

FROM A TO ARBITRATION

EPISODE 17- COMBATING CRIMINAL STATUTES CITED IN THE LETTER OF CHARGES



WHEN YOU GET THE CHARGE

- **IF MANAGEMENT USES CRIMINAL STATUTES (US CODES) AGAINST CARRIERS, WE MUST ADDRESS THAT BECAUSE MANAGEMENT CANNOT USE THEM AGAINST CARRIERS**
- **THEY CAN ONLY BE USED WHEN THE CARRIER IS FOUND GUILTY OF A CRIME**
- **ELM 661.1 LAWS MENTIONED IN THIS MANUAL ARE LISTED FOR INFORMATION ONLY. NOTHING IN THIS MANUAL CONSTITUTES AN INTERPRETATION OR CONSTRUCTION OF THESE LAWS WHICH MIGHT BE CONSTRUED AS BINDING THE UNITED STATES POSTAL SERVICE OR THE UNITED STATES. FAILURE TO MENTION THE STATUTE DOES NOT EXCUSE ANY ONE PERSON FROM COMPLYING WITH A STATUTE.**
- **ELM 661.2 APPLICATION TO POSTAL EMPLOYEES- LISTS ALL OF THE CODES**

WHEN YOU GET THE CHARGE

- **ELM 665.16- BEHAVIOR AND PERSONAL HABITS STATES EMPLOYEES ARE EXPECTED TO CONDUCT THEMSELVES DURING AND OUTSIDE OF WORKING HOURS IN A MANNER THAT REFLECTS FAVORABLY UPON THE POSTAL SERVICE. ALTHOUGH IT IS NOT THE POLICY OF THE POSTAL SERVICE TO INTERFERE WITH THE PRIVATE LIVES OF EMPLOYEES, IT DOES REQUIRE THAT POSTAL EMPLOYEES BE HONEST, RELIABLE, TRUSTWORTHY, COURTEOUS AND OF GOOD CHARACTER AND REPUTATION. THE FEDERAL STANDARDS OF ETHICAL CONDUCT REFERENCE IN 662.1. ALSO CONTAINED REGULATIONS GOVERNING THE OFF-DUTY BEHAVIOR OF POSTAL EMPLOYEES. EMPLOYEES MUST NOT ENGAGE IN CRIMINAL, DISHONEST, NOTORIOUSLY DISGRACEFUL, IMMORAL OR OTHER CONDUCT PREJUDICIAL TO THE POSTAL SERVICE . CONVICTION FOR A VIOLATION OF ANY CRIMINAL STATUE MAY BE GROUNDS FOR DISCIPLINARY ACTION AGAINST AN EMPLOYEE, INCLUDING REMOVAL OF THE EMPLOYEE, IN ADDITION TO ANY OTHER PENALTY IMPOSED PURSUANT TO STATUE.**

THINGS TO LOOK FOR

- **YOUR ACTIONS ARE IN VIOLATION OF THE FOLLOWING SECTIONS OF THE EMPLOYEE AND LABOR RELATIONS MANUAL SECTION 661.2, APPLICATION TO POSTAL EMPLOYEES. IN ADDITION TO THE STATUTES LISTED IN TITLE 5 CODE OF FEDERAL REGULATIONS PART 2635901-902.**
- **THE FOLLOWING STATUTES AND REGULATIONS ARE APPLICABLE TO ALL EMPLOYEES IN THE POSTAL SERVICE. PROHIBITION AGAINST FRAUD OR FALSE STATEMENTS IN A GOVERNMENT MATTER 18US CODE 1001. THE INVESTIGATIVE INTERVIEW THE CARRIER WAS NOT TRUTHFUL WITH MANAGEMENT**
- **DID THE CARRIER ACTUALLY VIOLATE THE STATUE THAT WAS PUT INTO THE CHARGE**

WHAT TO USE IN YOUR GRIEVANCE

- **CRIMINAL INTENT: MUST BE RAISED TO BE BEYOND A REASONABLE DOUBT**
- **MANAGEMENT MAY NOT USE CRIMINAL STATUTES AGAINST A CARRIER**
- **WHEN YOU GET A CHARGE PRINT IT OUT AND PUT THAT INTO YOUR GRIEVANCE. DOES IT EVEN PERTAIN TO THE SUPPOSED VIOLATION AGAINST THE CARRIER?**
- **GET ON WIKIPEDIA AND RESEARCH AND PRINT OUT THOSE CRIMINAL CHARGES**
- **THIS IS A SERIOUS CHARGE AND THE BURDEN OF PROOF IS AT THE HIGHEST LEVEL AND IF MANAGEMENT CAN NOT PROVE WHY THEY EVEN BROUGHT THESE STATUTES AGAINST THE CARRIER YOU GOTTA POKE HOLES IN EVERY SINGLE THING THEY GIVE YOU**