

**Contract Administration Unit**

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# Revocation of driving privileges

**T**he provisions of Article 29 of the National Agreement were negotiated to protect letter carriers when the Postal Service considers suspending or revoking a carrier's driving privileges.

There are two situations in which management may suspend or revoke a carrier's driving privileges. One situation is when a letter carrier has his or her state-issued driver's license suspended or revoked outside the workplace. When this occurs, the letter carrier's driving privileges at work are suspended or revoked. Management may also suspend or revoke the employee's driving privileges due to misconduct, traffic law violations and/or motor vehicle accidents.

**While management may revoke or suspend a carrier's driving privileges, Article 29 provides strong protection for letter carriers who have lost their on-duty driving privileges. Article 29 provides in part:**

Every reasonable effort will be made to reassign such employee to non-driving duties in the employee's craft or in other crafts.

This means that even if a revocation or suspension of a letter carrier's driving privileges is proper, it is management's responsibility to find work for a carrier even when it has taken action to deny them driving privileges. This requirement is not contingent upon a letter carrier making a request for nondriving duties. Rather, it is management's responsibility to seek to find suitable work.

**In addition to the strong provisions found in Article 29, carriers have arbitral precedent to uphold their rights. In national-level award I94N-4I-D 96027608, April 8, 1998 (C-18159), Arbitrator Carlton Snow stated the following, with emphasis added in bold:**

Article 29 of the agreement with the National Association of Letter Carriers **requires the Employer to make temporary cross-craft assignments to provide work for carriers whose occupational driver's license has been suspended or revoked.** The Employer is required to do so in a manner consistent with the APWU collective bargaining agreement. In instances where it is impracticable to fulfill its contractual obligation under both agreements, **the Employer is without contractual authority to remove such employee. Such individuals shall be placed on leave with pay and reinstated to working status as soon as work is available** by placing the employee in a position which will not violate the collective bargaining agreement of either party.

In accordance with Arbitrator Snow's award, when city letter carriers temporarily lose driving privileges, management should first attempt to provide non-driving city letter carrier craft duties within the in-

stallation on the carrier's regularly scheduled days and hours of work. If sufficient carrier craft work is unavailable on those days and hours, an attempt should be made to place the employee in carrier craft duties on other hours and days, anywhere within the installation. If sufficient work is still unavailable, a further attempt should be made to identify work assignments in other crafts, as long as placement of carriers in that work would not be to the detriment of employees of that other craft. If there is such available work in another craft, but the carrier may not perform that work in light of Arbitrator Snow's award, the carrier must be placed on leave with pay.

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**When a letter carrier's state-issued driver's license is suspended or revoked outside the workplace, it can affect their driving privileges at work. Article 29 is clear that:**

An employee's driving privileges will be automatically revoked or suspended concurrently with any revocation or suspension of state driver's license and restored upon reinstatement.

While a carrier's driving privileges are immediately affected by a state's determination to suspend or revoke their driver's license, this effect should be equally applied to the reinstatement of a carrier's state driver's license. A carrier's driving privileges should be restored upon reinstatement of the state driver's license once the carrier has provided documentation to management detailing the change.

When letter carriers' driving privileges are suspended or revoked by the state, they should inform their immediate supervisor. An employee who fails to notify management of the suspension of their state-issued driver's license runs the risk of receiving corrective action up to and including discipline. Because of the strong protections in Article 29, letter carriers should not hesitate to notify management if they have lost their off-duty driving privileges.

*(continued on next page)*

## Driving privileges (continued)

There is an exception to the automatic revocation of a letter carrier's on-duty driving privileges when their state-issued license is suspended. This exception is found in Section 421.22 of *Handbook EL-804, Safe Driver Program*, which states:

c. If the suspension or revocation states that the employee may operate a vehicle for employment purposes, then Postal Service driving privileges must not be suspended or revoked automatically.

This provides an opportunity for letter carriers to retain driving privileges on-duty if the action of the state allows them the privilege to do so. However, when management is considering the suspension, revocation or reissuance of an employee's driving privileges based on the on-duty driving record, conditional suspension or revocation of a state driver's license may be considered in making the final determination.

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**“...There are no provisions for the automatic suspension of an employee's driving privileges based solely on the fact that the employee was involved in a motor vehicle accident.”**

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In a case where an employee is involved in a motor vehicle accident, there are no provisions for the automatic suspension of an employee's driving privileges based solely on the fact that the employee was involved in a motor vehicle accident. This protection is found in the Memorandum of Understanding (MOU) Re: Reinstatement of Driving Privileges, found on pages 218 and 219 of the 2019-2023 National Agreement. This MOU states in part:

2. The mere fact that an employee was involved in a vehicle accident is not sufficient to warrant automatic suspension or revocation of driving privileges or the automatic application of discipline.

Management must assess the circumstances surrounding each individual accident to determine whether a denial of driving privileges should be an option. The supervisor may temporarily suspend the employee's driving privileges pending completion of an inves-

tigation; however, page 29-4 of the 2014 *Joint Contract Administration Manual (JCAM)* explains:

Driving privileges may be withheld pending investigation for no more than 14 calendar days.

After the 14-day time, the carrier's driving privileges must either be reinstated, suspended up to 60 days, or revoked.

Once the investigation is completed, the supervisor can make the decision to suspend, revoke, or reinstate driving privileges, but if the employee's driving privileges are suspended or revoked, the supervisor must explain to the employee, in writing, the reasons for the decision.

**As indicated on page 29-4 of the JCAM, management's decision to suspend or revoke the driving privileges of an employee shall be made according to the criteria specified in Section 42 of *Handbook EL-804*.**

A carrier can request that revoked or suspended driving privileges be reinstated. Management should review the request and make a decision as soon as possible, but no later than 45 days from the date of the employee's request. If the decision is to deny the request, management must provide the employee with a written decision stating the reasons for the denial. Items that must be considered in management's written decision can be found in the MOU Re: Reinstatement of Driving Privileges.

**The application and enforcement of the provisions listed in Article 29 of the National Agreement can be a difficult task. Shop stewards should consider citing Arbitrator Snow's award (C-18159) in any discipline case related to the loss of driving privileges. Arbitrator Snow made it very clear that management lacks the contractual authority to remove a letter carrier from the Postal Service because he or she loses occupational driving privileges.**

A full explanation of Article 29 can be found on pages 29-1 through 29-5 of the *JCAM*, which is available on the NALC website at [nalc.org/workplace-issues/resources](http://nalc.org/workplace-issues/resources). Letter carriers with questions related to the denial of driving privileges should contact their local union representative or national business agent (NBA). Contact information for the NBA who covers your region can be found at [nalc.org/union-administration/nalc-regions](http://nalc.org/union-administration/nalc-regions).