

FROM A TO ARBITRATION

EPISODE 13- SINGLE AND DOUBLE TRACK DISCIPLINE WITH SPECIAL GUEST: JASON ATCHLEY



MULTI TRACK VS. SINGLE TRACK DISCIPLINE

- **THE ONLY CONSTANT IN THE POST OFFICE IS CHANGE**
- **TWO COMPETING THEORIES WHEN TALKING ABOUT THIS RELATED TO THE APPROPRIATE DEGREE OF DISCIPLINE IN RELATION TO A LETTER CARRIERS' PAST RECORD**

MULTI-TRACK DISCIPLINE

- **MULTI-TRACK- FIRST SENTENCE IN ARTICLE 16 SECTION 1 STATES IN PART:**
- **IN THE ADMINISTRATION OF THIS ARTICLE, AS BASIC PRINCIPLE SHALL BE THAT DISCIPLINE SHOULD BE CORRECTIVE IN NATURE, RATHER THAN PUNITIVE. IT GOES ON FURTHER TO STATE THAT: THE REQUIREMENT THAT DISCIPLINE BE CORRECTIVE RATHER THAT PUNITIVE IS AN ESSENTIAL ELEMENT OF THE JUST CAUSE PRINCIPLE. IN SHORT, IT MEANS THAT FOR MOST OFFENSES MANAGEMENT MUST ISSUE DISCIPLINE IN A PROGRESSIVE FASHION, ISSUING LESSER DISCIPLINE (E.G., A LETTER OF WARNING) FOR A FIRST OFFENSE AND A PATTERN OF INCREASINGLY SEVERE DISCIPLINE FOR SUCCEEDING OFFENSES (E.G., SHORT SUSPENSION, LONG SUSPENSION, DISCHARGE). THE BASIS OF THIS PRINCIPLE OF CORRECTIVE OR PROGRESSIVE DISCIPLINE IS THAT IT IS ISSUED FOR THE PURPOSE OF CORRECTING OR IMPROVING EMPLOYEE BEHAVIOR AND NOT AS PUNISHMENT OR RETRIBUTION**

MULTI-TRACK DISCIPLINE CONT.

- **FOR EACH BEHAVIOR MANAGEMENT WANTS TO CORRECT, THERE HAS TO BE A TRACK FOR EACH ONE OF THOSE THINGS**
- **DISCIPLINE MUST BE CORRECTIVE RATHER THAN PUNITIVE AND NATIONAL PARTIES AND ARBITRATORS WILL SAY THAT IN ORDER TO BE CORRECTIVE DISCIPLINE HAS TO BE PROGRESSIVE**

SINGLE TRACK DISCIPLINE

- **ARBITRATOR DAS STATES THAT FOR CCAS DISCIPLINE HAS TO BE CORRECTIVE BUT DOES NOT HAVE TO BE PROGRESSIVE**
- **MANAGEMENT BELIEVES IN THE SINGLE TRACK METHOD OF DISCIPLINE WHICH IS THAT WHATEVER THE INFRACTION AGAINST THE CARRIER, ANY FURTHER INFRACTION OF DISCIPLINE ON THE BOOK GETS ADDED TO:**
- **EXAMPLE: IF A CARRIER HAS A 7 DAY SUSPENSION LETTER OF WARNING ON THEIR RECORD FOR ATTENDANCE AND THEN GETS INTO AN ACCIDENT THEY WOULD NOW ISSUE A 14 DAY SUSPENSION TO THE CARRIER'S RECORD.**

MAKING OUR ARGUMENT

- **WE HAVE GOT TO MAKE SURE THAT MANAGEMENT KNOWS THAT DISCIPLINE MUST BE CORRECTIVE IN NATURE BEFORE THEY CAN ISSUE ANY DISCIPLINE**
- **DO NOT LET MANAGEMENT PUT AN ISSUE UNDER A SINGLE UMBRELLA. MAKE SURE THAT EACH INFRACTION IS SPECIFIC TO THE VIOLATION. NO UNACCEPTABLE CONDUCT, FAILURE TO FOLLOW DIRECTION/INSTRUCTION ETC.**
- **LOOK INTO THE CARRIER'S PAST, THEIR RECORD ON FILE AND THEIR TENURE**
- **DOES THIS VIOLATION MATCH THE PROPOSED DISCIPLINE?**
- **WE HAVE TO CATCH ALL OF THESE ARGUMENTS AT THE LOCAL LEVEL. GET EVERY ARGUMENT IN AS EARLY AS WE CAN INTO THE GRIEVANCE FILE**

QUESTION EVERYTHING

- **ASK THE QUESTION DURING EVERY INVESTIGATIVE INTERVIEW OF WHAT/HOW DID MANAGEMENT HELP THE CARRIER TO CORRECT THEIR BEHAVIOR AND WHAT TIME FRAME DID THEY GIVE THEM TO SHOW IMPROVEMENT**
- **HOW ARE YOU NOT BEING PUNITIVE BY JUST ISSUING DISCIPLINE?**
- **MAKE SURE THAT MANAGEMENT IS FOLLOWING THEIR PROCEDURES BEFORE THEY ISSUE DISCIPLINE.**

CITES TO USE

- **ARBITRATOR G. AUGUST IN C-34520 A&B STATES:**
- **ARTICLE 16 REQUIRES THAT DISCIPLINARY ACTION BE CORRECTIVE IN NATURE AND ALTHOUGH THE GRIEVANT HAD BEEN INVOLVED IN A PRIOR AT-FAULT ACCIDENT, THE MAIN REASON FOR THE DISCIPLINE ISSUED IN THAT CASE WAS THE EMPLOYEE'S FAILURE TO REPORT.**
- **SHE GOES ON TO CITE ARBITRATOR J. S. IRVING IN CASE NUMBER E01N-4E-D-0544299: LIKEWISE IN THE INSTANT CASE, THE GRIEVANT'S PRIOR DISCIPLINARY HISTORY WAS NOT ALL RELATED TO SAFETY INFRACTIONS AND THE MISTAKES MADE IN THE ACCIDENT AT ISSUE HERE WERE NOT SO EGREGIOUS TO RISE TO THE LEVEL OF REMOVAL. THE PARTIES TO THE NATIONAL AGREEMENT MAKE IT NECESSARY, BY THE LANGUAGE OF THEIR COLLECTIVE BARGAINING AGREEMENT, FOR MANAGEMENT TO CONSIDER THE 18-YEARS OF SERVICE BY ARBITRATOR IRVING'S GRIEVANT, AND THE 8- YEARS OF SERVICE OF THE GRIEVANT IN THE INSTANT MATTER. THE NOTICE OF REMOVAL ISSUED BY MANAGEMENT WAS NOT APPROPRIATE GIVEN THE FACT CIRCUMSTANCES AND EVIDENCE OF RECORD. THE GRIEVANT MUST BE GIVEN AN OPPORTUNITY TO CORRECT HIS BEHAVIOR AND PROVE THAT HE CAN AND WILL ADHERE TO THE SAFE DRIVING RULES ESTABLISHED THE POSTAL SERVICE OR FACE REMOVAL FROM HIS POSTAL POSITION SHOULD HE NOT DO SO**