

ACTIVIST

NALC

A NEWSLETTER FOR BRANCH LEADERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS
VOL. 12, NO. 2 SPRING 1997



*The
Legacy of
Employee
Involvement*

EI skills aid branches

This is a good news, bad news story.

The bad news is that the Postal Service unilaterally withdrew from the Employee Involvement process in April 1996. With the demise of EI came the end of most joint decision-making and problem-solving with management.

The good news, however, is that a year later, EI skills and techniques are still alive and thriving—now used to enhance and empower NALC branches across the country.

Union members who received EI training and worked as EI facilitators and coordinators have discovered that their talents need not be discarded but can be put to use in a variety of ways. “As EI facilitators we learned multiple techniques for getting things

done,” says Nancy Quick of Sumter, South Carolina Branch 904. “Now we can put those techniques and knowledge to work on NALC projects and activities.” Branch activists with EI training can be an invaluable asset, Quick says. “The skills are so broad and comprehensive that they can be applied in many ways to serve the union.”

In this story, former EI facilitators talk about how they continue to use their training to benefit the union, specifically to **improve branch communications**, to **organize branch activities**, to **solve problems within the local union** and even to **strengthen union effectiveness within the grievance-arbitration process**, particularly as arbitration advocates.

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Persistence pays in signing long-term nonmembers

There’s the former NALC member who dropped out after losing a local election...the letter carrier nearing retirement who argues that there’s no point in joining the union now...the carrier who just tunes out when you try to talk about NALC...and those carriers who think

the local union is a hotbed of political intrigue and cliques.

If you’re lucky, you may never have encountered any of these types of **long-term nonmembers**. But most likely every NALC local leader knows at least one of these folks. At

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EI skills

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Meetings of all sizes and shapes too often are dreary and unsatisfactory affairs, leading to disillusionment at best and conflict at worst. One of the cornerstones of EI training was helping to improve the quality of meetings so they would be more productive as well as more rewarding to the participants. Facilitators played a key ingredient in improving meetings by *facilitating* discussions—ensuring that everyone participated, keeping the discussions on point, and helping the group reach a consensus and decide on an action plan.

Today, these techniques prove their value in all kinds of union settings—branch executive committee meetings, stewards' meetings and especially the branch meeting.

"Communication is the cornerstone of union success," says Idaho Falls, Idaho Branch 1036 president Rich Bowman. A facilitator for 11 years, Bowman was elected branch president last January. From Day One, he has used his EI training to make union meetings more effective.

"As a facilitator, I learned how to get business done while allowing plenty of time for discussion," he says. "And that's exactly what our branch meetings are about. I can keep things on track and moving along, and at the same time keep myself and my opinions out of the discussion. That's what I did as a facilitator—the meetings weren't about me and what I thought—and it's true in branch meetings. The chair shouldn't dominate, but should be able to watch things happen and keep the flow going." (Another story in this issue, "Running effective branch meetings" on pages 7-9, provides more information on enhancing the goals of branch meetings.)

Another role that comes naturally to union members with EI training is coordinating branch projects. In the EI process, facilitators helped a diverse group of people achieve goals—goals that the group itself chose. Now, working within the union, these people know how to organize and manage projects so that

**We've learned
to be
results-oriented.**

the branch can more easily achieve its goals.

"One clear result of EI training is that we've learned to be results-oriented," says former facilitator Nancy Quick of Sumter, South Carolina. Among her other union duties, Quick is now state chair for the NALC food drive. "EI gave me lots of chances to learn how to organize group efforts—how to get a group focused and working together," she says. "It's also a plus that in my years as facilitator, I got to know all kinds of people around the state. I have connections that I can tap into—for example, we want to get the state governor involved this year, and I'm working with his office to organize that involvement."

Whether the goal is a bigger and better food drive or some other branch project, people with EI train-

ing have learned and can apply a specific approach to setting and achieving goals. Sometimes called the six-point process, this approach also works for solving problems—both within the branch and within the current labor-management relationship.

"EI's goal-setting and problem-solving training is something that will work in almost any setting," notes Tim Dowdy, treasurer for Virginia Beach, Virginia Branch 2819 and also Virginia state president. Dowdy had been a local facilitator and also the NALC EI coordinator for the Midatlantic region.

"What EI taught us was the ability to be methodical," he says. "Problems are not obstacles that block our way, but rather puzzles to be solved or maybe tasks that require a fresh perspective."

To help his local union set goals and solve problems, Dowdy at times will lead members through the process as defined in EI training. "First, we clearly define the problem or the goal," he says. This step requires thought and discussion, and

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VOL. 12, NO. 2

SPRING 1997

Published quarterly by:

National Association of
Letter Carriers
100 Indiana Ave., N.W.
Washington, DC 20001-2144

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here again EI communication skills prove useful.

After defining the problem, the group looks at all the elements and considerations that accompany that problem. "EI training taught us to take a really broad perspective," Dowdy says. "Many times people can't get a grip on a problem because they aren't looking at all sides of the issue, at all the bits and pieces that go with that particular problem."

The next step is to determine all

**EI taught us
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broad perspective.**

potential solutions, which may require brainstorming—a powerful EI tool. (And don't forget to use a flip chart to record all the suggestions!) Then the group chooses one solution to develop into a definite plan. "The final step—where people without the EI background may drop the ball—is to set up a specific action plan," says Dowdy. "You get everything down in writing—who will do what and by when. And finally you set a date to look at the results and reevaluate what you've done."

Because Dowdy and other EI-trained union activists have used this structure for years within the branch setting, many local leaders have adopted this process more or less subconsciously. "A lot of people go to the six-step problem-solving process

automatically, without really realizing that this was a gift from EI," Dowdy says.

All-purpose approach

Like the problem-solving process, other legacies from EI training prove that the basic philosophy of EI has applications far beyond the initial purpose of the EI program. Perhaps no example is so striking as that of NALC arbitration advocates who use ideas from EI—intended to be a joint process—to enhance the union's effectiveness in the ultimate labor-management confrontation.

"With a background in EI, union activists can be even sharper arbitration advocates," states Mary Halford, member of Mesa, Arizona Branch 1902 and an arbitration advocate for NALC's Denver region. Halford spent 11 years as an EI facilitator, regional and area coordinator. In that time she helped spearhead some extraordinarily proactive efforts to improve labor-management relationships. When EI as a joint process ended and Halford was asked to become an arbitration advocate, she saw a chance to keep her skills alive.

"One of the basic lessons of EI is to learn to listen," she notes. "As I work as an advocate, that training is invaluable." Another former facilitator now working as an arbitration advocate is Jim Hopkins, trustee of Cleveland, Ohio Branch 40. As he sees it, listening is the first in a trio of EI communication techniques that are particularly effective in the arbitration setting.

"When you listen, as we learned in EI, you pay very close attention to all the witnesses in an arbitration hearing," he notes. "I follow all the EI guidelines—staying tuned in, taking good notes and especially waiting to hear what people are going to say." Too often, Hopkins says, people rush

in to complete other people's sentences. "In hearings especially, you want the witnesses to complete their thoughts for themselves," he says. Advocates should also pay attention to body language and to emotions that may be expressed.

Careful listening enables arbitration advocates to recognize what parts of testimony are objective fact and what are the witness's *perceptions* of what happened. "In EI, we learned that what people think they saw or heard is really colored by their perception, which is based on their assumptions about certain people or groups of people," he says. "For example, a really authoritarian man-

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ager may subconsciously assume that all letter carriers are looking for the opportunity to goof off, and that assumption causes the manager to perceive certain behaviors as laziness or dereliction of duty.

In fact, however, the carrier may simply have a certain style of working that doesn't fit the manager's perception of what work should look like."

A major part of Hopkins' job as advocate, he says, is to get the arbitrator to realize what part of a manager's testimony, for example, is that person's perception of what happened—not

what may have actually happened.

Finally, Hopkins relies on *feedback*, another EI technique, to hone his arbitration skills. "I'll ask other branch officers to sit in on arbitration hearings and then give me constructive criticism about how I did," he says. "And I ask grievants what they thought of the hearing. I need to hear feedback to be able to improve."

Hopkins also occasionally sets up brainstorming sessions to determine how best to handle a specific grievance, and relies heavily on another EI motto—"use the group's resources"—to gather more information and

advice about what he should present at a hearing.

As Hopkins, Mary Halford and other former facilitators see it, arbitration advocacy—and indeed, every level of grievance handling—can only benefit from the application of EI techniques aimed at improving communication and resolving conflict.

"A big part of our lives as EI facilitators was learning how to improve the *quality* of whatever we're doing," says Virginia Beach's Tim Dowdy. "EI training taught us how to be totally focused and how to get other peo-

ple to develop that same kind of focus." By putting that attentiveness and energy to use within the NALC branch, people with EI training can improve not only day-to-day branch activities but can also help local leaders and members tackle larger problems and goals.

"We didn't choose to abandon the joint process," says Sumter's Nancy Quick. "And it can be frustrating to deal with management in the absence of EI. But at a minimum, we can put our skills to use to keep making the union stronger. We need to keep this set of tools sharp and useful." ■

Signing non-members

continued from page 1

times the challenge of getting these people to join NALC seems overwhelming—but there are good reasons to keep trying.

"Every time a long-term holdout decides to join the union, there's a

Calling people names is never going to work.

tremendous feeling of strength and success," says Audrey Strong, president of 45-member Beaufort, South Carolina Branch 3026. "I truly

believe that every letter carrier is important, that especially now we all need to be together in the union." Strong's beliefs have paid off: in six months she convinced all seven non-members in her station to join NALC.

The victories of Strong and other local leaders in signing long-term nonmembers stems from a technique with two main components: **kindness** and **persistence**. This approach undercuts two commonly held but erroneous beliefs of many branch leaders: that people can be shamed or bullied into joining the union, and that it's hopeless to try to sign certain types of long-term nonmembers.

Kill with kindness

"One thing we know for sure, calling people names like *scab* and printing their names in branch newsletters is never going to get those people into the union," says Jimmy Brooks, president of the 101-member Southern Delaware Branch 906. There are currently 10 nonmembers in his branch, and Brooks makes an extra effort to

be informative and understanding with those people.

"The first thing you have to do is understand why these people aren't in

Listen to what nonmembers say.

the union," he says. "To get at those reasons, you've got to be friendly, you've got to be concerned." Brooks makes a point of knowing as much as possible about each nonmember—their first names, their spouses' names and occupations, their children and so on. Then he always stops for a quiet chat with each nonmember as he makes station visits. "You start out by

asking how they're doing, how's the family," he says, "and you *listen* to what they say.

If they've got a complaint or some reason to be angry at the union, let them talk it out. Sympathize with their feelings—which doesn't mean you have to agree with them, just let them know you're listening and understanding."

Many times, however, branch leaders find themselves rebuffed at this early stage of the process. "A lot of people will just refuse to talk to you," notes Charlotte, North Carolina Branch 545 president Bill Malden. "They don't want to give you a reason because they know you'll have arguments against those reasons." Carriers with so much resistance may trigger feelings of frustration in branch leaders, but it's important not to give into anger, Malden says. "If people won't talk to you, the least you can do is talk to them," he says. "Stop by their case every month or more often if you can and share some information about what the union's doing. Keep them in the loop, keep coming back so those people know you care about their involvement."

Wind versus sun

Branch leaders who are committed to "killing with kindness" like to cite the parable of the wind and the sun, which is printed in the NALC booklet, *How to Get "Yes" For an Answer*:

"The wind and the sun made a bet one day. The wind said, 'I am so strong, I'll bet you I can blow that man's cape off.' The sun agreed to the bet. So

the wind blew and blew, and the sky grew dark and the air grew cold. But the man just pulled the cape around him tighter and hurried on. The wind kept blowing until it could blow no more.

"Then the sun said, 'Let me try.' The sun shone warmly. Birds sang, the air grew calm and the man let go of his cape. Soon, he was hot. So he took off his cape, slung it across his shoulder and walked over the hill, whistling a happy tune."

The moral of this story is obvious—warmth and friendliness is a far more effective way to get people to

listen to you than pressure techniques and name-calling.

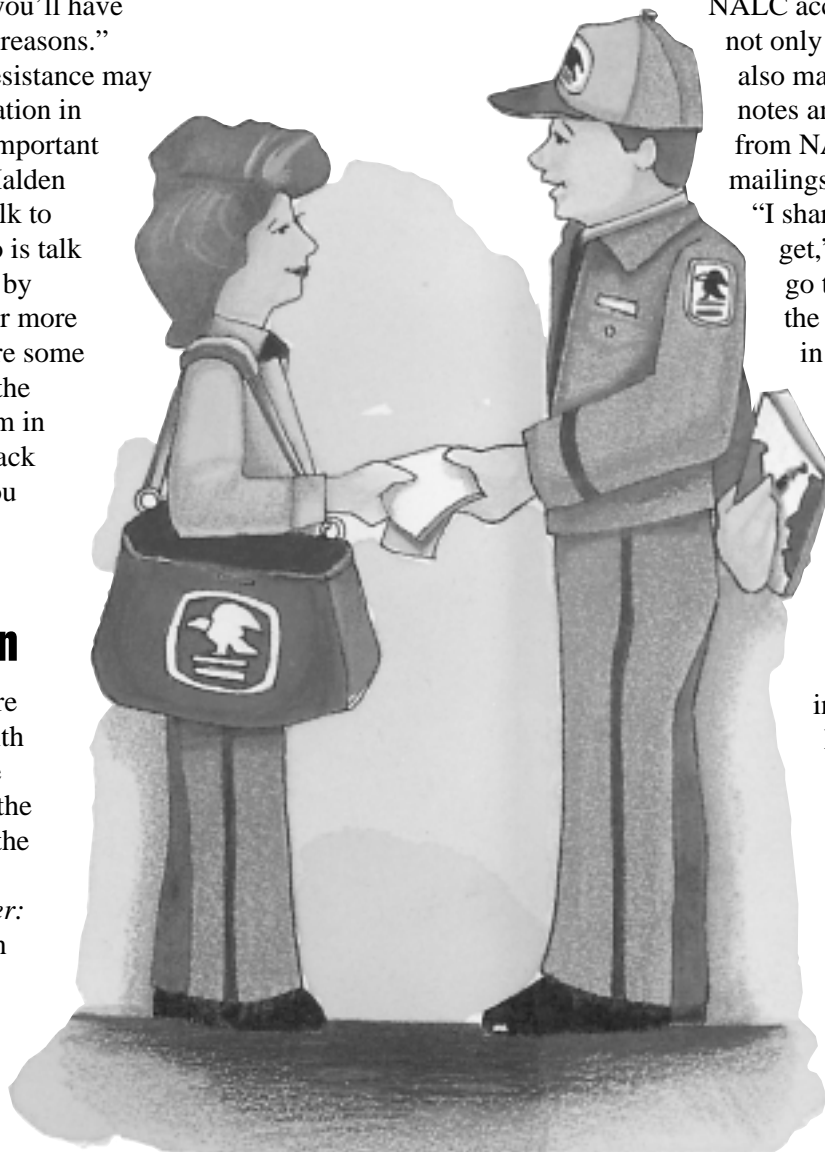
As Audrey Strong of Beaufort, South Carolina sees it, you simply have to let your own enthusiasm for the union leak out. "I have always had enormous pride in NALC. We're a great union and everyone deserves to be a part of our strength and accomplishment," she says.

Another tool that Strong uses in organizing nonmembers is the branch bulletin board. She takes advantage of the fact that the board is hanging in the carrier's break room, "right under peoples' eyes," she says. She uses the board as a focal point to highlight NALC accomplishments, posting not only the *NALC Bulletin* but also many different kinds of notes and announcements culled from NALC publications and mailings.


"I share all the information I get," she says. "Whenever I go to training, I bring back the materials and leave them in the break room so other people can get the benefit as well."

Keep coming back


Strong's commitment to educating and informing *all* carriers—not just NALC members—obviously paid off. So did her tactic of continuing to talk to nonmembers. "I'd go up to each of them every week," she says. "And it wasn't like I was hounding them or pointing a finger saying 'Shame, shame.' I'd ask questions, how were they doing, did they see this



or that notice about what the union had done, had they heard what was discussed in the branch meeting, had any problems come up?" Strong says she cultivated genuine feelings of interest in each of the nonmembers as individuals, and kept offering chances for nonmembers to show interest in turn.



Cultivate genuine feelings of interest in each of the nonmembers as individuals.



Persistence—going back again and again—is the other leg of successful organizing of longterm non-members. Even when holdouts seem like hopeless cases, a branch leader's refusal to give up can yield results. "We had a carrier who kept refusing to join because of the money," says Seattle, Washington Branch 79 president JoAnn Pyle. "He'd say that the union had to represent him anyway—which is true—so why waste the money." Pyle would respond by pointing out that one COLA increase alone—the result of union bargaining—would pay the carrier's dues. For many months the two would go back and forth, but Pyle continued to stop by the carrier's case every time she visited his station.

"Finally, this carrier said, 'OK, when the next COLA comes through, I'll join.' I don't know exactly when or how we got past that resistance, but he did join as he promised." Another nonmember in the Seattle branch responded to persistent reminders by not only agreeing to join NALC, but also expressing interest in being an alternate steward. "We signed him up and got him into training right away," Pyle says. "When you get that spark of interest, you go for it."

Pyle and other local leaders use a simple gimmick to encourage long-term nonmembers. "On each station visit," says Southern Delaware's Jimmy Brooks, "I stop by the case of each nonmember and leave a Form 1187, already made out. All the carrier has to do is sign it." Brooks tells those carriers that although they may tear up the form this time, he'll be back with another one. "I make it as easy as possible for folks to join," Brooks says. "Each little bit you can do to cut down resistance adds up in the long run."


Put it all together

As the experience of these branch leaders shows, a consistent, dedicated approach to winning over every single nonmember can yield results. "It's not going to happen overnight," says Southern Delaware's Jimmy Brooks, "and I wish I could say there was some magic word that would get everybody to join." But as branch leaders continue to show interest and enthusiasm—and stifle their feelings of frustration and anger—the nonmembers slowly come into the fold.

Beaufort's Audrey Strong notes that a continuing effort at signing nonmembers can often trigger feelings of solidarity on the workroom floor. "Everybody knew my goal was to sign these seven people," she said.

"So other members would get into it, too. They'd talk to the nonmembers when I wasn't around. It was like their own enthusiasm was rekindled." Southern Delaware's Jimmy Brooks compares an energetic campaign to sign up nonmembers to the flu. "You can build up feelings for the union that become contagious," he notes. "You get all kinds of members into the act, and nonmembers start feeling more and more like they should be on the bandwagon with everyone else."

Above all, stresses Brooks and other effective local leaders, never



Continuing efforts to sign nonmembers can trigger feelings of solidarity on the workroom floor.



blame or shame nonmembers. Expressions of hostility will drive people farther away. "Always be positive," says Beaufort's Audrey Strong. "Always remember the great things that NALC does, and reach out to people because you want them to be part of the greatness, part of what's most important in our working lives."

For copies of How to Get 'Yes' for an Answer, write the NALC Supply Department, 100 Indiana Avenue, N.W., Washington, D.C. 20001. ■

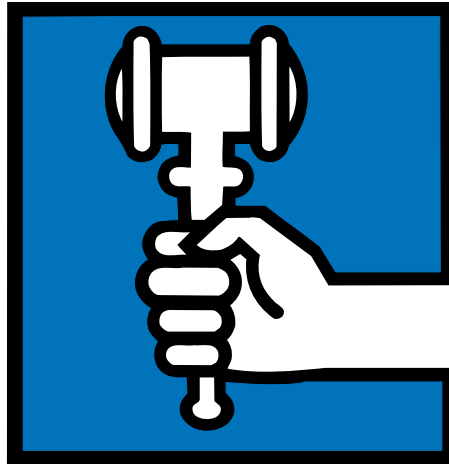
Running effective branch meetings

NALC branch meetings are union democracy in action. The union is the members, and in branch meetings members have the opportunity to participate in all aspects of local union activity.

That's why local NALC leaders must constantly work to make meetings as democratic as possible. The rewards of such efforts are multiple: democratically run meetings are more likely to attract a larger percentage of branch membership, and those members who attend are more likely to be active and involved in union business. The key to achieving these goals, as many local NALC leaders have found, is effective use of **democratic meeting procedures**, such as the rules of parliamentary procedure.

Many people tend to see parliamentary procedure as an archaic and time-wasting ritual that hampers, rather than facilitates, decision-making. Effective branch leaders, however, know that following a clear set of rules about how business is to be handled actually frees up discussion and permits all members to become equally involved in important decisions. Incorporating principles of democracy going back to ancient Greece, **parliamentary procedure ensures that while the majority rules, the minority has the right to be heard.** These rules also provide a balance between the power of the meeting chair and that of the members. The person in charge of the meeting has the power to keep things moving; however, members can decide if individual actions of the chair are fair or not.

What follows is a brief summary of the most important points of parlia-



mentary procedure. For more information, branch leaders should obtain a copy of *Robert's Rules of Order*, available in most book stores (see the illustration on page 8).

Basic principles

To help union members and officers use parliamentary procedure accurately and efficiently, local leaders should stress not the letter of the law—the specific language of the rules—but rather the principles behind the rules. These principles can be stated as follows:

1. Only one subject should come before the meeting at a time.
2. Each proposal coming before the meeting shall be freely debated with meaningful discussion.
3. The will of the majority is sought, but a minority or minorities have the right to present a case.
4. Each member has rights and responsibilities equal to those of every other member.

"I move that..."

The motion is the basis of all action at a membership meeting.

Motions made by members take precedence over any discussion of reports or new business, the closing of discussion and the adjournment of the meeting. To make a motion is very simple, yet complications frequently arise when uninformed members or officers misuse the motion.

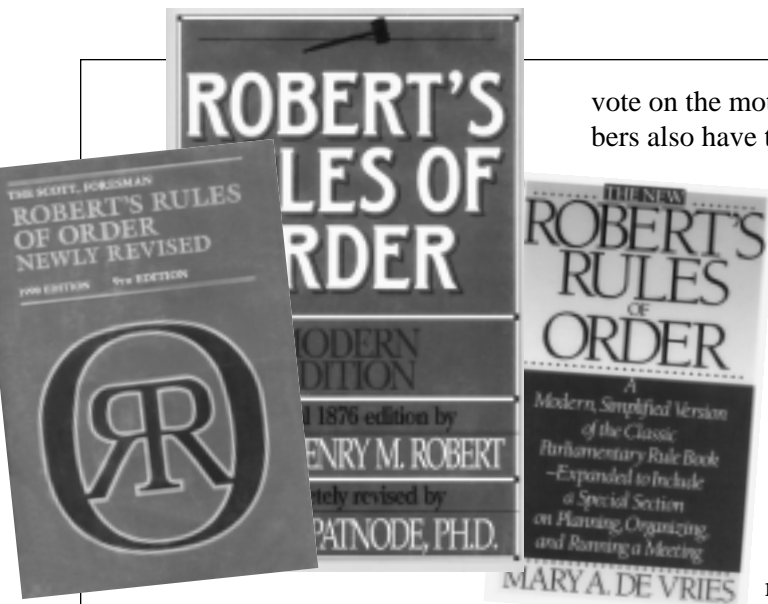
When a member wants to suggest an idea or course of action, that member should stand up and request the floor—the right to talk without interruption. The chair of the meeting must recognize that member before the member can talk. Once a member is recognized by the chair, other members should sit and listen.

Many branches have provisions in their bylaws setting limits on the

The majority rules, but the minority has the right to be heard.

amount of time a member can talk, whether in first proposing a motion or contributing to discussion. Even if no such formal limits exist, the chair of the meeting should master the art of cutting people short if they talk on and on. Sometimes the chair, too, needs to be reminded to keep comments brief.

The member should state his or her idea in the form of a motion: "I move



Robert's Rules appear in several editions. Use one that makes sense to you.

that the branch appoint an education committee," for example. Every motion needs a second; in small meetings traditionally the chair asks for a second which may be made by any member calling out "Second" in a loud voice while remaining seated. Some branches may require that the person seconding the motion be recognized as well. After the second, the chair or the meeting secretary should restate the motion clearly so all members can hear it. Then the chair should ask, "Is there any discussion?"

In recognizing people wishing to discuss the motion, the chair should try to alternate speakers for and against the motion. No one should speak twice on a motion while others are waiting to speak. An effective chair should make sure that everyone has the opportunity be heard and that discussion does not drift from the point or become emotional.

Call the question

Ordinarily the chair will wait until all persons wishing to speak on a motion have done so before asking the membership if they are ready to

vote on the motion. However, members also have the right to call the question if all persons wishing to speak on a motion have done so and people are beginning to repeat themselves. In such cases, two-thirds of the members in attendance must approve the motion to call the question.

Voting on a motion may be done by saying "aye" or "no," or by a

show of hands or in particularly important situations, by a written ballot. Local bylaws may state which motions must be voted by secret ballot. In other situations, the members must agree to a vote by ballot either by general consent or by a motion from the floor. Such a motion is not debatable and requires a simple majority.

During discussion, members have the right to speak up if they feel the discussion is wandering from the point, or if a bylaw or local rule is being broken. To accomplish this purpose, a member simply stands and calls out, "I rise to a point of order," even though they may be interrupting another person who has the floor.

Point of privilege

Members can also rise for a question of privilege. In this situation, the member is calling the attention of the chair to something that affects the well-being of the membership in the meeting. For example, a member may say, "Mr. Chairman, I rise to a point of privilege." The chair must interrupt whoever else is speaking, as points of privilege always take precedence, and ask the member to state his or her question. The member says something like, "May we open the win-

dows to clear the smoke?" This question is decided by the chair, but can be appealed.

As a matter of common sense, members should not rise for points of order or questions of privilege unnecessarily. Such interruptions should never be used as excuses to slow down the meeting, or convenient ways to cut off a speaker, or as excuses to make a speech or to criticize the chair. If the chair thinks that the member is rising for any of these intentions, the chair can rule the

Members can appeal decisions of the chair.

member out of order. If, however, any members feel that such a ruling is a grave injustice, members can appeal the decision of the chair. The appeal should be made immediately after the ruling by the chair, and requires a second. Then the members can vote on the chair's decision.

Striking a balance

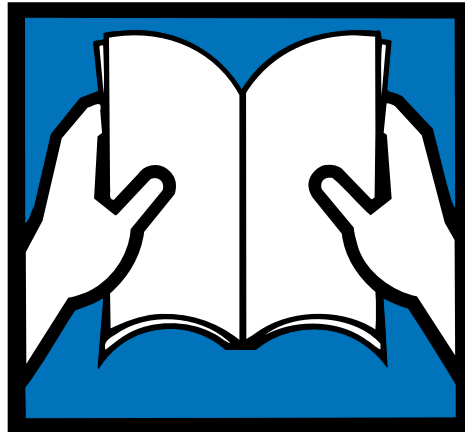
Consideration of these main points of parliamentary procedure reveals an underlying logic. Obviously someone has to be in charge of a meeting—otherwise chaos would rule.

Therefore the chair of the meeting is
continued on page 9

Steward's tools: Power of investigation

If NALC stewards could vote on what advice they most often hear during steward training, the winner might well be the instruction to “get the facts. Get *all* the facts.” The reason this statement is so often repeated is that by following that advice, stewards will inevitably create the best possible case for winning a grievance. Facts are what counts. Don't rely on tricky legal arguments or trying to pull some procedural rabbit out of a hat. That may work on television but rarely in the grievance-arbitration process. Dig and keep digging to get the facts.

A recent regional-level arbitration (C-15714) dramatically reveals that this approach can in fact work wonders. In this case, going by surface appearances, the grievant appeared guilty of management's charge of stealing mail. But dogged investigation by NALC local leaders stripped away the appearance of guilt and



revealed new and unexpected facts that resulted in the carrier being cleared of management's charge and restored to work with full back pay and benefits.

What happened

Because most of the arguments in the case centered on the testimony of both management and union witness-

es about the *appearance* of the grievant's behavior, the events leading up to the grievance should be reviewed in some detail.

On a Thursday afternoon, a Postal Service manager of customer service and a supervisor both observed the letter carrier in question as he drove back to the postal facility after delivering his route. The two managers were standing at a window with a view of the parking lot. They noticed that the carrier stopped his postal vehicle next to his own personal vehicle and, using both hands, appeared to carry a newspaper-covered bundle from the postal vehicle to his truck.

The managers intercepted the carrier as he entered the building and asked to see what was in the bundle, at the same time telling the carrier that stealing mail was a cause of discharge and announcing their intention to summon postal inspectors. The carrier allowed the two supervisors to

El skills

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given the power to recognize speakers and call for votes on motions. But this power is not absolute; members who feel—rightly or wrongly—that the chair is abusing power can ask for appeals of the chair's decision. Then the membership as a whole has the right to decide if the chair is being fair. If, however, only one person is upset by the chair's behavior, that person cannot disrupt the meeting at will. Nor can one or two people dominate discussion. At all times, all of the members have equal power to end debate, to rise to points of order and to ask questions of privilege.

The key to using these rules effectively is to make sure that all members have at least a basic understanding of the principles and meaning of parliamentary procedure.

Be consistent

Branch leaders may want to prepare handouts of commonly used terms that would be available at every branch meeting. Leaders can also distribute copies of the AFL-CIO booklet, *How to Run a Union Meeting* (order from the Pamphlet Division, AFL-CIO Department of Information, 815 16th Street, N.W., Washington, DC 20006). The AFL-CIO also offers a 22-minute film on parliamentary

procedure that can be ordered through the AFL-CIO Department of Education at the above address.

The most effective way, however, to educate members is to wholeheartedly embrace a consistent set of democratic rules for meetings and continually enforce them throughout the meeting. By using such rules, branch leaders will help break members' preconceived notions that union meetings are invariably long-winded, boring affairs dominated by a few overbearing people. Rules of order can restore vitality and energy to union meetings—and in the end attract more members who will be interested and involved in branch activities. ■

look inside his truck. The carrier said he had transferred leftovers from his lunch and a newspaper to his truck. The supervisors saw those items and in addition, two soap samples in the carrier's truck. That day the carrier had been delivering soap samples on his route.

The carrier said the samples were from his own mail, which he had picked up the day before and left in his truck. Postal inspectors were called in to investigate. The inspectors discovered that although soap samples had been delivered to homes in the carrier's neighborhood, that delivery was on the previous Saturday, not on Wednesday as the carrier claimed. Further, when inspectors checked with the company sending out the samples, the inspectors learned that the carrier's address had not been targeted for delivery of any samples.

The carrier received a letter of removal detailing the incident and the results of the postal inspectors' investigation. The union grieved the removal on the grounds of lack of just cause and management's failure to meet the required burden of proof and conduct a proper investigation. The grievance could not be settled at Steps 1 or 2 and proceeded to arbitration.

Postal Service arguments

The Postal Service advocate argued that a clear case of pilfering emerged from consideration of the facts of the case. The grievant was discovered with two soap samples in his own vehicle on a day when he had been delivering the exact same samples. The grievant's explanation that the samples were from his own mail could not be supported because postal inspectors had interviewed the griev-

ant's own rural letter carrier and discovered that she had delivered such samples four days earlier. The carrier was not one of the targeted addresses to receive such samples, and in any case the rural carrier testified that very few patrons received more than one sample of any such delivery. Further, the rural carrier stated that she always delivered a detached card with each sample and there were no such cards in the grievant's truck. However, the rural carrier could not remember if she in fact delivered samples to the grievant's mailbox on the Saturday in question.

The Postal Service advocate admitted that no one had actually seen the grievant place the samples in his truck, but the weight of the circumstantial evidence made it obvious that the grievant did indeed transfer those samples to his own truck and that the removal should be upheld.

Union arguments

The NALC advocate stated that although it was true that management discovered soap samples in the grievant's truck, management failed to prove the grievant's guilt. In pre-discipline interviews and in the Step 1 grievance meeting, the NALC steward had suggested another explanation to illustrate why the grievant had two soap samples in his truck. Management refused to investigate this possible explanation. The union advocate pointed out that **if a case is based on circumstantial evidence alone, that evidence must point in only one direction-i.e. to the grievant's guilt.** In this case, however, another explanation was equally plausible.

The grievant's steward had vigorously pursued an investigation that revealed a history of mail tampering at the set of mailboxes that included the grievant's own box. Union wit-

nesses testified at the arbitration hearing that neighborhood children were in the habit of removing mail from the boxes, damaging mail, and in some cases moving mail from one box to another. The union presented evidence that complaints of tampering were on file with the Postal Service, and that the postmaster had investigated these complaints by visiting the group of mailboxes and speaking with patrons as well as the parents of the children who were suspected of mail tampering. The union advocate pointed out that the postmaster evidently believed that mail tampering occurred because the postmaster ordered that stickers be placed on all the mailboxes warning that mail tampering was against the law. Although this evidence clearly raised the possibility that mail tampering could well have accounted for the presence of the soap samples in the grievant's mail, the Postal Service never interviewed any of the complainants in connection with the grievant's case.

The union also presented evidence showing that the person having the mailbox next to the grievant's had been one of the patrons slated to receive soap samples, but had never gotten those samples. This patron also testified that she very often received more than one sample, especially from cosmetic and soap companies. Postal management never interviewed this person, the union advocate stated, despite the fact that this patron had sent a letter to her postmaster stating that she had never received any soap samples from the delivery in question.

The children's habit of tampering with mail would provide a plausible alternative theory as to why the grievant had two soap samples in his truck four days after such samples were delivered in his neighborhood. It was very possible that the children had

taken two samples from the neighbor's box, kept them for several days and then returned the samples to the grievant's box. The Postal Service refused to consider or investigate this alternate theory even after the grievant and his union steward informed postal management of these facts. Such a refusal constitutes failure to adequately investigate the facts of the grievance, which is management's responsibility. The refusal also failed to provide adequate proof of the grievant's guilt. "Suspicion is not a substitute for proof," the union advocate stated. In the absence of such proof, the grievance should be sustained.

The arbitrator rules

The arbitrator began his discussion by stating that in discipline cases, management carries the burden of proving a grievant's guilt. In this case, even after "forceful and professional" arguments by both advocates, the arbitrator admitted that he was still unsure about what had happened.

The arbitrator then cited earlier arbitration decisions supporting the union's contention that circumstantial evidence is convincing only when it points in one direction. One example the arbitrator cited was a 1990 regional arbitration decision (C-10269) by Carlton Snow in which Snow wrote, "The force of circumstantial evidence depends on its capability of removing other reasonable explanations except for the proposition it has been offered to support...it is necessary for other reasonable explanations to be eliminated; and [circumstantial evidence] should not leave legitimate questions unresolved."

In the current case, the arbitrator noted the lack of direct evidence and management's reliance on circumstantial evidence to show that the grievant had pilfered mail. As the

arbitrator noted, standing alone management's presentation of circumstantial evidence would "inextricably lead to a conclusion that the employee engaged in theft or misappropriation of mail."

However, the NALC steward had gone beyond those facts to uncover additional, indisputable facts that raised serious questions about the "inextricable" conclusion of the above circumstantial evidence, creating another reasonable explanation for the presence of the soap samples in the grievant's truck. Further, as the arbitrator said, "management compromised its case by not only failing to conduct an investigation into this issue, but also choosing to ignore it entirely....One is left to wonder what could have been learned by postal inspectors if they were asked to follow up on the tampering claim and to

The union had done its homework, coming forward with a different scenario.

Arbitrator continued with an extensive analysis of the testimony of the grievant and other witnesses at the arbitration hearing, and concluded that there was no reason to doubt any-

one's credibility. "In the final analysis, this may be one of those very rare instances where everyone is telling the truth," he stated. What becomes critical, therefore, is the presence or absence of more than one explanation for the circumstantial evidence.

Note for stewards

In summing up, the arbitrator underscored the importance of the union's investigation. "The union had done its homework," he wrote. "It assumed the burden of coming forward with a different scenario, along with evidence to back it up." Management, however, refused to consider any other explanations. Therefore, the union's arguments raised reasonable doubts in the arbitrator's mind and, as the arbitrator wrote, "the arbitrator must conclude that there was an absence of just cause for the removal." The award ordered that the grievant be reinstated and made whole for lost wages and benefits.

In this case, the arbitrator himself stated the lesson this case contains for union representatives: Do your homework. If the grievant's steward had failed to pursue additional facts, including the recorded evidence of mail tampering at the grievant's own mailbox cluster, management's circumstantial case might well have prevailed.

So once again, the cardinal principle of grievance investigation proves its worth: Get the facts, get all the facts. Stewards should keep this advice clearly in mind at all times. New stewards as well as veterans may also want to check out another story in this issue of the *NALC Activist*, "Investigating A Grievance," for more details on this critical process (see pages 12-13). ■

Investigating a grievance

Start out on the right foot. That's good advice for a multitude of situations, from dating to dog training. For NALC stewards, that advice translates into paying keen attention to the first steps they take in investigating a grievance.

Stewards must set high standards for the initial steps of grievance processing. The key to success—the heart and soul of all grievance investigation—is **getting all the facts**. How do stewards know they are getting all the facts? As this article explains, every grievance investigation demands that the steward master a number of skills and techniques, including asking the right questions, interviewing all witnesses as soon as possible, knowing your rights as steward, using time wisely and reviewing all your findings to ensure that you have built the best possible case.

Obviously, thorough grievance investigation is one of the most challenging parts of the steward's job. The above skills and techniques cannot be perfected overnight. Rather, stewards must always keep trying to improve their investigative procedures. What follows are suggestions for grievance investigations culled from NALC training materials and the advice of experienced stewards.

■ **Ask the right questions.** Every grievance has its basis in something that happened—whether that something is alleged misconduct of a letter carrier or possible violation of contract language by postal management. The steward's primary job, therefore, is to find out *exactly* what happened.

Obviously you begin with the letter carrier or carriers directly involved in the situation. You also need to talk to

supervisors that may have played a role in the events leading to the grievance. In many cases, you may discover that other people may have useful information—such as other carriers, managers or sometimes postal patrons who may have been witnesses.

Before approaching any of these people, you must have a clear understanding of the questions that under-

er or carriers act, fail to act, or passively stand by as management violated the contract?

When did it happen? If a single incident, get the exact date and time. If a continuing violation, get the time span. Make sure the incident was recent enough to grieve—the time limit is normally 14 days.

Where did it happen? Was the carrier at the case, on the street, at home sick? Was the manager in the office, on the street, in the parking lot?

Why is it a grievance? Is the incident a violation of the *National Agreement* and if so, of what specific provision? Or does the incident violate the law or past practice? Experienced stewards know that not every carrier complaint or unusual situation is a grievance. By asking “why” questions, the steward can usually distinguish gripes from grievances.

The five “w’s” should provide the facts necessary to build a solid case for the union. At this point, the steward will also want to ask *how*—how should the grievance be remedied? What corrective action should be requested? (See the Spring 1990 *NALC Activist* story, “A guide to better grievance writing,” for examples of appropriate and inappropriate remedies.)

■ **Conduct interviews as soon as possible.** Bearing all these questions in mind, stewards should make a timely effort to locate all persons involved in the situation leading to the grievance and get their statements in writing. The sooner you can question witnesses and especially managers who may be involved, the better your case will be. Conduct interviews while everyone's memory of the inci-

The steward's primary job is to find out exactly what happened.

pin every grievance investigation. These questions can be summed up as five “w’s” plus an “h”: who, what, when, where, why and how. Here are some sample questions as suggested in the *NALC Steward's Guide*:

Who is involved? Who is the victim—the letter carrier or group of carriers? Who is the violator—the supervisor or other Postal Service official or officials? Who are witnesses? You will need to find and question all the people who are involved.

What happened? What was management's role—management's action or failure to act? What was the carrier or carriers' role? Did the carri-

dent or incidents is fresh so you can get the fullest possible accounts.

While it is important to question *everyone* as soon as possible, it's especially critical to get management's version of facts right away. By determining management's story as early as possible, you accomplish an important goal: freezing management's position. By documenting what management has to say, you make it difficult for the Postal Service to change arguments or introduce new facts at later steps of the grievance process.

■ **Document every fact and argument.** Whenever possible, obtain written documentation for every fact and argument that affects the grievance. Get all witnesses' statements in writing. Check over each statement to determine what if

Obtain written documentation for every fact.

any additional documentation is needed. For example, if the steward finds that overtime provisions of the contract have been violated, the steward will need management's records of the carrier assignments in question. Other kinds of documentation would be required for other kinds of grievances—for example, a grievance of discipline for alleged misuse of sick

leave might require written statements from physicians or other medical personnel.

■ **Know your rights.** Getting the answers to all your questions obviously takes time. Articles 17 and 31 of the *National Agreement* give the NALC steward broad powers to conduct a grievance investigation. You have the right to time on the clock to question everyone involved in the incident. You also have the right to interview *all* possible witnesses, including management and patrons when appropriate. The contract gives you the right to request and review all relevant Postal Service documents, files and records. A story in the Summer 1990 *NALC Activist*, "Know your rights in grievance investigations," not only reviews contract language on stewards' rights, but also presents a number of Step 4 settlements that have further clarified these rights.

■ **Use your time wisely.** The contract states that stewards' rights in grievance investigations may not be "unreasonably" denied. Effective stewards know that the best way to ensure they get all the time and access they need is to plan each questioning session in advance. For example, when you begin to question supervisors or other Postal Service officials, don't waste time trying to argue the merits of the grievance. Use this opportunity to uncover facts; you will have a chance to present the union's position at a later date.

It's a practical rule of thumb not to begin any interview with questions that are likely to provoke a hostile response from a witness. Begin with a matter-of-fact attitude and neutral questions, if possible. If witnesses do become hostile, resist the temptation to respond in kind. Continue asking neutral questions until you have all the facts.

■ **Review your investigation.** Once you are fairly confident that you

have gathered all the facts you need, take some time to look back over all the questions you have asked and the information you have on hand. At this point, you need to assess that information with an eye toward building the best possible arguments for the union. If you uncover any weak points, go back for additional statements or documentation.

One good way to check that you have all the facts is to put yourself in management's shoes. Imagine what a Postal Service representative would say to each of your points. Try to fig-

Try to figure out management's arguments.

ure out what arguments management is likely to offer. Then go over your own case to find the facts that offer the best possible rebuttals to management's position.

Remember that a winning grievance doesn't just happen. Solid, thorough investigation is essential for the success of every grievance. Nothing takes the place of good, accurate fact-finding. So forget your bag of Perry Mason-style legal tricks. For NALC stewards, the best role model may well be that dogged if ruffled TV investigator, Columbo, whose trademark technique was coming back time after time to say, "Oh, just one more question." ■

Steward builds solidarity in station

If you're a union activist, you know the importance of solidarity—that feeling of being connected, of having concerns and goals in common with your co-workers. Yet although most people can put together a reasonable definition of solidarity, they usually have a harder time explaining how to achieve this state. Solidarity is more a feeling than a fact, and like most feelings it can be tough to examine analytically.

Probably that's why St. Louis, Missouri Branch 343 steward Sandy Theismann is surprised to hear that her branch president, Keith Gentry, credits her with a powerful ability to create a sense of solidarity among the

She insists carriers learn about their own problems.

NALC members she represents. Theismann, who has been a steward at Jennings Station in St. Louis for the past five years, says she doesn't really think about solidarity as she goes about her job.

"I just keep people informed," she says. "That's what I think is most important." But as she lists the kinds of things she does every day, she has to admit that almost all her activities could have been expressly designed to create in members that all-important sense of connection and shared power.

In addition to traditional steward chores such as handling grievances and making sure the contract is enforced, Theismann also **shares information** with carriers by passing on news from the branch, the region and the national union. "I'm on them [the carriers] all the time to keep up with our publications," she says, especially *The Postal Record* and the branch newsletter, *The Mound City Carrier*.

She also actively **encourages involvement** by reminding carriers to go to branch meetings and participate in branch-sponsored activities such as MDA fundraising. Even more important, however, is the way she **fosters feelings of empowerment** by insisting that carriers take the initiative in learning as much as they can about their own work-related problems.

Need to know

Theismann sees her job as steward not as being an all-knowing problem-solver on whom carriers must depend, but rather as a facilitator who helps carriers find and use the information they need. "Some one comes to me with a question, and I'm probably going to turn it around and say, 'OK, what are your options?' If they don't know, I'll tell them to do some homework first—find the language in the contract or read through a hand-out I may have on that particular problem."

It's the age-old philosophy of how to feed the hungry: Don't just give them a fish, but teach them how to catch their own fish.

Recently Theismann read a *Postal Record* article about a particular problem in workers' compensation.

She knew that a carrier in her station was wrestling with the same problem, so she made a copy of the article and gave it to the carrier. "I could have simply followed the procedure in the article and done the work for that carrier," she says, "but I wanted him to take the initiative."

Adopting the Boy Scout motto, "Be prepared," Theismann takes time to quiz her co-workers, testing their knowledge and ability to handle tricky situations on their own. "What if you're injured on the job," she asks them. "What are you going to do?"

She educates carriers to avoid situations that may lead to grievances.

You've got to know because you can't rely on me always being there and you sure don't want to rely on management."

To reinforce her quizzes, Theismann follows up with hand-outs on relevant subjects. "My locker has papers everywhere," she laughs. She copies articles from NALC publications covering a wide range of topics. And she never loses an opportunity to point out that every carrier has the same access to basic information. "Somebody was asking me about



St. Louis, Missouri Branch 343 steward Sandy Thiesmann helps letter carriers learn how to help themselves.

Christmas Day, whether they got paid time and a half,” she says. “So I got my contract and showed them where it says that. And then I said, ‘Hey, you’ve got a contract, too. Why don’t you see what else is in there?’”

So far no one has complained about her insistence that carriers learn how to help themselves. “I guess somebody could say I’m the steward and it’s my job to take care of these things,” she says, “but the way I see it, it’s the carrier’s job, their livelihood, so they should be involved, they should know and care about all the things that affect them.”

Multiple payoffs

By refusing to play the expert and insisting that all carriers learn how to protect their jobs, Sandy Thiesmann accomplishes several goals that should be important to all NALC

stewards. First, she lightens her own load by educating carriers to avoid situations that could lead to grievances. She saves time as well by encouraging carriers to process their own claims in as many situations as possible. Although it seems like an extra effort to prepare and provide information on such topics as injury claims and dealing with workers’ compensation, Thiesmann has discovered that in the long run, it’s less work than if she had to walk every carrier through every such situation, time after time.

“That’s not to say I won’t get involved at all,” she says. “Certainly there are times when carriers will need my help, and I’ll be there. But I want people to understand that they are competent to handle many of these things themselves. There’s no magic here.”

Magic, no. But power—most defi-

nately. As carriers learn competence and take charge of many situations affecting their work life, they also realize their power to make other changes. It’s surely no coincidence that the carriers in Thiesmann’s station are also key players in two major union-sponsored charitable efforts—fundraising for the Muscular Dystrophy Association and the annual food drive.

“We became a coordinating station for the food drive,” Thiesmann explains. “The carriers wanted to work together to take on more responsibility, so now we’re a hub for collecting food.” Carriers also pitched in and bought a barbecue grill so they could provide meals for letter carriers from other stations as they made drop-offs of food at Jennings. “We said, ‘Hey, it’s a food drive, so let’s eat!’ Thiesmann laughs.

During the branch’s annual MDA bowling tournament, carriers from Jennings station threw themselves into the project with such enthusiasm that they were branch tournament champions for two years. “Again, we have that feeling of pulling together,” Thiesmann says. “When you get good at something, it raises your spirits all the way around. And then it’s fun.”

Fun may not be the first word to come to mind when thinking of the steward’s job. But as Thiesmann sees it, the potential for actively enjoying union work exists in almost every situation. “When we work together, when we learn to fight problems together, when we pull together to get things done—those experiences build a feeling of camaraderie.” And yes, that sure sounds like union solidarity, she admits. “I guess when you help people to help themselves, the union gets stronger, too,” she says. “Actually, it’s kind of amazing what you can do—but you never know till you try.” ■

Regional Training Seminars

Listed below are regional training and educational seminars scheduled to begin before August 1.

For more information, contact your national business agent.

Atlanta Region (Florida, Georgia, North Carolina and South Carolina)

May 2-3, South Carolina State Association Convention, Holiday Inn at Roper Mountain, Greenville, SC.

June 19-22, Florida State Association Convention and training seminar, Sheraton Grand, Tampa, FL.

June 19-21, North Carolina State Association Convention, Gateway Convention Centre, Rocky Mount, NC.

June 21-22, Georgia State Association training seminar, Atlanta Airport Hilton, Atlanta, GA.

National Business Agent Matthew Rose, (305) 964-2116.

District of Columbia Region (Delaware, District of Columbia, Maryland, Virginia and West Virginia)

May 7, MD-DC State Association Annual Congressional Breakfast, Holiday Inn, Capital Hill, DC.

June 9-11, Region 13 rap/training session, Ramada Hotel, Oxon Hill, MD.

July 21-22, S.W. Virginia shop steward training.

National Business Agent Tony Martinez, (410) 813-2130.

KIM Region (Indiana, Kentucky and Michigan)

April 11-12, regional training seminar, Holiday Inn North, Indianapolis, IN.

May 18-20, regional training seminar, Grand Hotel, Mackinaw City, MI.

June 8-10, regional training seminar, Executive Inn, Paducah, KY.

National Business Agent Ron Brown, (810) 589-1779.

Memphis Region (Alabama, Louisiana, Mississippi and Tennessee)

April 6, shop steward training, Holiday Inn, Meridian, MS.

June 5, shop steward training, Hilton Hotel, Baton Rouge, LA.

June 13-14, shop steward training, Holiday Inn, Nashville, TN.

National Business Agent Ben Johnson, (615) 366-1951.

Minneapolis Region (Minnesota, North Dakota, South Dakota and Wisconsin)

April 28-May 2, regional training seminar, Holiday Inn Metrodome, Minneapolis, MN.

National Business Agent Barry Weiner, (612) 378-3035.

St. Louis Region (Iowa, Kansas, Missouri and Nebraska)

May 4-6, Iowa State Training, Iowa City, IA.

June 6-8, Missouri State Training, Osage Beach, MO.

National Business Agent Joe Miller, (314) 872-0227.

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