



Keeping an eye on each other, continued

Last month, my column addressed the need to keep an eye on each other when we are the victims of management misconduct. The column was written to bring your attention to your surroundings and to solicit your support. We need your input so that the union can discover what really happened and can argue the events properly in a grievance.

We want to make sure that what is seen and heard is reported with honesty and acted on through the appropriate channels so that we protect the rights we have bargained for in our contract and, by so doing, protect each other from harm.

Article 3 of our National Agreement begins with the following words:

The Employer shall have the exclusive right, subject to the provisions of this Agreement and consistent with applicable laws and regulations:

What does that mean?

We have a jointly developed explanation of the words of our National Agreement called the *Joint Contract Administration Manual (JCAM)*, which includes the following comment on management's rights:

The Postal Service's "exclusive rights" under Article 3 are basically the same as its statutory rights under the Postal Reorganization Act, 39 U.S.C. Section 1001(e). While postal management has the right to "manage" the Postal Service, it must act in accordance with applicable laws, regulations, contract provisions, arbitration awards, letters of agreement, and memoranda.

Our role as a union is not only to bargain the best terms we can muster, but also to breathe life into the words of our contract and to enforce all that we have achieved. We cannot do this without you. This brings me to the point of this month's column.

If I see management mistreat another employee, what do I write in my statement? Write what you actually saw and or heard. Make sure it is the truth. You and I may see the event and form differing opinions, but we need to make sure that we document what we saw and/or heard. Once we know what happened, we can determine whether or not a provision of the National Agreement (or handbook), a memorandum of understanding or a law was violated.

In the case of the employee who was yelled at last month, we need to ask whether the employer's conduct rises to a violation of the Joint Statement on Violence and

Behavior in the Workplace (JSOV). How do we make that determination without the help of witnesses to the events? It is easy to say that I saw the supervisor harass the employee; however, such a statement is not an objective observation of what took place but rather an opinion or conclusion.

In order to deal with a violation of the JSOV, branch officers and stewards should begin with the following:

- **Who is the victim of the event? What do they describe as the event? How did the event affect them?** Has the grievant provide a statement confirming the subject of their complaint, if possible? This statement might be helpful in future cases involving the same official.
- **Who observed and/or heard the event that is being called a violation of the Joint Statement? What did the witness see and or hear?** Provide a statement written by the witness if possible or, at the very least, an interview by the steward that needs to be reviewed for accuracy by the witness.
- **If there are no witnesses to the specific event, are there other events that involve the same manager's behavior that were challenged through the grievance procedure, even if they were one-on-one situations?** These may be useful in establishing a pattern of behavior that must be contended with.
- **Grievance handlers need to identify which portion of the Joint Statement was violated by the specific behavior (lack of dignity, abuse, threats of violence or violence) that is being objected to by the union (class action) or the victim, and support your opinion with an explanation.**
- **The remedy we seek should be based on the degree of misconduct by the supervisor/manager/postmaster, with consideration for previous proven violations and the effect that it had on the employee(s) at your work location.**

There is no simple formula to proving violations of the JSOV. What does not offend or affect you might offend and/or affect another employee. We have to use judgment as grievance handlers. It is all based on hard work, investigation and putting a solid grievance together.

To be successful in any grievance, we must establish: what happened; what provision of the contract, regulation or law was violated; and what is the appropriate remedy. All of this begins with documenting what happened. You must help us keep an eye on each other. ☒