

OSHA proves carriers were exposed to heat hazard



Manuel L. Peralta Jr.

In my April column, I gave an update on a heat illness injury citation that had been issued in Des Moines, IA, in 2016, wherein I committed to updating you on the final outcome.

On June 2, the USPS and the U.S. Department of Labor (with the NALC as a party to the proceedings) reached an agreement following a remand from the Occupational Safety and Health Review Commission (OSHRC). It was agreed that the USPS was withdrawing its contest “with prejudice.”

Below you will find the information I believe to be most relevant for our future use.

Stipulation and settlement agreement

The Secretary of Labor, United States Department of Labor, hereinafter referred to as the “Secretary,” and United States Postal Service, hereinafter referred to as “Respondent,” stipulate and agree as follows:

Based on a reevaluation of the evidence, the Secretary hereby amends Citation 1, Item 1 as follows: Citation 1, Item 1, shall be reclassified as a “serious” violation of section 5(a)(1) of the OSH Act. Additionally, the AVD for Citation 1, Item 1, shall be amended as follows:

OSH Act of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were exposed to the following recognized hazards when it failed to fully train all supervisory staff in the recognition of the symptoms of heat related illnesses and the appropriate response to report symptoms of heat related illness:

(a) On or about June 9, 2016, employees performing their mail delivery duties...were exposed...at about 9:54 am [to]...a heat index of 86.6 degrees...and...at about 1:54 pm...a heat index of 93.0 degrees Fahrenheit.

(b) On or about July 21, 2016, employees performing their mail delivery duties...were exposed...at about 8:54 am...with...a heat index of 92.1 degrees...and...at about 1:54 pm...a heat index of 111.4 degrees Fahrenheit.

Feasible and acceptable means of hazard abatement include fully training all supervisory staff in the recognition of the symptoms of heatrelated illnesses and in the appropriate response to reported symptoms of heatrelated illness. (Emphasis added)

The Citation and Notification of Penalty is deemed amended accordingly.

Subsection “a” and “b” is a recognition that the Department of Labor (OSHA) proved that our carriers in Des Moines were, in fact, exposed to a recognized hazard when combining temperature and humidity.

Further, the USPS was required to admit that it had failed to train each and every supervisor to recognize the hazard our carriers faced.

This information should be used in support of grievances where we are asserting that management failed to train its supervisors to provide us with a safe work environment.

The above is an example of the hard work of the Department of Labor when it serves labor.

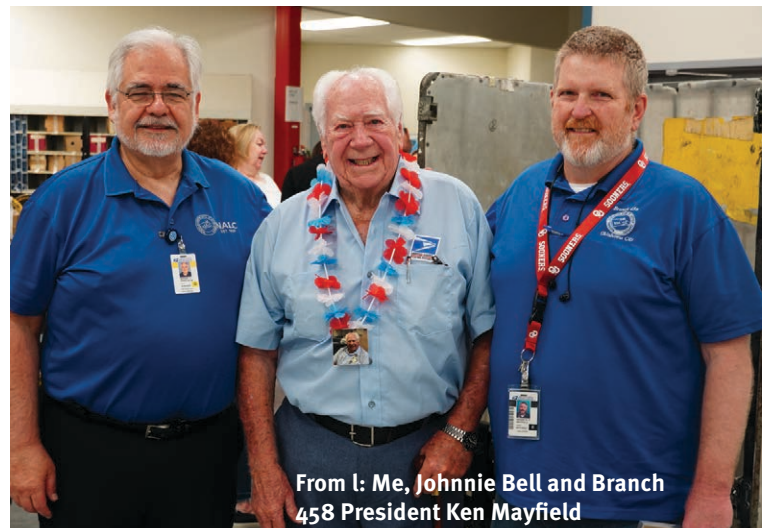
The inspection number in this case is 1158653, and the OSHRC docketing number for this case is 16-1813.

Seniority is a union privilege

On June 8, I was honored to attend the retirement of the most senior letter carrier in the United States.

Johnnie Bell became a letter carrier after serving in the Navy for four years. He had a seniority date of Feb. 11, 1956. He retired at the age of 91, with a smile and a spirit that makes you smile when you’re with him. I had the chance to speak with him for a while and share a comment that made me laugh. As he said, when they started pinging him on his route, he decided it was time to retire.

Johnnie, please enjoy your family for many happy years in retirement. It was a pleasure to meet you and your family.



From l: Me, Johnnie Bell and Branch 458 President Ken Mayfield