

FROM A TO ARBITRATION

EPISODE 37-YELLOW JACKETS, THE LION AND DOCUMENTATION FOR THE JSOV



INFORMATION AND INFORMATION REQUESTS

- YOU ARE GOING TO NEED A LOT OF INFORMATION IN YOUR FILE TO PROVE JSOV
- READ EVERYTHING THAT YOU GET BACK FROM YOUR INFORMATION REQUEST AND KNOW IT FRONT AND BACK. YOU HAVE TO KNOW WHY YOU ARE PUTTING IT IN YOUR FILE
- UNDERSTAND WHAT YOUR ISSUE IS. YOUR ISSUE STATEMENT THAT YOU CITE WILL HAVE CONTRACTUAL PROVISIONS AND YOU NEED TO KNOW WHY YOU PUT THEM IN THE STATEMENT
- BECOME AN EXPERT ON YOUR FILE SO THAT IF YOU ARE QUESTIONED ABOUT IT, YOU WILL BE ABLE TO ANSWER ANY QUESTION WHEN ASKED

GETTING A CLUE

- IF YOU GO AFTER A MANAGER WHO HAS A HISTORY OF BEING A BULLY, INTIMIDATOR OR A HARASSER, THEY ARE GOING TO DO ONE OF TWO THINGS:
 - THEY WILL RAMP IT UP A LITTLE BIT
 - OR THEY WILL START SUCKING UP TO YOU
- WHEN YOU START PUTTING IN INFORMATION REQUESTS FOR THIS SUPERVISOR, THEY ARE GOING TO START TO REALIZE THEY ARE IN TROUBLE
- DO NOT LET UP ON THEM. YOU ARE PAST THAT POINT ALREADY AND NEED TO CARRY THIS THROUGH

THE YELLOW JACKETS

- THEY NEST IN THE GROUND AND THEY WILL MAKE THEIR PRESENCE KNOWN IF YOU STEP ON THEM OR RUN THEM OVER WITH A LAWN MOWER
- ONCE THEY ARE RILED UP THOSE YELLOW JACKETS WILL BE AGGRESSIVE AND DO ANYTHING THEY CAN TO GET YOU AWAY FROM THEIR NEST
- SHOP STEWARDS NEED TO BE LIKE THOSE YELLOW JACKETS
- MANAGEMENT WILL DO EVERYTHING IN THEIR POWER TO GET YOU OFF OF THEM
- DON'T. DO NOT GET OFF OF THEM. DO NOT FEEL SORRY, DO NOT FEEL REMORSE, DO NOT HAVE REGRET, YOU CAN NOT HAVE ANY COMPASSION AT THIS TIME. IT IS BEYOND THAT POINT



THE LION

- WHEN SOMEONE IS TRYING TO MESS WITH THE LION, THEY WILL USUALLY END UP EATING THE PREY THAT IS TRYING TO MESS WITH THEM
- LIONS HAVE NO COMPASSION
- THEY HAVE NO FEELINGS LIKE HUMANS DO
- SHOP STEWARDS NEED TO ACT JUST LIKE THE LIONS DO



THE CASE FILE AND WHAT YOU ARE GOING TO NEED

- ONCE YOU FILE A JSOV GRIEVANCE, OR IF YOU THINK YOU MAY NEED TO FILE A GRIEVANCE, MAKE SURE THAT YOU GET A FLASH DRIVE AND PUT ALL OF THESE DOCUMENTS ON THE FLASH DRIVE SO THAT NEXT TIME YOU NEED IT, YOU CAN JUST PRINT THEM OUT

THE CASE FILE AND WHAT YOU ARE GOING TO NEED

- FOR A VIOLATION OF THE JOINT STATEMENT, YOU WILL NEED IN YOUR FILE TO SUPPORT YOUR CASE:
 - JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE M-1242
 - JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE II M-1243
 - NATIONAL ARBITRATOR SNOW'S LANDMARK 1996 DECISION C-15697
 - ANY ARBITRATION DECISION BETWEEN 1992 AND 1996 DO NOT COUNT BECAUSE OF THIS DECISION

CASE FILE CONTINUED

THE TWO POST HEARING BRIEFS FOR THE DECISION

- YOU WILL HAVE TO FIND THESE. EITHER CALL YOUR BUSINESS AGENT TO GET IT, OR YOU CAN PRINT THEM OFF OF THE FROM A TO ARBITRATION WEBSITE

ARTICLE 15 LANGUAGE- PAGE 15-1 IN THE JCAM

- Alleged violations of other enforceable agreements between NALC and the Postal Service, such as Building Our Future by Working Together, and the Joint Statement on Violence and Behavior in the Workplace. In his award in national case Q90N-4F-C 94024977, August 16, 1996 (C-15697), Arbitrator Snow found that the Joint Statement constitutes a contractually enforceable agreement between the parties and that the union has access to the grievance procedure to resolve disputes arising under it. Additionally, in his discussion of the case, Snow writes that arbitrators have the flexibility in formulating remedies to consider removing a supervisor from his or her administrative duties, if a violation is found.

(EMPLOYEE AND LABOR RELATIONS
MANUAL)

ELM 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.

M-39 HANDBOOK SECTION 115.4



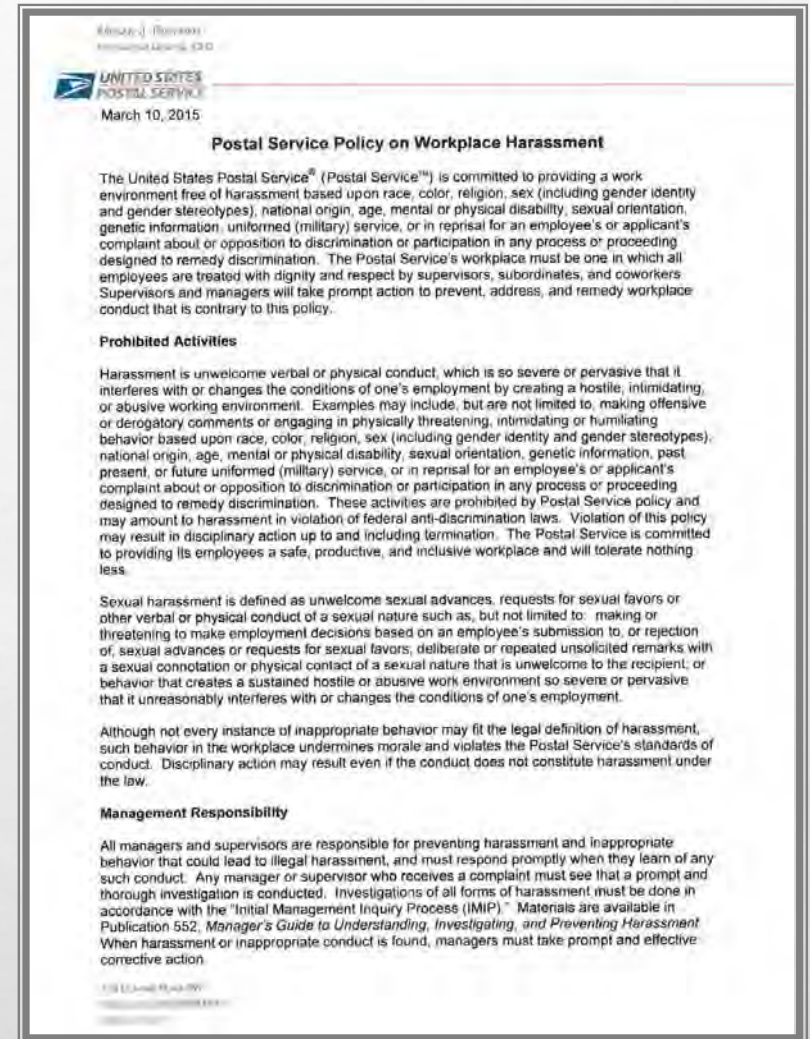
MAINTAIN MUTUAL RESPECT ATMOSPHERE- THE NATIONAL AGREEMENT SETS OUT THE BASIC RULES AND RIGHTS GOVERNING MANAGEMENT AND EMPLOYEES IN THEIR DEALINGS WITH EACH OTHER, BUT IT IS THE FRONT-LINE MANAGER WHO CONTROLS MANAGEMENT'S ATTEMPT TO MAINTAIN AN ATMOSPHERE BETWEEN EMPLOYER AND EMPLOYEE WHICH ASSURES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

JCAM ARTICLE 14 LANGUAGE

- SECTION 1. RESPONSIBILITIES
- IT IS THE RESPONSIBILITY OF MANAGEMENT TO PROVIDE SAFE WORKING CONDITIONS IN ALL PRESENT AND FUTURE INSTALLATIONS AND TO DEVELOP A SAFE WORKING FORCE.

HARASSMENT/TOLERANCE POLICIES

- YOUR DISTRICT WORKPLACE VIOLENCE/ZERO TOLERANCE POLICY
 - YOU WILL FIND THIS ON AN INFORMATION BOARD SOMEWHERE IN YOUR OFFICE OR REQUEST IT IN YOUR INFORMATION REQUEST AND HAVE MANAGEMENT SUPPLY IT TO YOU
- POSTAL SERVICE POLICY ON WORKPLACE HARASSMENT
 - YOU CAN GET THIS ON NALC.ORG WEBSITE UNDER HANDBOOKS AND MANUALS



C-DOCUMENTS FOR THE FILE

C DOCUMENTS/ ARBITRATOR

C-31550 N. HUTT
C-29904 I. HELBURN
C-29883 P. HALTER
C-29484 C. AMES
C-29414 K. JACOBS
C-29213 D. DILTS
C-29087 C. AMES
C-28716 K. JACOBS
C-17542 C. REHMUS

C DOCUMENTS/ARBITRATOR

C-28130 E. SALTZMAN
C-27976 M. ZUCKERMAN
C-27954 C. AMES
C-26589 G. AXON
C-17542 C. REHMUS
C-20643 L. BAJORK
C-33831 G. AUGUST
C-35122 G. AUGUST
C-32076 T. MAIER

M-DOCUMENTS

- M-1518
- M-1488
- M-28061

- **ANY 1767s- IF ANY FILED**
- **SUPERVISORS' TRAINING AND DISCIPLINE RECORDS**
- **OSHA- IF ANYTHING WAS FILED**
- **NLRB JD-38-15 C. MUHL**

CONTRACTUAL PROVISIONS

- JCAM ARTICLE 14
- M-39 SECTION 115.4
- ELM-814
- JSOV #1 M-1242
- OSHA- WORKPLACE VIOLENCE INVESTIGATION
MANUAL
- JCAM ARTICLE 19
- ELM SECTION 665.24
- ELM SECTION 824
- JSOV #2 M-1243
- EXECUTIVE ORDER- 12196
- OCCUPATIONAL SAFETY AND HEALTH ACT 1970

WHAT YOU NEED TO PUT ON THE INFORMATION REQUEST

- INFORMAL STEP A RESOLUTIONS ON THIS MANAGER
- FORMAL STEP A RESOLUTIONS ON THIS MANAGER
- B-TEAM DECISIONS ON THIS MANAGER
- ANY SURVEYS THAT HAVE BEEN DONE
- WORKPLACE CLIMATE SURVEYS

WHAT YOU NEED TO PUT ON THE INFORMATION REQUEST

- ANY THREAT ASSESSMENTS THAT HAVE BEEN DONE
- JOINT INTERVENTIONS, IF ANY
- ANY DISCIPLINE, OR ADVERSE ACTION, GIVEN TO THIS MANAGER
- ON YOUR INFORMATION REQUEST IT WILL ASK THE REASON WHY YOU ARE REQUESTING THIS INFORMATION. YOU CAN WRITE: A POSSIBLE VIOLATION OF ARTICLES 15 AND 19 VIA THE JOINT STATEMENT ON VIOLENCE AND BEHAVIOR IN THE WORKPLACE AGAINST SUPERVISOR J. DOE. THAT IS THE ONLY INFORMATION YOU NEED TO PUT ON THE FORM

RELEVANCY LETTER

- IF YOU RECEIVE A RELEVANCY LETTER FROM MANAGEMENT THAT YOU HAVE REQUESTED DISCIPLINE AND THAT IS OUTSIDE OF THE PURVIEW, OR JURISDICTION, OF THE CONTRACT THEN YOU FILE AN ARTICLE 17 AND 31 ON THEM FOR REFUSING TO PROVIDE THE INFORMATION THAT YOU NEEDED TO USE TO INVESTIGATE WHETHER A GRIEVANCE EXISTED OR NOT
- MAKE SURE THAT THIS IS IN YOUR CONTENTIONS THAT MANAGEMENT REFUSED TO PROVIDE YOU THIS DOCUMENTATION WHEN YOU REQUESTED IT

OTHER DOCUMENTS NEEDED IN THE FILE



- ANYTHING YOU GET FROM THE LOCAL BUSINESS AGENT'S OFFICE ON THIS MANAGER
- STATEMENTS FROM THE CARRIERS- WHAT HAS HAPPENED, HOW HAS MANAGER NUMNUTS EFFECTED OUR STATION, HOW HAVE THEY AFFECTED THEIR HOME LIFE, DO THEY DREAD OR HATE TO COME TO WORK? IF YOU HAVE TO INTERVIEW THE CARRIERS AND ASK THEM THESE QUESTIONS
- CALL OTHER STEWARDS IN OTHER OFFICES AND SEE IF THERE ARE GRIEVANCES AGAINST THIS MANAGER WHEREVER THEY WORKED BEFORE THEY CAME TO YOUR OFFICE
- PUT ALL OF YOUR DOCUMENTS INTO YOUR FILE AND ONE BY ONE YOU WILL MAKE A CONTENTION ABOUT THEM OR THEY WILL GO INTO THE FACTS SECTION OF YOUR GRIEVANCE

CONTENTIONS

- WHEN YOU CITE A PROVISION IN YOUR ISSUE STATEMENT, YOU HAVE TO MAKE THE CONTENTION AND BACK UP THAT ACCUSATION OR KNOWN VIOLATION
- GIVE EXAMPLES, STATEMENTS, SURVEYS THAT SUPPORT WHY YOU ARE MAKING THIS STATEMENT
- IF YOU SAY THAT MANAGEMENT VIOLATED THE M-39 SECTION 115.4 YOU NEED TO STATE HOW, WHO AND WHAT HAPPENED TO MAKE SURE THAT YOUR POSITION IS VERY CLEAR AND THAT YOU ARE CONTENDING THIS BECAUSE OF, AND THE REASON FOR.... ETC...

REQUESTED REMEDIES

- WHEN WE HAVE AN ISSUE, OUR REMEDIES HAVE TO REFLECT OR ADDRESS THAT ISSUE
- MANAGEMENT CEASE AND DESIST FROM FURTHER VIOLATION OF- INSERT ISSUE HERE- OF THE JCAM, M-39, M-41 ETC...
- IF THIS IS A CONTINUED VIOLATION- MANAGEMENT CEASE AND DESIST ARTICLE 15 AND- INSERT ISSUE HERE- OF THE JCAM, M-39, M-41 OR WHATEVER YOU ARE ARGUING
- ISSUE STATEMENTS AND REMEDIES SHOULD MIRROR EACH OTHER

KNOWLEDGE IS THE KEY

Shop stewards should make sure that they know everything they can about the JSOV and how the whole process works

Read up on everything in this training and make a folder with all of these pages in it so that you can use it when you will need it

Knowledge is power and stewards need to make sure they are protecting the carriers in their stations from managerial bullies