

Heat illness prevention



Manuel L. Peralta Jr.

In 2012, letter carrier John Watzlawick died as a result of the heat. He had returned to work following a long-term absence, and was assigned his normal duties in the midst of an extreme heat wave. The Occupational Safety and Health Administration (OSHA) issued a citation, the USPS appealed the citation, a hearing was held and the citation was upheld by the Occupational Safety and Health Review Commission (OSHRC) in 2014.

During the years that followed, OSHA conducted many inspections following employee complaints about safety and the heat. A number of those inspections resulted in issuance of OSHA citations. All of the cita-

tions were challenged and a number of them were grouped together for hearings held in 2018 and 2019 before the OSHRC. The judge denied our cases. The denial was appealed by the secretary of labor, resulting in decisions last month.

In four of the cases, the OSHRC appeal let the decision of the judge stand (although they recognized that the hazard of heat was proven) and, in one case (Des Moines, IA), the decision of the judge was vacated and remanded for further action.

The Des Moines decision contains the following important points:

...[T]he Secretary has established that an excessive heat hazard was present in this case. Accordingly, we reverse the judge on this element of the Secretary's burden.

...With regard to training, there is no dispute that the Postal Service provided heat safety training at the Des Moines station... the Secretary also specifically alleged that a supervisor in the Des Moines station had been given no heat safety training, despite having been a supervisor for more than six months, and that safety talks at the Des Moines station were held at a time when employees known as 'City Carrier Assistants' (CCAs) were not present. The Postal Service has not specifically addressed either of these claims below or on review...

...Specifically, the judge pointed to three incidents in which carriers from the Des Moines station had followed the Postal Service's practice of informing their supervisors that they were experiencing symptoms of a possible heat related illness. Apart from one supervisor providing water to a carrier and then leaving, the judge found that these supervisors took no action to assist the carriers, including the one who the Secretary alleged was never trained on heat safety. That supervisor, who assumed that role at the Des

Moines station in December 2015, was at the station on June 9, 2016, when one of the citation incidents occurred...

...At around 3 p.m., the carrier felt too ill to continue working and drove back to the Des Moines station without having finished her route. On the way, she vomited out the window of her vehicle. Three carriers who were at the station when she arrived described her appearance as 'extremely red,' 'dazed,' and 'shaking'; one said she looked "like she was going to die." The supervisor similarly acknowledged that the carrier looked 'flushed,' and said her collar was wet with sweat and that she indicated she was not feeling well. The supervisor told the carrier to sit down, asked why she did not inform her first before returning to the station, and then called the station manager. According to the supervisor, the station manager said to instruct the carrier to finish her route, which she did; the carrier then 'stormed out' to go speak to a union representative.

"If you have not received your annual Heat Illness Prevention Program (HIPP) training by the time you read this column, you should approach your union representatives to investigate and file a grievance if necessary."

After speaking with the union representative, the carrier went to an urgent care clinic. The supervisor testified that she had never been trained by the Postal Service on heat-related illnesses prior to this incident, apart from sometimes receiving emails with heat safety information and seeing a heat safety poster in the break-room. She said that '[a]ll the safety talks were performed in the morning before [she] reported to work.' According to the supervisor, her lack of training directly affected the way she responded to the carrier's complaints: 'Due to not being correctly educated on heat exposure, I wasn't aware of how it was affecting her.' None of this testimony was rebutted by the Postal Service.

The above decision is still unfinished business. We will keep you posted on the outcome.

If you have not received your annual Heat Illness Prevention Program (HIPP) training by the time you read this column, you should approach your union representatives to investigate and file a grievance if necessary. In our investigation we need to make sure that each and every city carrier delivery supervisor also has undergone the training. This is an annual requirement, with an annual deadline of April 1. Not a joke.

If you and your supervisor do not know the signs of heat illness, you may suffer a tragedy.

Keep an eye on each other.