



ACCOUNTABILITY

BY JOHN GIBSON, EASTERN REGION VICE PRESIDENT

Yea, I know what you're probably thinking... accountability for who? Certainly not those in management. And you would be correct in most circumstances. The Postal Service, only in the rarest of occasions, hold its representatives accountable for their conduct. Sure, when they violate the collective bargaining agreement, we challenge those actions through Article 15 and quite often make the harmed whole. Success in vacating disciplinary actions that failed to meet the just cause standards of our Agreement can be and are regularly overturned through the arduous work of those trained and committed Union representatives. Challenged contractual violations can result in make-whole remedies by compensating those adversely affected mail handlers and returning them to the status quo ante. This is all good work on the part of your Local Union to be sure.

But what about the offending manager? How are the wayward and the wicked within the managerial ranks held to account for their misdeeds, especially those repeat offenders? You already know the answer. We have all experienced some version of this frustration as the employer screws up your pay, assigns the wrong craft to do our work, or denies mail handlers the work hours that rightfully belong to us. You know the consequences of that misguided and sometimes malicious behavior. That's right, there are usually no direct consequences suffered by the offending manager. I distinctly recall a now retired manager who devised a brilliant scheme to abolish every job with a principal assignment area in the installation and create bid duty assignments with multiple reporting areas. Obviously, a violation of the contract and a violation that resulted in an award of an out of schedule premium payout of over \$3 million. An avoidable violation of course, but sometimes they just can't help themselves. To add insult to injury, that manager was, not long after this boondoggle, promoted to district manager. There are plenty of examples of this kind of stuff in just about every local across all fifty states. And it is as frustrating as you can get.

However, given all of that, the violations that occur over and over again, the hundreds if not thousands of grievances on the same type of transgression filed by those dedicated representatives virtually every day, the frustration felt by Union reps and those they represent, we can and should take

it to another level. We can force the scores of malignant management mopes who, too often, spew the refrain "just grieve it", into a higher level of compliance. How do we wield that additional persuasion? There are two often-overlooked parts of the National Agreement that we can use to hold those managers accountable.

Enter the **Memorandum of Understanding: Intervention Initiative**. This underutilized initiative can and should raise the stakes for those managers who refuse to comply with the contract at the local level and states in part:

The parties agree to establish at the National level an "Intervention Protocol" to facilitate resolution of contractually-based disputes at the local level which contribute to contentious labor-management relations. Interventions are intended to analyze the underlying causes of such ongoing contractual disputes and to reach resolution through cooperative efforts.

The parties agree that all efforts initiated under this agreement will be coordinated by the National parties and the respective local and/or Area/Regional management and union officials who are responsible for ensuring that such problems are properly resolved.

Either party at the local level may advance an individual request for intervention to their respective National representatives. An intervention will be initiated contingent upon mutual agreement between the National parties.

Where you have recalcitrant managers who routinely violate the National Agreement, that manager is the "root cause" of those contractual disputes, and the Intervention Initiative can be an important and effective tool for stopping this problematic behavior.

Brothers and Sisters, repetitive contractual violations are certainly frustrating. However, the most pervasive and dangerous element in our workplace are assaults on mail handlers including physical and psychological threats that violate the Joint Statement on Violence and Behavior in the Workplace as well as other contractual provisions.

As we have previously discussed, and it is worth repeating here, **the Joint Statement on Violence and Behavior in the**



Workplace is an enforceable binding contractual agreement and states in part,

“We also affirm that every employee at all levels of the Postal Service should be treated at all times with dignity, respect, and fairness. The need for the USPS to serve the public efficiently and productively, and the need for all employees to be committed to giving a fair day’s work for a fair day’s pay, does not justify actions that are abusive or intolerant. “Making the numbers” is not an excuse for the abuse of anyone. Those who do not treat others with dignity and respect will not be rewarded or promoted. Those whose unacceptable behavior continues will be removed from their positions.”

Remember, it is the employer’s responsibility to ensure a workplace free of intimidation, threats, or acts of violence. The Employee and Labor Relations Manual reads in part;

665.24 Violent and/or Threatening Behavior

The Postal Service is committed to the principle that all employees have a basic right to a safe and humane working environment. In order to ensure this right, it is the unequivocal policy of the Postal Service that there must be no tolerance of violence or threats of violence by anyone at any level of the Postal Service. Similarly, there must be no tolerance of harassment, intimidation, threats, or bullying by anyone at any level. Violation of this policy may result in disciplinary action, including removal from the Postal Service.

In a recent NALC arbitration decision out of Memphis, Tennessee Arbitrator Soileau threw the book at four postal managers, including a district manager, removing them from their current managerial positions and holding that each of the four “may not, under any circumstance, supervise or manage any city letter carriers, either directly or indirectly.”

Arbitrator Soileau quoted from his interim award and wrote;

“Harassment is unwelcome verbal or physical conduct, which is so severe or pervasive that it interferes

with or changes the conditions of one’s employment by creating a hostile, intimidating, or abusive working environment. All managers and supervisors are responsible for preventing harassment and inappropriate behavior that could lead to illegal harassment, and must respond promptly when they learn of any such conduct. Any manager or supervisor who receives a complaint must see that a prompt and thorough investigation is conducted. Investigations of all forms of harassment must be done in accordance with the “Initial Management Inquiry Process (IMIP). When harassment or inappropriate conduct is found, managers must take prompt and effective corrective action. In addition, bargaining unit employees may seek relief through the relevant grievance-arbitration procedures”

The employer’s very own *Publication 45 A Violence-Free Workplace* reads in part;

“Zero tolerance means that every act or threat of violence, regardless of the initiator, elicits an immediate and firm response. The response could result in corrective action, up to and including, removal of the offender from employment with the Postal Service. The concept of zero tolerance is based on the belief that no employee should have to work in an atmosphere of fear and intimidation. Every threat and every act of inappropriate behavior must be addressed.

By relying upon the Joint Statement, there is an opportunity for both member and steward to partner in a collaborative effort to improve working conditions for mail handlers within the Postal Service.

We can’t change the behavior of some of those managers who just don’t get it when we let them get away with it. Demand compliance with the collective bargaining agreement, convince your local management counterparts that it is cost-effective and in the best interests of all involved to **comply with the contract!** Brothers and Sisters, together we **can** hold these managers accountable for their misconduct.