

Contract Administration Unit

Paul Barner, Executive Vice President
James D. Henry, Vice President
Christopher Jackson, Director of City Delivery
Manuel L. Peralta Jr., Director of Safety and Health
Dan Toth, Director of Retired Members
Jim Yates, Director of Life Insurance

Heat safety

From 2015 to 2018, the Postal Service reported that a total of nearly 2,000 carriers suffered heat-related medical problems. That is more than one incident per day. This month's "Contract Talk" will delve into heat safety and the Postal Service's Heat Illness Prevention Program (HIPP).

Article 14 of the National Agreement establishes management's responsibility to provide safe working conditions and a safe working force. Article 14, Section 1 states in part:

Section 1. Responsibilities

It is the responsibility of management to provide safe working conditions in all present and future installations and to develop a safe working force. The Union will cooperate with and assist management to live up to this responsibility.

Article 14, Section 3.D provides that the Postal Service will comply with Section 19 of the Williams-Steiger Occupational Safety and Health Act (OSHA). Page 14-3 of the 2022 *Joint Contract Administration Manual (JCAM)* explains that the Postal Service is subject to OSHA, stating:

OSHA. The Postal Employees' Safety Enhancement Act of 1998 (PESEA) changed the status of the Postal Service as an employer under the Occupational Safety and Health Act (OSHA). Previously, the Postal Service, as a federal agency, was exempt from the private-sector provisions of the OSHA and was covered only by Section 19 of the Act and Executive Order 12196. When PESEA became effective, the Postal Service, unlike other federal agencies, became fully subject to the OSHA. This means that OSHA has jurisdiction over the Postal Service in matters relating to employee safety and health.

In addition to the express language of Article 14, Section 3.D, Article 5 incorporates management's obligations under the law.

While OSHA has begun a process to consider the establishment of heat-abatement rules and measures, it has not yet issued any specific heat-related provisions. However, OSHA does have a provision called the "General Duty Clause," which requires an employer to "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." This provision is applicable to the Postal Service under its obligations to comply with OSHA.

During the last 50-plus years, the National Institute of Occupational Safety and Health (NIOSH) has pub-

lished updated materials in support of the need to establish heat safety rules. Some of the information compiled by NIOSH has been used by OSHA in its recommendations to employers on the Heat Illness Prevention Plan (HIPP).

The Postal Service, at the insistence of NALC, and as a result of many OSHA citations throughout the country, has implemented its own HIPP, which requires annual training for all city letter carriers and their supervisors. The goal of this program is to keep letter carriers safe by helping them understand the early signs of heat stress, to prevent serious injury and even death.

This program will not work if it's not followed, so shop stewards should ensure that the program is applied. The HIPP can be found on the NALC website under "Safety and Health," or through the USPS HERO portal. The HIPP will be in effect from April 1 through Oct. 31, and at any other time when weather reports issued by the National Weather Service for a particular work location indicate that the outdoor heat index temperatures are expected to exceed 80 degrees Fahrenheit during the course of a workday or work shift.

The HIPP requires annual training for all employees, regardless of potential exposure to heat, before April 1 of each year. Currently, the employer is required to conduct the training at work, on the clock, so that all letter carriers receive the necessary information. This training is also available through the Postal Service's HERO platform, which can be accessed via LiteBlue. This training covers the effects of heat on the body, risk factors and treatments. The HIPP explains the deadlines to complete the training:

It is the responsibility of each installation head to ensure that employees complete the above-referenced HERO course. Employees must complete this training prior to April 1 each year. Employees who are absent when the training is provided are required to be provided with the training prior to returning to street duties, during the period April 1 through October 31.

Shop stewards and branch officers should ensure that all letter carriers are receiving this annual training, especially city carrier assistants, who often are subject to later start times and excluded from training and stand-up talks. New employees and employees returning from an extended absence also must be considered, as they are especially vulnerable to heat because they may not be acclimated.

(continued on page 34)

Heat safety (continued)

(continued from page 33)

The HIPP training through HERO consists of a video with questions that lasts approximately 20 minutes and concludes with a short test. Letter carriers can verify whether they have received the training (or have been incorrectly recorded as receiving the training) in the HERO portal.

Safety messaging is required under the HIPP. From April 1 through Oct. 31, the Mobile Delivery Device (MDD) will be used to send messages from the national level regarding heat exposure and the prevention of heat illness. Additionally, a safety talk is required at the local level every week. The HIPP states:

Each week, the supervisor will give a safety talk addressing issues related to heat exposure and prevention of heat-related illness. These talks will be documented in HERO with certification of completion for all employees.

Various visual aids are to be provided to remind carriers of the importance of heat safety and display symptoms of heat-related illness. One aid is shown (Figure 2, at right) and contains symptoms and first aid responses for those symptoms. The HIPP instructs employees to call 911 if experiencing symptoms of heat stress as referenced in Figure 2, stating in part:

Employees working away from a Postal Service facility should immediately call 911 and then their supervisor, if able, when they experience signs or symptoms of heat stress, as referenced in Figure 2 below. Proper hydration and seeking prompt medical attention should be ensured at any time the below referenced symptoms arise during the course of a workday.

When in doubt, do not hesitate to call 911. Employees and supervisors may use personal cell phones and other mobile electronic devices to communicate or to contact 911.

Planning and responding to a heat-related emergency is another important component of the HIPP. The HIPP states that all employees are encouraged to take immediate action if they observe another employee exhibiting signs or symptoms of heat-related illness. Employees should err on the side of caution and immediately call 911 whenever an employee complains of or is observed exhibiting signs of heat-related illness and it is determined that medical intervention may be necessary.

If there is a heat injury, shop stewards should investigate what, if any, knowledge and interaction supervisors had regarding the injured employee. Supervisors have a responsibility to be trained and to recognize the

Figure 2

	Symptoms	First Aid*
Heat Stroke	<ul style="list-style-type: none"> • Confusion • Fainting • Seizures • Excessive sweating or red, hot, dry skin • Very high body temperature 	<p>Call 911</p> <p>While waiting for help:</p> <ul style="list-style-type: none"> • Worker should rest in a shady, cool area • Loosen clothing, remove outer clothing • Use a fan and place cold packs in armpits, if available • Wet worker with cool water, apply ice packs, cool compresses, or ice, if available • Drink fluids (preferably water) as soon as possible • Stay with worker until help arrives
Heat Exhaustion	<ul style="list-style-type: none"> • Cool, moist skin • Heavy sweating • Headache • Nausea or vomiting • Dizziness • Light headedness • Weakness • Thirst • Irritability • Fast heartbeat 	<p>Call 911</p> <p>While waiting for help:</p> <ul style="list-style-type: none"> • Sit or lie down in a cool, shady area • Drink plenty of water or other cool beverages • Use cool compresses or ice packs, if available • Do not return to work that day
Heat Cramps	<ul style="list-style-type: none"> • Muscle spasms • Pain • Usually in abdomen, arms or legs 	<ul style="list-style-type: none"> • Have worker rest in shady, cool area • Worker should drink water or other cool beverages • Wait a few hours before allowing worker to return to strenuous work • Have worker seek medical attention if cramps don't go away
Heat Rash	<ul style="list-style-type: none"> • Clusters of red bumps on skin • Often appears on neck, upper chest, folds of skin 	<ul style="list-style-type: none"> • Try to work in a cooler, less humid environment when possible • Keep the affected area dry
<p>*Remember, if you are not a medical professional, use this information as a guide only to help workers in need. **Before an employee who has been absent due to heat-related illness may return to work, management may request medical documentation clearing the employee to work. ELM §§ 865.1 and 865.3.</p>		

symptoms of heat illness. Should the supervisor have been aware of the potential heat illness but took insufficient or no action to seek medical treatment? Additionally, the HIPP requires that employees with symptoms cannot be left alone, stating:

Employees observed by management exhibiting signs or symptoms of a heat-related illness will be monitored and shall not be left alone or sent home without being provided with emergency medical service.

The above provision is very important. Heat-related illness can be worse than realized and can get worse even after exposure has ceased. Sometimes supervisors send employees home or let them go home without medical care, potentially putting them in harm's way. This can result in an employee passing out while behind the wheel of a vehicle, or at home without supervision. *Remember that heat stroke can be fatal if not treated immediately.*

To provide letter carriers with the proper tools, the HIPP requires management to ensure that:

- Potable water sources are available in all facilities and are monitored during regular safety inspections.
- A postcard promoting heat stress awareness is mailed annually to all employees.
- Stickers are installed in every vehicle identifying the signs and symptoms of heat-related illness.
- Laminated cards containing information identifying the signs and symptoms of heat-related illness are provided to all carriers and supervisors for attachment to identification badges.
- An escalation process is put in place to prioritize all requests for HVAC repairs and temporary abatement efforts in postal facilities.
- Postal vehicle fans are included in all preventive maintenance inspections and any necessary repairs are made.
- When the HIPP is in effect, supervisors, while performing required street observations, will include HIPP-related conversations with employees paying attention to those who are newly hired or returning from extended absence of seven or more consecutive days, if known.

Shop stewards who perform investigations related to heat safety have many factors to consider. Stewards can look to OSHA's *Using the Heat Index: A Guide for Employers* (found at the NALC website under "Safety and Health"), as well as other OSHA guidance, to provide some considerations, such as, did management:

- Receive training on the HIPP and can it recognize heat symptoms?
- Track and communicate the heat index daily?
- Check in on any employees, and if so, how frequently?
- Take any action to assist carriers experiencing symptoms, and if so, when and what?
- Provide or encourage workers to wear sunscreen?
- Establish a buddy system or instruct supervisors to watch workers for signs of heat-related illness?
- Schedule frequent breaks in cool, shaded areas?
- Establish and enforce work/rest schedules?
- Create an emergency response plan and consider the availability of local medical services?
- Provide potable water?
- Designate a person well-informed on heat-related illness to determine appropriate work/rest schedules?
- Remind workers to drink plenty of water—about 8 ounces every 15 to 20 minutes?

- Establish who will provide first aid until an ambulance arrives?
- Provide workers with personal cooling measures (such as cooling vests, cool mist stations, water-dampened clothing, etc.)?
- Assign new and unacclimatized workers lighter work and longer rest periods? Were these employees monitored more closely?

Every post-incident investigation should include a review of the heat index on and leading up to the incident. Remember that the heat index values by the National Weather Service and OSHA are devised for shady, light wind conditions. Exposure to full sunshine can increase heat index values by up to 15 degrees.

In accordance with Article 14, Section 2.c of the National Agreement, grievances alleging that an employee is being required to work under unsafe conditions may be filed at Formal Step A within 14 days of notifying the employee's supervisor. PS Form 1767 *Report of Hazard, Unsafe Condition or Practice* is a great way to notify a supervisor in writing of a hazard or unsafe condition prior to initiating a grievance directly at Formal Step A. The use of PS Form 1767 is always a good idea, to give management the opportunity to immediately rectify the situation.

Safety grievances can still be filed at Informal Step A if desired. *JCAM* page 14-2 explains:

Safety Grievances Filed at Formal Step A. Article 14.2.(c) provides that safety and health grievances may be filed directly at Formal Step A of the grievance procedure. However, if a health or safety grievance is filed at Informal Step A instead, it is not procedurally defective for that reason.

The Postal Service has received multiple citations from OSHA alleging violations of OSHA's general duty clause mentioned earlier. At a hearing by the Occupational Safety and Health Review Commission (OSHRC Docket Nos. 16-1713, 16-1872, 17-0023, 17-0279), the Postal Service had an expert witness (Dr. Shirley Conibear) testify. The OSHRC noted:

These inconsistencies raise questions about the credibility of Conibear's medical opinions, such as that one of the San Antonio carriers' profuse sweating was "not related in any way" to his having walked five miles while carrying a thirty-pound satchel when the heat index was above 100°F, and her claim that he would have started profusely sweating that same afternoon even if he had been sitting at home in air conditioning.

(continued on page 36)

Heat safety (continued)

(continued from page 35)

This comment by the OSHRC regarding the Postal Service's expert witness should remind letter carriers that we cannot rely solely on management to maintain safety. Letter carriers must look out for each other and make safety a priority; Article 14, Section 1 explains that "the Union will cooperate with and assist management to live up to this responsibility."

During the same hearing, the Postal Service stated that it provides unlimited comfort breaks. The OSHRC decision states:

The Postal Service also maintains that it already gives carriers "rest, lunch, and unlimited comfort breaks" and acclimatizes new carriers through its on-the-job training program...

In addition to a grievance, if management does not take steps to keep letter carriers safe, shop stewards and affected letter carriers should consider the need to file a safety and

health complaint with the U.S. Department of Labor through [osha.gov](https://www.osha.gov). Employees or their representatives have a right to file a confidential complaint and request an OSHA inspection of the workplace if they believe there is a serious hazard or if they believe the employer is not following OSHA standards. The complaint should be filed as soon as possible.

Carriers injured in the heat should file a workers' compensation claim to ensure that their medical care and any lost wages are covered appropriately.

Heat safety is of the utmost importance as we head into the hottest months of the year. Shop stewards are vital in this quest to ensure that management follows its own program and actively works to reduce and mitigate heat injuries. This becomes more and more important as letter carriers spend more time on the street (more exposure) all while our world continues to warm and experience more extreme weather conditions.

Executive Vice President

The good, the bad and the ugly (continued)

(continued from page 24)

recognition. Branches should also consult their membership records, as they may provide additional information that is not available through the Headquarters membership database. As an added feature, the platform not only identifies the current membership milestone recognition that a member is entitled to receive, but also any past recogni-

tions that have not yet been awarded. This provides branches an easy way to get caught up on membership milestone recognitions as addressed in Article 2, Section 5 (a) of the *Constitution*.

NALC will continue to approach information technology in a secure and professional manner, incorporating industry best practices to stay ahead of the curve and avoid unnecessary interruptions of data flow and accessibility.

Vice President

Beyond the 22 LMOU items (continued)

(continued from page 25)

On another note, on March 30, I had the honor and privilege of attending Branch 60's retirement ceremony for letter carrier Anthony Spartaccini out of Stamford, CT (see photo at right). Brother Spartaccini has been an active letter carrier for more than 65 years and has amassed more than 6,000 hours of sick leave. He has been an NALC member nearly the entire time. Brother Spartaccini picketed the line in the 1970 Great Postal Strike and is considered part of the greatest generation of letter carriers, who paved the

way for collective bargaining for all letter carriers. Brother Spartaccini epitomizes the highest level of dedication, devotion, work ethic and unionism.

I would like to congratulate him on his retirement and wish him health and happiness in the next chapter of his life.

