

FROM A TO ARBITRATION

EPISODE 18: DISCIPLINE AND MANAGEMENT'S OBLIGATION- M-39 115



M-39 SECTION 115

- THE M-39 IS MANAGER'S HANDBOOK AND PUTS THE RESPONSIBILITY ON MANAGEMENT ON HOW THEY ARE SUPPOSED TO HANDLE DISCIPLINE
- SECTION 115 DEALS WITH DISCIPLINE AND HOW MANAGEMENT SHOULD DEAL WITH DISCIPLINE
- SHOULD BE IN EVERY ISSUE STATEMENT IN EVERY DISCIPLINE GRIEVANCE WE FILE

M-39 SECTION 115.1

- 115.1 BASIC PRINCIPLE

- IN THE ADMINISTRATION OF DISCIPLINE, A BASIC PRINCIPLE **MUST** BE THAT DISCIPLINE SHOULD BE CORRECTIVE IN NATURE, RATHER THAN PUNITIVE. NO EMPLOYEE MAY BE DISCIPLINED OR DISCHARGED EXCEPT FOR JUST CAUSE. THE DELIVERY MANAGER MUST MAKE EVERY EFFORT TO CORRECT A SITUATION BEFORE RESORTING TO DISCIPLINARY MEASURES

- THE FIRST SENTENCE IN ARTICLE 16.1 STATES IN PART:

- IN THE ADMINISTRATION OF THIS ARTICLE, A BASIC PRINCIPLE **SHALL** BE THAT DISCIPLINE SHOULD BE CORRECTIVE IN NATURE, RATHER THAN PUNITIVE.

THESE ARE ALMOST IDENTICAL IN LANGUAGE

IN YOUR CONTENTIONS

- MANAGERS AND SUPERVISORS ARE USUALLY TOLD TO TAKE ACTION AGAINST THE CARRIER. PUT THEM ON THE RECORD AS TO HOW THEY MADE EVERY EFFORT TO HELP THE CARRIER CORRECT THIS BEHAVIOR.
- WE NEED DATES AND NOTES, SO REQUEST THAT IN YOUR INFORMATION REQUEST AND MAKE THIS A CONTENTION:
 - WHEN I ASKED SUPERVISOR SO AND SO WHAT THEY DID TO MAKE EVERY EFFORT TO HELP CARRIER JOHN DOE TO HELP HIM TO CORRECT THIS BEHAVIOR THEY COULD NOT ANSWER ME.

M-39 SECTION 115.2

- USING PEOPLE EFFECTIVELY
 - MANAGERS CAN ACCOMPLISH THEIR MISSION ONLY THROUGH THE EFFECTIVE USE OF PEOPLE. HOW SUCCESSFUL A MANAGER IS IN WORKING WITH PEOPLE WILL, TO A GREAT MEASURE, DETERMINE WHETHER OR NOT THE GOALS OF THE POSTAL SERVICE ARE ATTAINED. GETTING THE JOB DONE THROUGH PEOPLE IS NOT AN EASY TASK, AND CERTAIN BASIC THINGS ARE REQUIRED, SUCH AS:
 - a. LET THE EMPLOYEE KNOW WHAT IS EXPECTED OF HIM OR HER
 - b. KNOW FULLY IF THE EMPLOYEE IS NOT ATTAINING EXPECTATIONS: DON'T GUESS-MAKE CERTAIN WITH DOCUMENTED EVIDENCE.
 - c. LET THE EMPLOYEE EXPLAIN HIS OR HER PROBLEM-LISTEN! IF GIVEN A CHANCE, THE EMPLOYEE WILL TELL YOU THE PROBLEM. DRAW IT OUT FROM THE EMPLOYEE IF NEEDED BUT GET THE WHOLE STORY.

IN YOUR CONTENTIONS CONTINUED

- IF MANAGEMENT IS USING P.E.T. TO CALCULATE OFFICE TIMES THE CARRIERS CAN NOT MEET THOSE EXPECTATIONS AND THEREFORE WE NEED TO MAKE THE ANALOGY OF 8 AND 18 PLUS F.O.T. THAT EQUALS THIS MUCH OFFICE TIME, YET P.E.T. IS STATING THIS MUCH OFFICE TIME.
- USE THE STEP 4 AGAINST P.E.T. IN YOUR FILE
- DOES MANAGEMENT HAVE DOCUMENTATION TO SUPPORT THAT THE CARRIER WAS NOT MEETING EXPECTATIONS AND IF, AND WHEN, THEY PREVIOUSLY TALKED TO THE CARRIER, PUTTING THEM ON NOTICE
- IF THERE WAS AN OFFICIAL DISCUSSION GET THOSE NOTES FROM THE SUPERVISOR AND INTERVIEW THE CARRIER BECAUSE IF THEY ASKED QUESTIONS IN THAT OFFICIAL DISCUSSION THAT LEAD TO THIS ISSUE OF DISCIPLINE THEN THE WEINGARTEN RIGHTS OF THE CARRIER HAVE BEEN VIOLATED

M-39 SECTION 115.3

- OBLIGATION TO EMPLOYEES:

- WHEN PROBLEMS ARISE, MANAGERS **MUST** RECOGNIZE THAT THEY HAVE AN OBLIGATION TO THEIR EMPLOYEES AND TO THE POSTAL SERVICE TO **LOOK AT THEMSELVES**, AS WELL AS THE EMPLOYEE, TO:
 - a. FIND OUT WHO, WHAT, WHEN, WHERE AND WHY
 - b. MAKE ABSOLUTELY SURE YOU HAVE ALL THE FACTS
 - c. THE MANAGER HAS THE RESPONSIBILITY TO RESOLVE AS MANY PROBLEMS AS POSSIBLE BEFORE THEY BECOME GRIEVANCES
 - d. IF THE EMPLOYEES STAND HAS MERIT, ADMIT IT AND CORRECT THE SITUATION. YOU ARE THE MANAGER; YOU MUST MAKE DECISIONS; DON'T PASS THIS RESPONSIBILITY ON TO SOMEONE ELSE

IN YOUR CONTENTIONS CONTINUED

- IN ORDER FOR MANAGEMENT TO FIND OUT THE WHO WHAT WHERE WHEN AND WHY THEY PROBABLY HAVE TO DO AN INVESTIGATIVE INTERVIEW. IF ONE WASN'T DONE BEFORE THEY ISSUED THE GRIEVANCE, THEN THEY DID NOT DO A COMPLETE INVESTIGATION
- MANAGEMENT MUST PRESENT ALL OF THE FACTS THAT THEY USED TO ISSUE THE DISCIPLINE IN THE FIRST PLACE. IF THIS IS NOT GONE OVER AT THE INVESTIGATIVE INTERVIEW, THEN YOU HAVE TO REQUEST ANY, AND ALL DOCUMENTATION USED TO IMPOSE THIS DISCIPLINE
- EVERY GRIEVANCE THAT GOES BEYOND INFORMAL STEP A SHOULD HAVE INCLUDED M-39 115.3.C BECAUSE MANAGEMENT SHOULD HAVE RESOLVED THIS BEFORE IT BECAME A GRIEVANCE
- IF DURING THE INFORMAL A MEETING THE MANAGER/SUPERVISOR STATES THAT THEY CAN NOT SETTLE THIS GRIEVANCE USE 115.3.D. AND ARTICLE 15 THAT THEY FAILED TO UPHOLD THE CONTRACTS AND MANUALS. THIS SHOULD BE DONE ON THE SPOT.

IN YOUR GRIEVANCE

- ISSUE STATEMENT SHOULD BE: DID MANAGEMENT VIOLATE ARTICLE 16 AND 19 OF THE NATIONAL AGREEMENT VIA THE M-39 HANDBOOK SECTION 115 WHEN THEY ISSUED LETTER CARRIER JOHN DOE A LETTER OF WARNING SITING IMPROPER CONDUCT ON 1/2/34. AND IF SO, WHAT IS THE APPROPRIATE REMEDY?
- MAKE SURE YOU GO INTO DETAIL ABOUT EVERY CONTENTION YOU ARE MAKING. IF YOU SAY THAT THE MANAGER/SUPERVISOR DID NOT MAKE EVERY EFFORT TO INVESTIGATE THE GRIEVANCE THEN PROVE HOW AND WHY THEY DID NOT MAKE EVERY EFFORT.
- WHEN YOU GET THE LETTER OF CHARGE IT SHOULD SAY WHO WHAT WHEN WHERE AND WHY. IT SHOULD BE DETAILED

M-39 SECTION 115.4

- MAINTAIN MUTUAL RESPECT ATMOSPHERE
 - THE NATIONAL AGREEMENT SETS OUT THE BASIC RULES AND RIGHTS GOVERNING MANAGEMENT AND EMPLOYEES IN THEIR DEALINGS WITH EACH OTHER, BUT IT IS THE FRONT-LINE MANAGER WHO CONTROLS MANAGEMENT'S ATTEMPT TO MAINTAIN AN ATMOSPHERE BETWEEN EMPLOYER AND EMPLOYEE WHICH ASSURES MUTUAL RESPECT FOR EACH OTHER'S RIGHTS AND RESPONSIBILITIES.

IN YOUR CONTENTIONS CONTINUED

- THIS IS MANagements HANDBOOK- HOLD THEM ACCOUNTABLE TO FOLLOW IT
- MANAGEMENT MUST CREATE THE ATMOSPHERE IN THE OFFICE AND IN THE MEETING.
- ALL POSTAL SERVICE EMPLOYEES HAVE RIGHTS AND RESPONSIBILITIES, AND THE FRONT-LINE SUPERVISOR IS SUPPOSED TO ALWAYS KNOW AND MAINTAIN ALL FACETS OF THIS DURING THEIR SHIFT
- IF THE FRONT-LINE SUPERVISOR FAILS TO DO THIS THEN THIS NEEDS TO BE GRIEVED, EACH AND EVERY TIME. SHOW A PATTERN.