHA webpage. Scroll down to the "Take Action" section, press "File a safety and health complaint." This takes you to the page identified as "How to File a Safety and Health Complaint," which lists your options.) You also could do the same by going to osha.gov.

If you do file a complaint and/or grievance, please forward a copy to NALC's director of safety and health. It is recommended that every letter carrier use the OSHA/NIOSH Heat Safety Tool App each morning during the heat season to help determine what should be done each day to prevent heat injuries.

 **National Association of Letter Carriers** 

Initial Heat Injury Report

Date of Injury: ____/____/____

Employee Name: _____ CCA: ____ FTR: ____

Contact#: _____ Email address: _____
(cell preferred)

Work Location: _____ State: ____
Installation and Station

Branch President: _____ Branch: ____

Contact#: _____ Email address: _____
(cell preferred)

Events leading to injury:

Please send a copy of this form to NALC Director of Safety and Health at NALC Headquarters or to peralta@nalc.org