

Failure to settle



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In recent years there have been a number of citations issued by the Occupational Safety and Health Administration (OSHA) to the USPS, directly relating to injuries suffered from the heat. One of those citations followed the June 2023 death of Eugene Gates of Dallas, TX.

As a result of the number of citations at issue, the Occupational Safety and Health Review Commission (OSHRC) assigned one of its judges to help mediate a corporate-wide settlement agreement between the USPS, the Department of Labor (DOL) and the NALC.

Talks began in the fall of last year. All heat-related OSHA citations pending a hearing before the OSHRC were held pending these discussions. To be clear, we were successfully working through a number of issues, many of which were very substantive. We felt optimistic that we would reach agreements that would be very helpful to our craft.

During the last week of discussions, things took a turn and the bubble burst.

Throughout their career, many union grievance handlers find themselves bargaining with an unknown person that is not in the room. This is in spite of clear language in Article 15, which requires that during grievance meetings both the USPS and the NALC grievance handler must have authority to settle the grievances they are assigned.

During the settlement conference, the parties were required to have their decision-makers available to facilitate the process. The USPS had a representative present from Operations, and the head of Safety and a representative from Labor Relations.

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Believe it or not, we could not reach agreement on the issue of availability of cool water. This is in spite of the recommendation from the National Institute for Occupational Safety and Health (NIOSH), which defines cool water as “less than 15°C [59°F].”

The purpose of cool water is in part to help reduce

core body temperature. If it’s not cool enough, it has little effect.

The next dispute involved acclimatization. We know we have to get used to the heat or it will take us down, and NIOSH indicates that in a matter of a few days it is possible for an employee to lose their acclimatization. NIOSH also recommends getting used to the heat on returning from absences.

We were tasked with exploring the steps that need to be taken for an employee who is returning to work following an extended absence and we could not reach agreement on that issue.

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If you take a close look at the heat-related injuries our craft has suffered, you will find that the most severe injuries and deaths involved the beginning of a heat wave, employees new to the job and employees returning from an extended absence. These employees, while not used to the heat, and suffering from the effects of the heat, may not be able to properly think through the fact that they are in danger. NIOSH makes reference to this in its recommendations:

If cognitive function is impaired as the environmental heat stress increases, psychomotor, vigilance, and other experimental psychological tasks may show decrements in performance...

Translated, we should not place a responsibility to make a decision on the shoulders of an employee who may be impaired by the heat.

The NALC will continue to work on this important issue, and we will keep you posted on changes.

In last month’s column, I commented on the stand-up talks that the USPS had provided us for 2026. They are now posted on my “Extreme Weather” page under communications from the USPS and me. Make sure that the carriers in your office are properly trained on heat safety and that the training is followed by your supervisors.

Keep an eye on each other.