

Article 29—Driving privileges

From time to time, letter carriers may have their driving privileges at work suspended or revoked.

Article 29 of the *National Agreement* explains how management's rights are limited when suspending or revoking an employee's ability to drive on the job. Article 29 also defines the rights and protections NALC has negotiated to protect the rights of letter carriers when this occurs.

Page 29-2 and 29-3 of the 2025 *Joint Contract Administration Manual (JCAM)* outlines the circumstances that could lead to a letter carrier having their driving privileges revoked or suspended. As explained in the *JCAM*, one situation is when a letter carrier has their state-issued driver's license suspended or revoked outside the workplace. When this occurs, the letter carrier's driving privileges at work are also suspended or revoked; however, once the state restores the letter carrier's driver's license, their on-the-job driving privileges are also reinstated. The second situation is when management can prove that the on-duty record of the letter carrier demonstrates that the employee is an unsafe driver. Finally, management may, but is not required to, temporarily suspend the letter carrier's driving privileges following a vehicle accident.

Article 29 provides strong protection for letter carriers, regardless of the reason and length of time they 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 the Postal Service's decision to suspend or revoke a letter carrier's driving privileges is proper, it is management's responsibility to find work for a carrier. 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 194N-41-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 letter carriers temporarily lose driving privileges, management should first attempt to provide non-driving letter carrier craft duties within the installation on the carrier's regularly scheduled days and hours of work. If sufficient carrier craft work is unavailable on those days and hours, management should attempt 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.

As stated earlier, when a letter carrier's state-issued driver's license is suspended or revoked outside the workplace, it will 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.

When letter carriers' driving privileges are suspended or revoked by the state, they should immediately inform their 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. Letter carriers should also let management know when their driver's license has been restored so they can have their on-duty driving privileges reinstated.

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 on-duty driving privileges if the state allows them the privilege to do so. However, when management is

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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.

If an employee is involved in a motor vehicle accident, there are no provisions that allow management to automatically suspend an employee's driving privileges based solely on the fact that the employee was involved in a motor vehicle accident. This protection is in the Memorandum of Understanding (MOU) Re: Reinstatement of Driving Privileges, found beginning on page 219 of the 2023-2026 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 investigation; however, to do so, there are specific criteria and time limits to which management must adhere. Section 3 of the MOU explains:

3. When an employee's driving privilege is temporarily suspended as a result of a vehicle accident, a full review of the accident will be made as soon as possible, but not later than fourteen (14) days, and the employee's driving privileges must either be reinstated, suspended for a specified period of time not to exceed sixty (60) days, or revoked as warranted. If the decision is to suspend or revoke the employee's driving privileges, the employee will be provided, in writing, the reason(s) for such action.

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

At any time, a carrier can request that management reinstate their revoked or suspended driving privileges, unless it was due to the loss of the employee's state-issued driver's license. Management should review the request and decide as soon as possible, but no later than 45 days from the date of the employee's request. If management decides to deny the request, they 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 difficult. Shop stewards should consider citing Arbitrator Snow's award (C-18159) in any grievance 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 the carrier loses occupational driving privileges.

A copy of Arbitrator Snow's award is available online in NALC's Materials Reference System (MRS), which can be found on the NALC website at nalc.org/mrs. Also, members can find a full explanation of Article 29 on pages 29-1 through 29-5 of the *JCAM*, which can be found at nalc.org/jcam. Both the *JCAM* and the *MRS* are also available as quicklinks on the NALC website home page.

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 or on page 2 of this magazine.

Director of City Delivery

Previous pilot tests (continued)

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eLRA, but also emphasized that the application is only an "option" available to carriers that they are not obligated to use. USPS explained that carriers can choose to use the Interactive Voice Response phone system and complete a PS Form 3971 upon their return to duty instead. I

shared details of this meeting with NALC regional offices and advised representatives to file grievances on the application where appropriate.

Be sure to read my article each month and visit nalc.org for more information.