

# YOUR UNION IS HERE FOR YOU. USE US!

BY DON SNEESBY, WESTERN REGION VICE PRESIDENT



Over my many years with the NPMHU, I have seen firsthand the dedication and devotion of union representatives and stewards both in my own Local and those from around the country. The Union's representatives at the National, Local, and Branch levels all strive to be proactive and to promptly take steps to protect the rights in our National Agreement. Our ability to fully address those issues depends on our members informing the union of workplace issues that are or may be contract violations. While we are often aware of many issues when they occur, many times, we do not learn about workplace issues until you tell us. Put simply, our union can be much more successful with your involvement.

Unfortunately, some people are reluctant to bring up an issue they might need help with, as they are unsure about whether it is a violation of the National Agreement or unsure about whether a grievance should be filed about it.

My message to you is to use the Union and let us know of your workplace concerns. It may be a grievance, a personal issue, or a conflict with coworkers or management. Even if we determine your issue is not a grievance, your Union representative may still be able assist you with addressing it.

Below are some issues where your involvement is critical to our ability to fully protect and represent you.

## INVESTIGATIVE INTERVIEWS

Any time you are being asked questions by postal management or the inspection service and you reasonably believe that your answers to these questions may lead to you being disciplined, you have a right to be accompanied and represented by an NPMHU Steward. You and your union representative have the right to know the subject of the investigation before it starts and to discuss the issue in private together before the interview begins and even during the course of your interview. These rights are known as Weingarten Rights. To exercise these rights, you must request a Union representative. Stating "I would like my union representative present for this interview" is enough. Once you make that request, you have the right to refuse to answer these questions until a Union steward is provided.

## DISCIPLINE

Hopefully everyone is aware that you can file a grievance to challenge disciplinary actions. In my local and nationwide, the union is extremely successful in discipline grievances, where we are able to either overturn the discipline, get it reduced to a lower level, or shorten the time that any discipline will stay in your file. Because management is not required to tell the union if you have been disciplined (even if management provided a Steward for your investigative interview), you should inform us immediately of any discipline. There is a strict deadline of 14 days to file a Step 1 grievance to challenge discipline.

We know that people often feel embarrassed about being disciplined or because you are "guilty" of the offense you are charged. That should not stop you from letting the Union know. Your Union representative can file a grievance on your behalf. The Union representative will then be there to represent you through the grievance process to protect your due process rights. This assistance includes ensuring that management did a proper and fair investigation, that management can prove that a rule was violated and that management has handled violations by other employees in a similar manner, that the level of discipline is appropriate, and much more.

While people can and do lose their jobs, even when a grievance is filed, involving your Union will allow us to provide you with the best representation possible with the hope of achieving the best result for you.

## CROSS CRAFT

Many of our facilities are still short of Mail Handlers. To address this understaffing, management often turns to Clerks and PSEs to do our work. While your stewards are aware of and likely already challenging many of these cross-craft violations, the only way to make sure that such issues are addressed is for you to report any potential issues to your Union representative. The best way to do so is to request Union time or ask your Union Steward to request time with you. Your Steward will need to know the operation where the cross craft violation occurred, the time it happened, how many Clerks or PSEs were working on the operation, and hopefully the names of the

individuals doing our jobs. Because each situation is different, talk with your Steward to find out what information they need and how to get it to them.

Most of the time we will ask you to provide a written statement, which sometimes can be a text or email with the necessary information. Your Steward can assist you in drafting your statement if you want help. With a properly documented grievance, the Union can often stop management from using other craft employees to do our jobs and win monetary awards for any violations. Filing these grievances is also an important step in keeping management from doing this again in the future. Even if your facility is overstaffed, these grievances can help the Union show that the current positions are needed and limit the number of positions that management might seek to abolish or revert. Help us file these grievances and protect our jobs.

### **SUPERVISORS DOING BARGAINING UNIT WORK**

Similar to cross craft grievances, many supervisors apparently don't have enough work to do to keep themselves busy so they feel compelled to perform our bargaining unit Mail Handler work. Some others may have been former Mail Handlers who still want to do the work. Regardless of the reason, management doing bargaining unit work violates our National Agreement. Unless we challenge these violations, management will believe it reduce mail handler staffing and get jobs done with fewer hours and fewer Mail Handlers. Let us know right away when these violations are occurring by telling your union representative the details (the name of the supervisor, the work performed, on what date and over what period of time).

### **OVERTIME**

Article 8.5 mandates an order in which employees are called in for overtime. Those qualified and available Mail Handler on the overtime desired list ("OTDL") are called in order of seniority and on a rotating basis. Next to be scheduled are daily volunteers, followed by MHAs and then non-volunteer full-time career Mail Handlers by juniority on a rotating basis.

The MOU on Improper Bypass of Overtime mandates that when an employee on the OTDL is improperly passed over and another employee on the OTDL works out of rotation, management is to provide a similar make-up overtime opportunity for those who were bypassed. When management uses an employee not on the OTDL instead of someone qualified and available on the OTDL, that bypassed Mail Handler shall be paid for the lost overtime opportunity. Note that the contract allows in limited circumstances for a Mail Handler to waive overtime for exceptional circumstances like birthdays, anniversaries, illness etc. If you were bypassed for overtime, protect your rights by letting your Union Steward know.

### **FMLA**

The Family Medical Leave Act provides up to 12 weeks of protected leave each year for Mail Handlers with sufficient hours and 12 months of service who themselves have or a family member has a serious health condition. Once approved, management cannot discipline an employee for absences due to these serious health conditions. A serious health condition under the FMLA can be for an overnight stay in a hospital, any period of incapacity or treatment following that overnight stay, or for chronic conditions such as asthma, migraines, mental health issues, cancer. Your request for FMLA leave should be submitted in advance if possible but Mail Handlers generally will have 15 days from calling in the first time for a qualifying condition to submit the necessary paperwork to have those absences protected by the FMLA. Often times, the USPS FMLA department will return FMLA paperwork for missing information or a perceived mistake in the way the health care provider has filled out the form. You should let your Union steward know immediately because you have a limited amount of time to correct the issue. Your Steward can help you remedy any deficiency and file a grievance when FMLA denial is improper.

Thank you for your membership. Now use us!!!