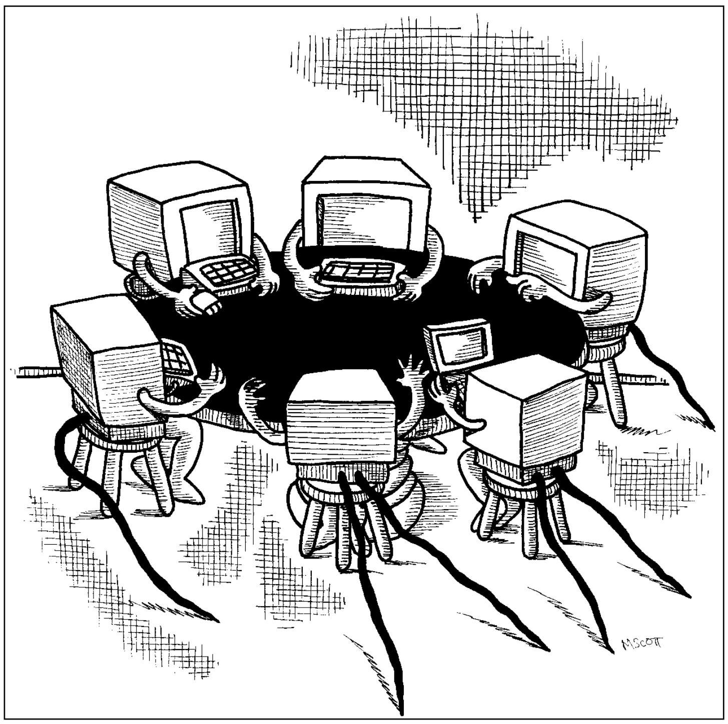
NALC ACTIVIST

A NEWSLETTER FOR BRANCH LEADERS OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS

VOL. 13, NO. 1 WINTER 1998

Computers: A branch roundtable



Back in 1989, a series of *NALC Activist* stories posed the question, "Should NALC branches invest in personal computers?" Today, many branch leaders can't imagine life without computers, relying on these powerful machines to maintain membership, financial and grievance records as well as to produce correspondence, newsletters and notices. For a growing number of local leaders, computer technology offers exciting ways to improve branch functions and build membership involvement.

This story offers a roundtable discussion among some of the same branch leaders who were interviewed for the earlier set of *Activist* stories. In the intervening years, these local leaders have made many more decisions about how to use computers, and illustrate through the variety of their approaches that there certainly is no one right way to computerize a branch.

At any given moment, branches all over the country may face widely different challenges as they computerize operations. Some branches may be thinking about

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Branch training for stewards

You hear people say that three things really matter when you're trying to sell a house: Location, location, location. In the same way, NALC branch leaders know what's really important when you're building better stewards: Training, training, training.

Whether stewards are 20-year veterans or brand-new to the job, effective branch leaders know that the more training these stewards receive, the better they will be at representing letter carriers. And the ultimate payoff for branch leaders who invest in such training is having a core of skilled, dedicated stewards who are self-starters, confident of their ability to handle most if not all workplace problems.

"Even if the job never changed,

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Computer roundtable

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making a first-time investment in computers, while other branches wrestle with issues of upgrading or improving their current equipment.

Then, after an initial investment has been made, more decisions loom. Should additional money be committed to "peripherals," such as modems or scanners? Finally, what are the most productive uses for branch computers—and how can leaders make sure the branch is maximizing its investment—both money and time?

To help branch leaders find the advice that most fits their current needs, this article is organized into several sections. In the first section, branch leaders talk about the overall benefits of using computers within the branch. Then these leaders discuss how they **evaluate computer options** to ensure the branch gets the most return for its investment. Finally, local leaders discuss **pitfalls of advanced technology**—traps that may make your life with computers harder instead of easier.

In addition to these broad suggestions from branch leaders, a box on page 5 offers more specific tips on using one of the most talked-about features of computerized life, the Internet.

Maximizing benefits

Computers offer an ever-increasing number of ways to accomplish many of the functions of a branch. As these options increase and grow more complex, many branch leaders may feel overwhelmed and tempted to forego any change whatsoever. Veteran branch computer users see this reaction as a mistake. Although computers may have their drawbacks, their advantages are compelling.

Richard Boring, president, Canton, Ohio Branch 238 (552 members): "Without the computer we'd be lost. There simply isn't any way we could handle our current load of grievances effectively without our computerized system. It's been a lifesaver.

"With access to arbitration decisions on CD-ROM, we can give stewards forceful arguments to use from the get-go. Grievances get resolved sooner and more favorably because management knows that we have our act together.

"But the key for us has always been to focus on that one goal. Our computer works so well because we make it work, we make it perform according to the priority the branch has set. We're clear, we're concentrated, and we're effective—much more effective than before we began using the computer."

Jay Ricke, president, Bensonville, Illinois Merged Branch 825 (1,888 members): "In our branch computers have given us a way to manage a work load that was unmanageable before. There's more time now for us to do more meaningful jobs, rather than be forced to spend hours just trying to find files or track down information. The challenge is to make the best possible use of that gift of time."

Tom Kelnhofer, president, Milwaukee, Wisconsin Branch 2 (2,102 members): "I think the most important thing to remember when you look at computers and the branch is that the human needs always come first. There's such a temptation to become a `tech-head,' to spend hours in front of the computer screen because there's so much computers can do.

"But you've got to remember **why** you went to computers in the first place. The branch serves its members, it is the members, and it is only as strong as members perceive it to be.

"One of the best things we're doing with computer technology right now is using our membership data base to put together a really effective one-to-one program to improve organizing and also membership attendance at branch meetings. The mobilization committee can sort through our computer membership records to find people to work on those goals. We can locate all past volunteers and find people who might have certain talents or interests that can help with this push."

Robert Scott, past president, steward, Bellaire, Ohio Branch 714 (17 members): "Serving the membership is what it's all about. That's why the possibilities of the Internet are so intriguing—people can get so much more information that they can put to immediate use to strengthen the branch.

"I think that as we find new uses for computers, we need to remember that the bottom line is always to pull people together. Computers are just another opportunity."

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Look before you leap

Seems like every month brings more change and diversity to the market for computers. Choosing the right machine at any given moment may appear to be impossible. But it's not necessarily so—here's how computer veterans have learned to sort through available options.

Richard Boring, Canton: "No matter what level of technology you're looking at, the most important thing you can do is to decide, first and foremost, exactly what you want to do with a computer. When you walk into a store, that's what the sales person will ask you, and you'd better have a pretty clear idea."

Robert Scott, Bellaire: "It's really frustrating when you're looking at buying something and the products are changing all the time. There's this real pressure to have the up-to-the-minute latest and fastest stuff, but you have to wonder just how fast and big your system really needs to be."

Rich Treonis, vice president, Bensonville: "We started out by just shopping around—and I wouldn't recommend that! You can end up with equipment that just doesn't fit your needs. A lot of features available today just aren't useful for NALC branches.

"We've got Pentiums now, although we started out with a Sperry word processor and then went to an AT. We have three full-time officers and a secretary, so the branch owns four PCs that are networked together."

Richard Boring, Canton: "We're living proof that faster and newer isn't necessarily better—our branch is working perfectly well with a 386 processor we bought maybe 5 years ago. It suits our needs, which are basically to have a good grievance-information retrieval system."

Tom Kelnhofer, Milwaukee: "It's true that you can go overboard with all the latest bells and whistles, but each branch has to decide exactly what would work best for its needs. We still use the same software for our accounting and our membership data base that we had from the beginning, but we've tried some other things that really have worked out well—so well that we wish we'd tried them a lot earlier.

"For example, we got a really good scanner so we could put photographs in the newsletter, which we put together with a desktop publishing program. Using good photographs, we discovered, really helps get people reading the newsletter—even though photo quality may seem at first like a trivial kind of thing."

Lenny Larsen, president, Minneapolis, Minnesota Branch 9 (2,483 members): "I'd say that whatever your budget, you've got to look at the same basic things: Can the equipment run the software that will do the jobs you

USPS BY THE NUMBERS

USPS Operations—PFY 1997	Number	Chg from SPLY*
Total mail volume year-to-date (YTD) (billions of pieces)	191.3	*4.5%*
Mail volume by class (YTD in billions)		
First-class	*98.7*	*1.5%*
Priority Mail	*1.2*	*13.8%*
Express Mail	*0.1*	*9.3%*
Periodicals	*10.4*	*2.7%*
Standard A (bulk)	*77.2*	*7.4%*
Standard B (parcels)	*1.1*	*5.1%*
International	*0.9*	*-7.9%*
Daily DPS letter mail volume (pieces)	127 million	*53.4%*
Percent of total letter mail	*29%*	——-
City routes with DPS mail	124,705	*25.3%*
Percent of total	*73.9%*	——-
Daily delivery points (millions)	128.8	*1.4%*
Percent city	*75.6%*	——-
Percent rural	*24.3%*	——-
City carrier routes	168,688	*-1.5%*
Rural carrier routes	59,466	*3.6%*
Net Income ($millions, YTD)	$ 1,283	-18.1%
Total Revenue	*$58,184*	*2.9*
Total Expense	*$56,901*	*3.5*
Employment/Wages—AP3/PFY 1998 (First Quarter)		
City Carrier employment	238,286	*-1.1%*
Percent union members	*91.3%*	——-
Percent career employees	*98.4%*	——-
City carrier casual/TE employment		
Casuals	6,275	*15.9%*
Percent bargaining unit	*2.6%*	——-
Transitionals	3,747	*2.2%*
Percent bargaining unit	*1.5%*	——-
City carriers per delivery supervisor	19.5	*-4.8%*
Career USPS employment	768,879	*1.1%*
City carrier avg. straight-time wage	$17.04/hr.	*2.2%*
City carrier overtime ratio (overtime/total work hours)	13.4%	——-
Ratio SPLY	*12.3%*	——-

*SPLY = Same Period Last Year

This information compiled by the NALC Research Department from USPS Reports.

need done right now, and can whatever you have or buy be upgraded relatively easily and cheaply?

"For most people, the biggest reason to upgrade or change equipment is to get more memory. So you should know going into any purchase just what it will take to add more memory to whatever you end up buying."

Dick Nesseler, president, Rock Island, Illinois Branch 292 (92 members): "The most important reason we decided to upgrade from the Apple computer we started with was to get a CD-ROM player so we could use the CDs offered by the [NALC national] Contract Administration Unit. That feature has been an enormous help—we now have immediate access to information. Stewards can call to say they're working on a certain kind of grievance, and we can get them half a dozen arbitration decisions on the same issue within a day. Our members are amazed at what we have at our fingertips—and so is management."

Robert Scott, Bellaire: "I work parttime as a computer technician, and the one thing people want most to add to their system is a fast modem—they want that connection to the outside, to whatever information is available.

"I think small branches could get a lot of benefit from being online—it can be a great resource particularly if you live a good distance from large cities or the NBA's office. But you've got to be willing to learn what's out there, what's available. And that can take time that branch leaders may not have."

Branch 825 president Jay Ricke (seated) discusses the branch's computerized grievance tracking system with branch executive vice president Rich Treonis.

Who's the boss?

As branches improve their technology, local leaders emphasize that common sense remains the most powerful ally of NALC activists. It's important not only to be able to use technology when it's needed, but also to recognize the ways in which computers may encourage people to misuse their time and energy.

Tom Kelnhofer, Milwaukee: "If you've been through a few years of breaking in one or more computer systems, you probably have at some level, anyway, an instinctive distrust of machines. We've all had systems crash at key points, and known the frustration of dealing with something that just isn't working the way it's supposed to. Once you've been through some downtimes, you tend to overreact.

"For example, it can be hard to break yourself of the habit of doing everything twice. If you are going to rely on your computer files, you should not be printing out hard copies of things like correspondence and maintaining paper files as well. Get and use a reliable backup system, learn to trust that system, and stop

> **"We now have immediate access to information."**

wasting time doing multiple filing jobs."

Lenny Larsen, Minneapolis: "There's a saying that if you buy a really good hammer, you tend to see everything as a nail—you convert every problem into something you can solve using the shiny new tool you have. A computer gives you the ability to process a lot of information quickly, so you may be tempted to expand every job. With arbitration decisions, for example—why settle for finding two cases when an extended computer search will turn up 20? But do you really need 20? Is it worth that extra time?

"Today's word processing programs can do so much neat stuff with fonts and borders and you name it. If you're doing a newsletter, you may want to use a lot of the extra touches just because you can, it's pretty easy. But you can end up putting a lot of effort into getting just the perfect look for a document. You've got to know when to stop tinkering and playing around with stuff."

Richard Boring, Canton: "We'd heard a lot of talk about getting information from the Internet, so we decided to get hooked up. After a month, we uhooked ourselves. You can get lost for hours on the Net, and in the end you have no more information that you could have gotten from reading the newspaper or making a few phone calls.

"As a branch, we focus on winning grievances. Right now, we don't see how Internet access is going to help us with that goal. Maybe we could learn some things, but the payoff just doesn't seem equal to the investment."

Ongoing analysis

By no means a formal survey of branch computer use across the country, nonetheless these branch leaders' comments reveal a variety of perspectives and approaches. Solid advice to apply in every situation would include reaching clear decisions about what's needed *in advance of purchase or upgrade* of any branch computer system. To that end, branch leaders may want to investigate all relevant sources of information, including computer applications used by other branches as well as innovations described in magazines and on the World Wide Web. (See the box above, "Electronic solidarity," for suggestions for further research).

Another key goal for most branch leaders might be to develop a healthy balance between respect for the computer's power and recognition that the human factor remains most important. Computers can create their own problems, especially if branch leaders get sucked into the compelling world of bigger and brighter technology. It's possible to become obsessed with getting the absolute most out of the machine, aiming for a perfection and completion that really defeats the purpose of using computers to save time.

And branch leaders would do well to remember that despite myriad technological advances, nothing can replace the face-to-face conversations and interactions that are the heart of the branch. If computers can help bring people closer together, then they serve their purpose. If, however, technology threatens to cut members off from one another, it becomes part of the problem rather than part of the answer.

Electronic solidarity

Seems as if every new day brings a new way that union activists can communicate via the Internet. The Fall 1996 *NALC Activist* listed a number of World Wide Web pages that may provide useful information.

In addition, NALC branch activists may want to investigate the world of list servers. List servers are Internet mailing lists that enable you to receive and post information to a specific "list" of people about news or issues related to the topic of the list.

An article in the July/August 1997 issue of *WorkingUSA* describes many labor listservs with e-mail addresses. The lists generally are maintained by automatic managers, the most common of these being LISTSERV and Majordomo. To subscribe to a LISTSERV list, you must send an e-mail to the LISTSERV manager with the code Sub (for subscribe) + listname + your full name within the body of a message. To subscribe to a Majordomo list, you don't have to include your name but you must type out the word subscribe in the body of the message, and not enter anything in the subject category.

Labor listservs, in no particular order, include H-UCLEA, a discussion on labor studies put out by Michigan State University, address is **listserv@msu.edu**; Weekly Labor Talk, commentary on problems working people face run by colunmist Harry Kelber, address is **majordomo@igc.org**; LABNEWS, news of unions and organizing, address is **listserv@cmsa.berkeley.edu**; and FUTUREWORK, an international forum examining the effects of technological change, address is **listserv@csf.colorado.edu**.

Steward training

continued from page 1

even if the contract never changed, training would be important," says Albany, New York Branch 29 president John Walsh. "The simple act of getting people together in a room to share information builds so much unity and strength in the branch. It's worth all the time and effort."

In this story, branch leaders who have invested in various kinds of steward training within the branch talk about the programs they have developed—ranging from formal workshops to informal get-togethers.

> **"Stewards make connections with other people in the branch."**

In developing training opportunities for stewards, NALC branch leaders are using a set of proven techniques to enhance stewards' learning and maximize the use of training time. These techniques include **creating small groups to improve discussion**; **using methods that actively involve stewards**; **presenting material that's immediately relevant**; and **utilizing the expertise of more experienced stewards**. The advantages of these techniques is that they are infinitely adaptable—even small branches can incorporate some of these ideas in informal settings.

Using such methods as teaching in small groups, such training may well be within the reach of many NALC branches, notes Minneapolis, Minnesota Branch 9 president Lenny Larsen. "What works for stewards at a larger branch would work just as well for all NALC members in smaller branches," Larsen says. "Wouldn't it be terrific if we could offer all our members the opportunity to develop stewards' resources and skills?"

Small packages, big payoffs

Until recently, Minneapolis Branch 9 like other large branches relied on traditional steward training that brought 30 or 40 people together in one room to listen to talks by branch officers about various contract provisions. The method worked well enough, comments branch president Larsen, but branch leaders began to notice one problem.

"When you get a big group like that, with old-timers as well as branch-new stewards, the newer people tend to say less," Larsen says. "It varies from group to group, of course, but generally people don't like to ask the questions they think everyone else already knows. It can be intimidating, and we were finding that our new people were walking away from the training with a lot of holes in their knowledge."

To fix this problem, Larsen and other branch leaders decided to bring in groups of six or seven stewards at a time. Each group is a blend of newcomers and old hands; they work together for about half a day at branch headquarters, led by either Larsen or one of the other branch officers. "It's a friendly size," Larsen says. "People can get to know each other a little bit, and they realize that everybody's got something to learn. And the only dumb question is the one that never gets asked."

Larsen admits that scheduling these small groups is much more time-consuming than running the traditional large groups, but the payoff is worth it, he feels. "The training seems so much deeper for these people," he says. "We can get a real feeling that they know what they're doing—plus they've made connections with other people, other stewards in the branch, who can act as additional resources." After such training, Larsen feels that stewards seem more self-reliant and branch officers need not spend as much time visiting stations and answering specific questions from stewards.

> **"Don't let yourself go off in the lecture mode."**

Learn to shut up

Whatever the approach, branch leaders need to remember another principle of basic adult education: Let the trainees participate actively. "Whatever you're doing, it's too easy to let yourself go off into the lecture mode," says Denver, Colorado Branch 47 president Gene Lefet. "The tipoff is when you look out at the stewards and see a lot of glazed-over eyes. You've got to learn when to shut up and let the stewards talk back."

Several NALC local leaders intentionally incorporate teaching methods that demand participation. Albany's John Walsh, for example, always includes at least one opportunity for stewards to role play an actual grievance. "You learn what keeps people interested," he says. "Getting stewards to act something out may be a better way of helping them remember key points." Walsh has been so impressed with the success of role playing and other participative techniques in steward training that he is planning a series of mock arbitrations for upcoming steward training sessions to be given at New York's Tinley District meeting, which will include stewards from Albany and Schnectady.

"Getting people to take parts in an arbitration is great for those people who want to be advocates," notes Bill Cook, president of Schnectady Branch 358 who helps Walsh with the training. "But we think the benefits are going to spread to all the stewards who watch. For one thing, they'll see just how important it is to build a good case at Step 1 of the grievance procedure." Walsh and Cook plan to use actual cases from their branches to illustrate the need for thorough investigation and other essential steward skills.

"Acting something out underlines key points."

Training stewards in small groups of six or seven provides additional benefits, including giving stewards the chance to learn from each other, as Lenny Larsen (l.), president of Minneapolis, Minnesota Branch 9, discovered.

Right down their alley

Using examples that come straight from the branch is another valuable technique to grab stewards' attention and enhance their learning. Many branch leaders will take cases from the branch files—white out the names of all participants, copy and distribute the documents and then ask stewards how they would proceed with the case. "Sometimes we'll hold back the outcome so people can decide just exactly what to do, where the case may need to be stronger, who they'd talk to, that kind of thing," says Lenny Larsen of Minneapolis Branch 9.

One obvious value in using actual grievances is that branch leaders can target ongoing problems that may be particular headaches for stewards in the branch. "Right now, for example, we're looking at management discipline of carriers on the street," says John Walsh of Albany Branch 29. "We want our stewards to know what kind of discipline is coming down, and just exactly how to investigate those charges to get the best possible outcome for carriers." Because Walsh and other branch leaders are in touch with day-to-day events, they can make steward training immediately relevant to the kinds of situations stewards are facing at that point in time.

"We try to be ahead of the curve if we can," says Schnectady's Bill Cook. "If we can get a sense of what direction management is moving, we'll put together steward training right away that can help our people respond and even anticipate management's actions."

Obviously, updates on current problems and predictions of management behavior can also be part of more traditional educational approaches, such as talks at branch meetings. "We bring our stewards together every month before the regular branch meeting," notes Denver president Gene Lefet. "And one of the biggest focuses is updates on what's happening. Then when we go into the branch meeting, we can share all that information with members as well, and know that when everyone goes back to their stations, the stewards will be able to answer questions and give good advice."

Experience counts

Most branch leaders who undertake any kind of steward training know that their most valuable asset is not any kind of manual or even the *National Agreement*, but the brains and know-how of veteran stewards who have been there, done that. "We see it as important to have a mix of people in each training session," says Minneapolis Branch 9 president Lenny Larsen. Some people might think that veterans would be bored by sessions in which newcomers hear such basic information as how to fill out grievance worksheets, but in fact the more experienced stewards enjoy being a part of the process, Larsen has noted.

"Sure, people get a double dose of the same stuff," he says, "but when you've got seasoned people in there, you can get some great stories that really drive home the points you're trying to make." For example, if the issue is how many people to interview when investigating a grievance, an experienced steward may share a story of how he never talked to the one person whose observations provided a whole different interpretation to the circumstances leading to the grievance. "You've got a conflict of stories between the grievant and the manager, and you miss talking to the one carrier who overheard the whole thing, so you lose the grievance," Larsen notes. "Stories like that stick with people a lot longer than a statement like, `Be sure to interview all witnesses.'"

Nothing fancy

It's particularly valuable to recognize the contributions of veteran stewards because such experience is a resource shared by almost every NALC branch. "You don't need to have a fancy program with booklets and tests and all that," notes Albany's John Walsh. "Sure, it's great if the branch has the resources to invest in a formal training program. But stewards really learn best from each other." Any branch activity that brings stewards together can be a training opportunity, such NALC leaders emphasize.

> **Any branch activity can be a training opportunity.**

"Give stewards a few minutes at the beginning or the end of branch meetings to socialize," suggests Denver's Gene Lefet. "If there's a group of folks around the coffeepot, ask what they think of some situation that's happening in the branch right then." All these moments can be effective steward training, say Lefet and other NALC branch leaders.

"The most important thing is getting people talking to each other," says Minneapolis Branch 9 president Lenny Larsen. "We should never forget that we're a union and we depend on sharing our knowledge and our strength."

Resources for stewards

NALC stewards should be familiar with a variety of sources that can help them perform their jobs more efficiently. The *National Agreement* and the *Employee and Labor Relations Manual* are required reading. In addition, several other NALC publications provide basic information as well as advice about ways to handle the steward's job. These include:

Steward's Guide. An introduction to the job of union representative, including a complete description of the grievance procedure, advice on grievance handling and brief summaries of the laws affecting letter carriers.

Grievance Kit, Form 1, Grievance Worksheet, is for union use only, to be filled out by the steward before filing a grievance at Step 1. Form 2, Standard Grievance Form, must be filled out when appealing a grievance to Step 2.

How to Get "Yes" for an Answer. This booklet offers ways to get nonmembers to join the union.

These publications are free and can be requested from NALC Supply Department, 100 Indiana Ave., N.W., Washington, D.C. 20001. Phone: 202-393-4695.

The case of the 'slow' letter carrier

Is there such a thing as the "ideal" letter carrier? Certainly postal managers wish such a being existed—a perfect performer who always worked at the same pace—which is to say, as fast as possible. However, NALC stewards know that letter carriers are individuals and have the right, as protected by the National Agreement, to work their routes at a speed that reflects their individual best effort.

For example, Postal Service management is constantly attempting to impose a standard for casing mail, telling letter carriers that they should be casing at a certain speed whatever the circumstances. However, NALC representatives know that managers are prohibited from disciplining carriers for failure to reach some arbitrary casing standard. Rather, the appropriate time for casing mail is set by each carrier working at the speed at which they are most efficient.

Another bone of contention between management and carriers is the speed at which a carrier delivers a route. In a recent regional-level arbitration (C-17434), the Postal Service attempted to argue that letter carriers should be disciplined for driving too slowly, presenting the argument that there was, in fact, a standard for the appropriate speed on mounted routes. In his ruling, the arbitrator upheld the principle that, just as with casing the mail, there is no standard for speed in delivering the mail. Carriers work at their own speed, to the best of their ability.

The facts

Beginning in late 1995, postal management began issuing letters of warning to a letter carrier for "unsat-

isfactory performance." The carrier in question had been in the Postal Service for 23 years and was a union officer. A supervisor who had recently come to the station determined that this carrier took too much time to deliver his route. The supervisor claimed to have analyzed the route and determined that the carrier's rate of delivery, about 80 per hour, was much too slow. With the postmaster's consent, the supervisor decided to correct this alleged problem by issuing progressive discipline.

The union grieved the first letter of warning and the grievance was sustained in expedited arbitration. However, before that arbitration decision had been determined, the supervisor decided that the grievant had not responded positively to the first letter, so the supervisor issued a second letter of warning in February 1996 for unsatisfactory performance. That letter was also grieved, and while it was proceeding through the grievance procedure, the supervisor decided to take additional steps to improve the grievant's performance.

The supervisor observed other carriers delivering the grievant's assigned route in less time than the grievant, making about 100 deliveries per hour. The supervisor then observed the grievant delivering the same route and decided that the grievant was wasting time improperly servicing the mailboxes and was also driving too slowly between mailboxes. For these reasons the supervisor issued a 7-day suspension in July 1996.

The union grieved the 7-day suspension, but before that case reached arbitration the supervisor in October 1996 issued a 14-day suspension to the carrier for the same reasons. In the meantime, the arbitration on the second letter of warning was held and the arbitrator upheld management's action.

Therefore at the time the current case of the 14-day suspension reached arbitration, the record showed that of the three previous disciplines that had been issued, one had been reversed in arbitration, one had been upheld and the most recent—the 7-day suspension—was awaiting arbitration.

All these actions were based on the supervisor's perception that, as he stated in the October letter announcing the 14-day suspension, "[the grievant] drove [his] delivery vehicle at a very slow rate of speed in between deliveries, most times not traveling over 2-3 miles per hour, with the vast majority of the time not traveling over 5 MPH....Other employees have been observed delivering routes, including [the grievant's], at a more normal rate of speed without in any way jeopardizing safety and/or efficiency....[further, the grievant] gave no valid explanation for his action. The grievant also gave no reason as to why he had not corrected his behavior even after all [the supervisor's] previous attempts at correction. Furthermore, the grievant continued to demonstrate total disregard for the supervisor's authority as is evidenced by his steadfast insistence on continuing to drive at an abnormally slow rate of speed."

The union grieved the 14-day suspension and the grievance proceeded to arbitration. As part of the arbitration hearing, the arbitrator accompanied the grievant as he drove his route and observed his rate of speed.

USPS arguments

The Postal Service advocate framed the central issue as the grievant deliberately refusing to perform as instructed by the supervisor. The supervisor testified about the slow speed of the grievant's deliveries, and also that previous instructions from the supervisor and all previous disciplinary actions based on the grievant's poor performance were intended to improve the grievant's delivery speed.

The Postal Service argued that because other letter carriers could and did deliver the grievant's route more quickly, the grievant should speed up his rate of delivery. However, the grievant continued to "demonstrate the same deficiencies" despite all attempts by the supervisor to force the grievant to speed up.

Management defended the supervisor's actions in issuing further discipline before receiving the results of earlier disciplinary actions. Since the merits of each discipline should stand on its own, the fact that an earlier discipline had not yet been ruled valid or invalid should have no bearing on the disposition of the case at hand. As the supervisor saw it, the fact that the grievant continued the behavior that had generated the earlier disciplinary actions proved that the grievant had "total disregard for [management's] authority." Therefore, the Postal Service advocate argued, additional and more severe discipline was completely warranted.

NALC arguments

The main argument presented by the union advocate was that there was no proof of "unsatisfactory performance." In submitting its disciplinary request to USPS District Relations, the supervisor did not state any specific rule, regulation, policy and/or order that was violated. Rather, the supervisor stated that the grievant was driving too slowly in delivering the mail, had been told he was driving too slowly and continued the same practice even after that instruction.

> **"There is no 'street standard' to be met by all carriers."**

The NALC advocate pointed out that nowhere in the contract or manuals governing the terms and conditions of letter carrier work is there any reference to a "street standard" that must be met by all carriers. Further, no supervisor is authorized to set such standards.

In this case, the supervisor cited the performance of another carrier, a PTF, who delivered the route in less time than the grievant. However, a regional arbitration decision by Arbitrator Levak (C-5952) stated that comparisons of performance between individual carriers cannot be used as the basis for discipline. Rather, each carrier must be individually evaluated and office and street times for each route should be set according to the performance of the carrier on a specific route.

The union also protested the action of management in continuing to impose discipline before knowing the results of arbitration of previous discipline. If an earlier discipline is thrown out by an arbitrator, as happened with the first letter of warning issued to this grievant, than any record of that disciplinary action should be struck from the grievant's record.

In continuing to pile discipline upon discipline without waiting for the results of each arbitration, postal management clearly indicated that it was not interested in the basic principles of progressive discipline, the union advocate stated. Rather, the intent of these rapid-fire disciplinary actions was to harass and embarrass a veteran carrier who also happens to be a union activist. The current grievance should be sustained.

The arbitrator rules

In addressing the merits of the case, the arbitrator came immediately to the core issue, that there is no standard speed established for driving between mail boxes to make deliveries. The arbitrator stated, "Since there is no standard, the Service can't reasonably show one was violated, unless unbiased, objective evidence clearly shows obvious malingering (by a camcorder, for example)." The supervisor, whom the arbitrator characterized as "hard driving," was clearly not an impartial observer. Further, the arbitrator stated, "Every carrier is not required to drive as fast as the fastest driver."

Test yourself on stewards' rights

The job of an NALC steward is complex and can seem overwhelming at times, especially for people who have recently taken on that responsibility. As part of a continuing series of articles aimed at helping new stewards, the *Activist* introduces the first of several self-tests for stewards, taken from NALC's training program for stewards developed by the Education Department.

Give this test a try to see how much you know about the rights of stewards as they appear in the *National Agreement*. Even veteran stewards might want to refresh their memories of these basic principles. Answers and explanations appear on page 12.

1. A steward has the right to investigate which of the following on the clock?
   a. Grievances affecting the wages, hours and working conditions of letter carriers;
   b. Problems affecting the wages, hours and working conditions of letter carriers, even though a grievance has not been filed.

2. When must a steward obtain management's permission to investigate or process a grievance on the clock?
   a. Always;
   b. Only when reasonably necessary;
   c. Never.

3. In handling problems or grievances on the clock, stewards may:

continued on page 12

The arbitrator rejected the union's argument that because management had imposed the 14-day suspension wihout knowing the results of arbitration of previous discipline, the suspension was improper. As the arbitrator saw it, the purpose of discipline at whatever level is to put employees on notice of what management expects and will act against with more severe discipline if repeated. Therefore, in the arbitrator's opinion, management need not wait for each discipline to be resolved before issuing another discipline for the same behavior.

The bigger issue for the arbitrator, however, was whether the grievant clearly understood why he was being disciplined in the first place. Effective progressive discipline requires that the person being disciplined be aware of the exact nature of the rule, regulation, policy or order that is being violated. The supervisor was unable to cite such a rule, but rather relied on a subjective judgment of the grievant's performance as "unsatisfactory."

For this reason, the arbitrator sustained the grievance and instructed management to make the grievant whole for any money and benefits lost as a result of the 14-day suspension.

Note to stewards

In the final analysis, this case demonstrates a basic principle of approaching grievances involving discipline. The behavior cited by management in issuing the discipline must be a violation of a rule, regulation, policy or order. A charge of "poor performance" cannot stand by itself; rather, management must be able to prove that the grievant was guilty of deliberate misconduct. The standards set in arbitration for such proof include the testimony of reliable witnesses or a preponderance of evidence.

In this case, management had only one witness—the supervisor who issued the discipline. This person could not cite a specific rule or procedure that the grievant had violated. As part of the arbitration hearing, the parties recreated the circumstances leading to the issuing of the discipline. In that reenactment, the arbitrator was unable to find any evidence that the grievant had behaved as the supervisor claimed. And in any event, a charge of "driving too slowly" is not a basis for discipline unless management has objective proof of deliberate malingering, as the arbitrator pointed out.

Postal management constantly pressures letter carriers to speed up, whether in the office or on the street. This case illustrates that management cannot simply claim a carrier is not performing at an appropriate speed. There is no standard for appropriate street time. Rather, each carrier has the right to set his or her own speed based on their individual abilities and capacities. Knowing this right, stewards should be alert to protect carriers from arbitrary management demands to speed up.

a. Interview the grievant;
b. Interview witnesses, including postal customers;
c. Interview supervisors;
d. Interview postal inspectors;
e. Review management documents;
f. Discuss grievances at Step 1 or Step 2 meetings;
g. Write grievances.

4. If management unreasonably denies a steward's request for time on the clock to process a grievance, the steward should:
a. Refuse to process the grievance and demand an extension of the time limit for filing or appealing it;
b. Process the grievance during the non-working times, file a grievance protesting the denial as unreasonable and request pay for the time spent processing the grievance off the clock.

5. Which of the following are true?
a. When management delays an employee's request for a steward, management should state the reasons for the delay and also state when the time should be available.
b. Employees are normally entitled to reasonable time to consult with a steward. Reasonable time cannot be set according to some predetermined factor.
c. Management may not delay giving an employee and steward time to meet based solely on the fact that the employee or the steward is in an overtime status.

6. A steward is entitled to review and obtain copies of management records:
a. Pertinent to the processing of a grievance;
b. Necessary to determine if a grievance exists;
c. That affect letter carriers, whether or not there is a problem or grievance related to them.

7. The steward has the right to obtain which of the following in investigating a problem or grievance:
a. Overtime records;
b. Route inspection forms;
c. Records of an employee's previous discipline;
d. Employee medical records.

Answers to stewards' test

Here are the answers to the self-test on stewards' rights that begins on page 11.

1. **a and b**. The steward has the right to investigate on the clock both grievances and problems that could become grievances.

The steward's right to investigation is very broad. Article 15, Section 1 of the *National Agreement* defines a grievance as "a dispute, difference, disagreement or complaint between the parties related to wages, hours and conditions of employment." This definition includes a wide variety of work-related problems affecting letter carriers. And stewards have the right to **paid time** to investigate them, even when a grievance has not yet been filed, and even when the steward does not yet know very much about the problem. That's the whole point of the right to investigate.

2. **a.** Article 17, Section 3 of the *National Agreement* provides that stewards *must request* permission from the immediate supervisor to leave the work area, and from other supervisors to enter their work areas, for the purpose of investigating and adjusting grievances, or investigating problems that may become grievances.

3. **All answers are correct**.

4. **b.** The union must always be careful to abide by the time limits for filing or appealing a grievance. Although management was wrong in this situation, the steward must continue to process the grievance and challenge management's violation of steward rights through a separate grievance.

5. **All are true**. The NALC and the Postal Service have agreed to these principles in various Step 4 settlements.

6. **a and b**. Article 31, Section 2 gives stewards the right to information relevant to grievances or problems that may become grievances. So the steward has the right to obtain management information that is relevant to problems related to the wages, hours and working conditions of letter carriers, even when a grievance has not been filed. However, this does not mean that the union may conduct a "fishing expedition" by requesting information for any reason or no reason.

7. **All of these**. The steward may obtain any of these types of records when they are relevant to a grievance or a problem that may become a grievance.

The Privacy Act does not apply in this situation. The Privacy Act prohibits the Postal Service from releasing certain records relating to individual employees. However, collective bargaining and grievance-handling are recognized as exceptions under the Privacy Act.

Because much of this information is **confidential**, stewards have the responsibility to keep this information confidential. Confidential information should be made available only to those union and management people who have an official need to see it. Obviously, union representatives handling a case must know all the information relevant to it. But they should not gossip to others about confidential matters. You wouldn't want your doctor or lawyer to gossip about your problems. The members you represent expect the same of you.

1997 NALC Activist Index

NOTICE

NALC branch leaders and stewards who wish to have a complete index of the *NALC Activist* may obtain one by writing the NALC Information Center, 100 Indiana Avenue, N.W. Washington, D.C. 20001 The *Cumulative Activist Index* covers Volumes 1-12, 1986-1997.

Regional Training Seminars

Listed below are regional training and educational seminars scheduled to begin before May 1, 1998.

For more information, contact your national business agent.

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

February 7-8, Georgia State Association training seminar, Savannah Hyatt Regency, Savannah, GA.

February 28-March 1, South Carolina State Association training seminar, Columbia, SC.

March 27-28, North Carolina State Association training seminar, Atlantic Beach Sheraton, Atlantic Beach, NC.

National Business Agent Matthew Rose, (954) 964-2116.

Dallas Region (New Mexico, Texas)

February 14-16, regional spring workshop, Brownsville, TX.

National Business Agent Gary Mullins, (972) 594-6252.

Philadelphia Region (Pennsylvania and southern New Jersey)

February 22-24, regional rap session, Trump Plaza, Atlantic City, NJ.

National Business Agent James Dolan, (215) 824-4826.

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

February 20-22, regional rap session, Embassy Suites Hotel, St. Louis, MO.

April 17-19, Nebraska State Association convention and training seminar, Norfolk, NE.

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

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