



# National Association of Letter Carriers

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## MEMORANDUM

From the Desk of Manuel L. Peralta Jr.  
Director of Safety & Health

March 29, 2023

To: All NBAs, R-As, Branch Officers and Shop Stewards

Subject: USPS Heat Illness Prevention Program (HIPP) Training

On March 28, 2023, I was advised that a complaint was filed with OSHA, asserting that management was failing to provide mandatory heat illness prevention training, even though management is documenting completion [of the training] in the employee's training records.

OSHA immediately began its follow up inquiry by letter to management. In this letter they advise that they have not determined the existence of a hazard, but asked management to immediately investigate and provide proof of their findings, within one week.

I am advised by the steward that management admitted to doctoring the training records, and that they did so to get district management off its back.

OSHA's letter further advised management that if appropriate action is not taken by the deadline, they will in fact conduct an inspection in which all OSHA regulations would be enforced. It appears that management is now jumping through hoops to do the right thing, however, this took place only because a vigilant steward caught them red-handed.

Management in this facility is now conducting the HIPP training that was required by April 1, of each year. If your office has not conducted the HIPP training, check your liteblue HERO training profile to see if their records claim otherwise.

Next comes management's response to OSHA. If you are in a situation where management's response to OSHA is not true, what should you do?

You should investigate, then address this through OSHA by promptly responding, identifying the items with which you disagree, and providing the evidence to support your beliefs. Separately, you may explore filing a grievance in which we seek to prove your managers were dishonest in their response to OSHA, and as remedy, we seek that management be required to fess-up to OSHA about their response being untrue.

Keep an eye on each other. Safety depends on you because you can't depend on a manager who is trying to make their numbers look good.

For further information on management's obligations relating to safety training, please review my November 2022, Safety and Health Column.

# Investigation of training records



**Manuel L.  
Peralta Jr.**

**I**n my last column, I brought attention to the fact that in many cases management has made claims that our employees were trained on specific subjects when they weren't.

Some subjects are covered repeatedly, and our workforce gets the message. Other subjects are less appealing to your managers, and in their opinion, any stand-up talk on the subject is a waste of time. Regardless of the magnitude of the subject being covered, the training should all be done correctly.

I recently was asked what we should cite and how we handle such an issue through the grievance procedure.

Article 14, Section 1 of the National Agreement provides that:

...It is the responsibility of management to provide safe working conditions in all present and future installations **and to develop a safe working force...** (Emphasis added.)

This language begs the question, how can management develop a safe working force when they are being untruthful about the training they were required to conduct?

Article 19 of the National Agreement provides a mechanism to enforce rules that affect wages, hours or working conditions of employees. The following is a brief listing of relevant provisions from Chapter 8 of the *Employee and Labor Relations Manual (ELM)*:

811.24 (d); **All employees must be trained in proper work procedures and must be educated to work safely** and to understand that they are responsible for doing so. Management is responsible for the adequate safety training and education of employees. However, all employees are responsible for working safely, and in doing so, they benefit not only themselves but also their organization. (Emphasis added.)

Middle-level managers (812.4) & Supervisors (812.51) are responsible for the safety and health program within their operations. This includes responsibility for:

815.12.b; The area vice president, Retail and Delivery Operations, must establish a system to track and monitor committee activities... The area committee must monitor and review the following:

(4) Safety and health training and recordkeeping<sup>1</sup>

<sup>1</sup> This also applies to district-level management in 815.13.

817.11; All Postmasters, managers, and supervisors must receive safety and health training in accordance with the curriculum established by Safety and OSHA Compliance Programs (SOCP) and Learning and Development. Local offices, districts, and Headquarters provide this training. Postmasters, managers, and supervisors are encouraged to attend annual safety and health training.

817.5; Training Required by OSHA

- HBK AS-556, Asbestos Management Guide
- MI EL-810-2009-4, Personal Protective Equipment and Respiratory Protection Programs
- MI EL-810-2000-2, Bloodborne Disease Exposure Control Plans
- MI EL-810-2000-1, Hearing Conservation Programs
- MI EL-890-2007-4, Lead Hazard Management Program
- MI EL-890-2007-2, Asbestos-Containing Building Materials Control Program
- MI EL-810-2006-3, Response to Hazardous Materials Releases
- MI EL-810-2008-4, Hazard Communication (HazCom) Program
- MI EL-810-2010-1, Confined Space Safety Program

817.9 (Training Records);

For each employee, records of safety and health training must be maintained to demonstrate compliance with Postal Service policies and OSHA requirements. The records must be retained and available to allow inspection by Postal Service and OSHA officials. All safety training must be recorded in the Learning Management System (LMS).

Note: Documentation of safety talks and safety-related on-the-job training must be maintained either at the facility level or, in the case of safety talks, in the Safety Talks module of the Safety Toolkit. These records must be available to allow inspection in a timely manner.

## So where does a steward begin in the investigative process?

We frequently use the term "stand-up talk" for multiple purposes, including training which many times "adequately" covers necessary materials. The effectiveness of the speaker and his or her grasp of the material make a serious impact on the quality of the training, so this should be an issue addressed between labor and management in committee meetings.

The *Handbook EL-809, Guidelines for Area/Local Joint Labor-Management Safety and Health Committees* includes the following as permanent obligation on the meeting agenda for local committees (installation):

10. Discuss all matters relating to employee safety, health and ergonomics, except for individual grievances (unless permitted by national agreement), and make recommendations for resolution or improvement to the installation head.

Discussion of all matters relating to employee safety includes the quality of the training being given by the management team at the installation. If the training being conducted fails the test identified in Article 14, i.e., development of a safe working force, then we have to address that deficiency.

If you discover, regardless of how, that there is a specific subject on which management is required to train you, but you don't recall that the subject was covered in a stand-up or specialized training session, then you should approach your supervisor and ask about it. If you happen to review your HERO training on the LiteBlue page and discover that there is a subject listed as completed in your training profile, but you know that such a claim is not true, then you also should approach your supervisor and ask about it.

In some cases, you may need to bring this to the attention of your shop steward, who may need to formally investigate this issue. If it is necessary to formally investigate, then we should consider the following items as a part of our investigation.

Remember, before you get started, we, the union, if it is necessary to process a grievance, will ultimately be required to identify what happened, what contractual provisions are involved and then what remedy we seek.

This is the essence of the union's obligation to put forth its case during the Formal Step A Meeting (Article 15, Section 2, Formal Step A at paragraph (d)), which starts with the words "At the meeting..."

### **What happened? What rule? What remedy?**

If you are a steward beginning your investigation, you should ask management a few questions, such as, but not limited to, the following:

- When was the training conducted?
- Who conducted the training?
- What specific materials (information) were used during the training?
- Were those materials stored for review if necessary? If so, where are they? Take time to review the material to make sure that they reflect what management has claimed. Keep them honest.
- Which carriers were present during the training?
- For those carriers who were not present during the training, when was the make-up training conducted and by whom? If make-up training was not

conducted, did the employer take each employee to a location to review the copies of the materials that were used during the stand-up?

- Did management encourage clarification questions or discourage such questions?

Once you have management's explanation, you should question a number of carriers to determine if management's answers ring true.

In your process of asking our carriers what they recall, be cautious about how you ask questions. Don't put words or ideas in the mouths or minds of the people you are interviewing. Ask them if they were present when the specific item was presented and, if they were present, have them explain what they recall.

Our investigation should always seek out the truth. If the evidence gathered helps you form an opinion that the rules cited earlier in this column were violated, you may have grounds to file and process a grievance.

**Hopefully the above gives you a starting point on your investigation and write-up.**

In your issue statement, you could frame it simply as follows: Did the employer violate Articles 3, 5, 14 and/or 19 of the National Agreement when it certified that employees had received training? If so, what is the appropriate remedy?

Article 3 applies, as management is required to manage within the law and comply with the National Agreement.

Article 5 applies, as relevant external law, one of which is the Occupational Safety and Health Act, is brought in under the umbrella of the National Agreement.

Article 14 applies, which requires that the employer develop a safe workforce, which it fails by making false claims about training.

Article 19 applies, as it brings in enforceable handbook and manual provisions that affect wages, hours and working conditions.

Separately, the outcome of the above investigation may be very useful when defending a letter carrier who has received discipline for a safety violation, when he or she truly was not trained on the subject.

This process may also be applicable when there is a question relating to whether or not the employee was aware of any specific rule, even if not related to safety.

The more you learn, the better you serve your membership on the front lines.

Keep an eye on each other.

# TENNESSEE DISTRICT – After the Fact Training (ATF) REPORT FORM

(Classroom Sign-In Roster)

(PLEASE PRINT)

DATE: \_\_\_\_\_

TRAINING LOCATION: \_\_\_\_\_

COURSE NAME: \_\_\_\_\_ COURSE #: \_\_\_\_\_ INSTRUCTOR: \_\_\_\_\_

	LAST NAME, FIRST NAME MIDDLE INITIAL	EIN	JOB TITLE	OFFICE NAME	FINANCE NUMBER	Training Time	PAY LOC
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## National Association of Letter Carriers Request for Information

To: \_\_\_\_\_ Date \_\_\_\_\_  
(Supervisor Customer Services)

\_\_\_\_\_  
(Station/Installation)

Dear Management \_\_\_\_\_,

Pursuant to Article 17 and 31 of the National Agreement, I am requesting the following information:

1. All 2022 -2023 HERO Training Records for all Letter Carriers, PTF's, & CCA's assigned to \_\_\_\_\_.
2. this station to include date and personnel inputting all training. \_\_\_\_\_
3. \_\_\_\_\_
4. All 2022 - 2023 HERO Safety Talks to include ATF (After the Fact) Report Form or \_\_\_\_\_
5. Employees on the Clock Report when training was conducted. \_\_\_\_\_
6. \_\_\_\_\_
7. TACS Employee Listing Report for All Employees assigned to this Station \_\_\_\_\_
8. \_\_\_\_\_

I am making this request on behalf of the following employee / employees:

Class Action  Grievant  \_\_\_\_\_

I am making this request based on the following reason:

1. Article 14 (Safety) \_\_\_\_\_

Your cooperation in this matter will be greatly appreciated. If you have any questions concerning this request, or if I may be of assistance to you in some other way, please feel free to contact me.

Sincerely,

\_\_\_\_\_  
Shop Steward  
NALC

Request received by: \_\_\_\_\_  
(Supervisor)

Date: \_\_\_\_\_