

The pressure cooker we're in, Part 1



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Upper management is hell-bent on holding letter carriers accountable for each and every minute of their workday. It pushes and provokes a reaction—and it wins when we resort to self-help.

Stay calm, reach out to NALC and file a grievance.

In 1992, the national parties drafted and signed off on the Joint Statement on Violence and Behavior in the Workplace (JSOV M-1242). It was a good-faith effort to put an end to the sort of provoking behavior that prompts violent reactions.

USPS challenged NALC's use of the JSOV against managers who had violated it, in a nutshell asserting that only management had the authority to determine who would serve as supervisors.

In turn, NALC challenged management's opinion and took the dispute to national arbitration. National Arbitrator Snow determined that the JSOV was enforceable through our grievance procedure (Article 15), and that an arbitrator has the authority to remedy a proven violation, including removing a supervisor from his or her duties.

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—MSPB report on workplace violence

Twenty years later, the Merit Systems Protection Board (MSPB) issued a report titled “Employee Perceptions of Federal Workplace Violence.” As the introduction to the report explains:

When physical attacks, threats of attack, harassment, intimidation, or bullying occur in the workplace, organizations incur a number of direct and indirect costs. These costs include medical expenses, property restoration, psychological care for victims, and increased security, as well as higher employee turnover, reduced productivity, and lower employee commitment to their work or their organization. Some estimates have placed the costs of workplace violence to U.S. employers at billions of dollars every year.

The MSPB report emphasized the importance of a mechanism to address workplace violence:

Employees must be apprised of their grievance rights and the process for filing a grievance. It is important for employees to have an opportunity to vent their frustrations through established channels within the organization. The absence of such procedures, or the presence of procedures perceived to be biased on the side of management, leads to increasing stress rather than the successful ventilation of hostilities in a controlled arena.

We need to address workplace hostilities through the grievance process. If we let the environment go unchecked, we are letting the pressure build and eventually the pressure cooker will explode. We need you to step up and provide evidence of the truth of what happens on your workroom floor every day so that we, NALC, can address the problem. When we work together, many of our cases result in a successful outcome.

Does a violation of the JSOV necessarily mean that we are working in an unsafe environment? In C#17542, the arbitrator determined that:

The conjunction of safety concerns and undue levels of stress in Postal workplaces in these few sentences quoted from the Joint Statement is obvious. When a Union steward comes to a supervisor and complains that an OIC has threatened, bullied, and harassed Postal employees by words and actions, that ‘is a complaint of a Safety and Health violation’...The rejection of this argument in Management’s Step 3 Answer to this grievance (Jt. Ex. 2, p. 3)...is simply an example of ‘winks and nods, or skepticism’ as the framers of the Joint Statement feared that some of the Service’s 700,000 employees might take it.

In using our contract to enforce the commitments in the JSOV, stewards have the right to request copies of discipline issued to supervisors/managers that would allow the union to determine what course of action to take based on such discipline. Furthermore, USPS has committed, in agreement with the National Labor Relations Board (NLRB), that it will not raise privacy as a defense to support its refusal to provide the union with the requested documents, as item No. 2 of the settlement states:

Respondent will not affirmatively defend a refusal to furnish supervisory records which are necessary and relevant to the union’s duties as collective bargaining representative on the grounds that the release of such records is barred by the Privacy Act of 1974. (see M1160 and the attached settlement with the USPS-NLRB-NALC dated August 3, 1993)