

Should NALC intervene or not?



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Sometimes other postal unions will file grievances on issues that could directly or indirectly affect city carriers. Because all four postal unions—NALC, APWU, NRLCA and NPMHU—have members who work together in various facilities, there often are situations where contractual provisions and rights overlap. If these grievance issues are impassed to arbitration, the resulting arbitrator decisions could affect city carriers.

Article 15, Section 4.A.9 of the National Agreement gives NALC the right to intervene in other postal unions' arbitration proceedings to

protect the interests and contractual rights of city carriers. When the subject of the arbitration hearing involves craft jurisdictional issues, safety, work methods or working conditions for city carriers, it's important that NALC get involved in the case to make sure that NALC will decide whether to participate in the hearing, observe the proceedings, or avoid the arbitration altogether.

Recently, NALC chose to intervene in a national-level dispute filed by APWU. This national-level grievance regards the National Agency Check with Inquiries (NACI) background check required for all newly hired postal employees. In this case, APWU filed a grievance for one of its members whom the Postal Service had removed from employment based on an unfavorable NACI after completing the probationary period. USPS is taking the position that new employees receive a conditional appointment job offer and may be separated/removed at any time if they receive an unfavorable NACI, regardless of their length of employment or completion of the probationary period. USPS also contends that the resulting separation is an administrative action and not subject to appeal through the grievance procedure. USPS claims that these separations are not disciplinary in nature; therefore, USPS does not have to prove cause existed to remove the employee. This case was impassed to arbitration and declared an interpretive issue.

After APWU filed this case, NALC also had a member who was issued a notice of separation and removed from USPS employment in a comparable situation. The NALC member was hired in April 2023, completed pro-

bation in August, and was then terminated in October based on an "unfavorable" NACI.

NALC filed a grievance citing a violation of the National Agreement and the *Employee and Labor Relations Manual's* Section 365, which defines a "removal" as "an action involuntarily separating an employee, other than an employee serving under a temporary appointment or a career employee who has not completed the applicable probationary period, for cause." Based on this definition, NALC believes that once a career employee completes the probationary period, the employee cannot be separated administratively for an unfavorable NACI.

A grievance was filed, the case was referred to the national level as an interpretive issue, and it is pending arbitration. Because the APWU case was scheduled first, NALC intervened at the hearing offering our own arguments and evidence. As of the date of this writing, this case is still awaiting the arbitrator's decision.

In another recent case impassed at the regional level, NPMHU filed a grievance concerning the movement of parcels in a Sorting and Delivery Center. NPMHU asserts that the Postal Service violated its collective-bargaining agreement when letter carriers were instructed to retrieve parcel hampers from the Small Delivery Unit Sorter package-sorting machine once the package sortation was completed. Historically, in most locations, city carriers transport their full parcel hampers back to their cases to load the residual mail into their hampers before moving to the parking lot/garage area and loading their delivery vehicle.

In the grievance, NPMHU argues that in facilities where mail handlers are present, transportation of mail, including the movement of full hampers to the dispatch area, is work that should be assigned to mail handlers. The union goes on to argue that the "dispatch area" is the point where the mail leaves the building, which in this case would be the carriers' cases and the dock. USPS contends that the movement of hampers after parcel distribution has been completed is work that belongs to city carriers. In this circumstance, NALC agrees with the Postal Service. Based on our National Agreement and the provisions of *Handbooks M-41, City Carriers Duties and Responsibilities* and *M-39, Management of Delivery Services*, city carriers retrieve the full hampers and transport them to their vehicles. This work is the jurisdiction of city carriers. While it is rare, there are times when NALC intervenes in sup-

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- ! When the HIPP is in effect, supervisors, while performing required street observations, will remind employees to continue to hydrate while on their route, take necessary breaks and to call 911 if they experience heat related illnesses. Supervisors should emphasize these instructions to employees who are newly hired or returning from extended absence of seven or more consecutive days, if known.

Appendix 1 of the material addresses management's additional responsibilities, that is, to make sure everyone receives the necessary training.

There are two HIPP stand-up talks. They are not thorough, so do not rely on them alone:

- Heat Illness Prevention Program—Safety Talk | HIPP—#2068 is contained in the material. Make sure it is given to all employees.
- Heat Illness and Prevention—Annual Refresher—#2501

One of the additional items is a document labeled as FAQs, which include the following examples:

#3 How often do we do train for the Heat Illness Prevention Program (HIPP)?

New Employees are required to complete the Heat Stress Recognition and Prevention course during Orientation. Annually all employees are required to receive safety talk 2501 – Heat Illness and Prevention. Prior to April 1st of each year. A pamphlet will also be mailed to every employee annually.

#13. What is the escalation process for HVAC repairs?

Facilities and Maintenance have an internal escalation notification for HVAC repairs. No action is necessary from the field. If repairs are not addressed, the HIPP coordinator can contact the Sr. Field Safety and Health specialist for assistance.

#15. Why do you need a new poster, employee badges and vehicle stickers?

The wording on the graphic has been updated. Therefore, all three must be replaced with the new 2025 version. On the left side of the image that lists signs for heat exhaustion, the wording “Heavy Sweating” replaced “Excessive Sweating”. On the right side of the image that lists signs for heat stroke, the wording “Excessive sweating or red, hot dry skin” replaced, “No sweating” and “Very high body temperature” replaced “Body temperature above 103°. Red, hot dry skin”.

Lastly, there is an item that will be mailed to your homes. It is a six-page document with a great deal of information. Take the time to read it and preserve it. We will rely on this item for many nuggets of information that will protect our interests.

On the fourth page (as I review the PDF version), there is a detailed explanation of how our bodies react to the heat.

On the last page, there is a summary in a section titled “Stay Safe,” which closes with maintaining good nutrition, getting adequate sleep and, believe it or not, “Take breaks to cool down as needed.”

Most important for our union activists is to approach management and request that these materials be shared with all letter carriers in the form of training through stand-up talks that reach their audience.

Keep an eye on each other, especially the most vulnerable.

Executive Vice President

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port of the Postal Service.

There also are circumstances where other unions arbitrate grievances NALC believes are not in the best interest of city carriers to get involved in. In those cases, NALC will choose not to intervene because we do not

want other unions' positions, agreements and remedies to potentially affect city carriers. Staying away from the hearing is sometimes the best option. Whether to intervene, or not, in another union's arbitration case is an important decision.

Whatever decision NALC makes, rest assured that we will always protect the rights of city carriers.