

FROM A TO ARBITRATION

EPISODE 9- DEFENSES AGAINST VEHICLE ACCIDENTS ARTICLE 41.3.P.



DEFENSES AGAINST VEHICLE ACCIDENTS

- **USPS HAS THE SECOND LARGEST FLEET SECOND ONLY TO THE DEPARTMENT OF DEFENSE**
- **UNLIKE THE MILITARY OUR VEHICLES ARE OUT ON THE STREETS EVERY SINGLE DAY FOR 7 DAYS A WEEK**
- **ARTICLE 41.3.P STATES: MANAGERMENTS REQUIREMENTS TO VEHICLE ACCIDENTS**
 - **THE EMPLOYER SHALL PROMPTLY NOTIFY THE LOCAL UNION PRESIDENT OF ANY JOB-RELATED VEHICLE ACCIDENTS INVOLVING CITY LETTER CARRIERS.**
 - **THIS GOES INTO YOUR CASE FILE IN EVERY VEHICLE ACCIDENT**

WHY IS THE PRESIDENT NOTIFIED?

- **THIS SHOULD BE DONE PROMPTLY SO THAT THE PRESIDENT CAN SHOW UP TO THE ACCIDENT OR TO CONTACT THE LOCAL STEWARD TO SHOW UP TO THE ACCIDENT TO HELP THE CARRIER.**
- **MANAGEMENT WILL ALREADY BE PUTTING TOGETHER THEIR REPORT, TAKING PICTURES AND ASKING THE CARRIER QUESTIONS. THIS IS NOT PROPER.**
- **ANYTHING THE CARRIER SAYS AT THIS TIME WILL BE USED AGAINST THEM AT THE INVESTIGATIVE INTERVIEW. IF THERE ARE DISCREPANCIES THE CARRIER HAS NO WITNESS TO HELP REFUTE THE STATEMENT THAT MANAGEMENT IS MAKING AT THAT POINT.**

WHAT IF THE PRESIDENT ISN'T NOTIFIED?

- **WHEN THE SHOP STEWARD BECOMES AWARE OF THE ACCIDENT THEY SHOULD BE CALLING THE BRANCH PRESIDENT RIGHT AWAY TO CONFIRM THAT THEY WERE NOTIFIED. IF THEY WERE NOT THEN WE NEED TO FILE A GRIEVANCE THAT MANAGEMENT VIOLATED THE CONTRACT AND THE CARRIER'S DUE PROCESS RIGHTS TO HAVE THE UNION REPRESENT THEM AT THE SCENE**
- **MAKE THIS PART OF THE CONTENTIONS IN THE GRIEVANCE OF THE ACCIDENT**

WHAT WE NEED TO DO:

- **DO NOT LET MANAGEMENT HAVE THE CARRIER RE-ENACT THE ACCIDENT**
- **GET THE RECEIPT OF THE TOWING COMPANY FOR THE FILE**
- **REQUEST THE 1769 ACCIDENT REPORT**
- **REMEMBER THAT IT HAS TO BE INTENTIONAL TO BE UPHELD AND THIS SHOULD BE ASKED OF THE SUPERVISOR WHEN YOU INTERVIEW THEM: DO YOU THINK THE CARRIER DID THIS INTENTIONALLY?**

PS FORM 1769/301 REPORT

- **MANAGEMENT MUST FILL OUT THIS FORM UPON RETURN TO THE POST OFFICE AFTER AN ACCIDENT**
- **WHEN WE RECEIVE THIS FORM WE MUST USE IT AGAINST MANAGEMENT. LOOK ON LINE 10. WAS THE ACCIDENT SERIOUS? IF NO, THEN WHY IS HE GIVEN A NOTICE OF REMOVAL?**
- **LOOK AT LINE 61. PREVENTATIVE ACTION. DOES IT SAY TRAINING? IF THE CARRIER COULD HAVE BEEN RETRAINED WHY ARE THEY NOW BEING REMOVED WITHOUT BEING RE-TRAINED?**
- **ARBITRATOR LAWRENCE ROBERTS ON CITE 30421 STATES THAT WHEN THE CARRIER RECOMMENDATION IS TO PROVIDE TRAINING AND THE ACCIDENT IS NOT CHARACTERIZED AS SERIOUS IN NATURE IT IS CLEARLY PUNITIVE ON MANAGERMENTS PART**

USING THE LANGUAGE OF THE CONTRACT

- **ARTICLE 16 IN THE JACM PAGE 16.3 UNDER JUST CAUSE- THERE ARE EXAMPLES OF BEHAVIOR WHICH STATES THAT MANAGEMENT MUST PROVE THAT IT WAS INTENTIONAL**
- **JCAM ARTICLE 29 PAGE 29-2 #2 STATES: THE MERE FACT THAT AN EMPLOYEE WAS INVOLVED IN A VEHICLE ACCIDENT IS NOT SUFFICIENT TO WARRANT AUTOMATIC SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES OR THE AUTOMATIC APPLICATION OF DISCIPLINE**