

Local Grievance #: _____

Issue Statement (Block 15 of PS Form 8190):

Did management violate Article 14, and/or Sections 814 and/or 824 of the (Employee Labor Relations Manual) ELM via Article 19 of the National Agreement when they failed to **[Investigate/Immediately act and/or respond]** to a PS Form 1767, Report of Hazard, Unsafe Condition or Practice submitted on **[date]** at the **[Station/Post Office]**, and if so, what should the remedy be?

Union Facts and Contentions (Block 17 of PS Form 8190):

Facts:

1. Letter Carrier **[name/or anonymous (via Steward)]** submitted a report of a hazardous condition or practice on PS Form 1767 to Supervisor **[name]** on **[date]** at approximately **[time of day]**.
2. The PS Form 1767 stated there was an alleged unsafe condition of **[state condition or practice listed on 1767]** on **[date]** at approximately **[time of day]**.
3. Supervisor **[name]** did not **[Investigate the alleged condition, initiate corrective action and/or provide the employee with a copy of the signed 1767]** as required by Section 824.632 of the ELM, which provides:

"The immediate supervisor must promptly (within the tour of duty):

- a. Investigate the alleged condition.*
- b. Initiate immediate corrective action or make appropriate recommendations.*
- c. Record actions or recommendations on PS Form 1767.*
- d. Forward the original PS Form 1767 and one copy to the next appropriate level of management (approving official).*
- e. Give the employee a copy signed by the supervisor as a receipt.*
- f. Immediately forward the third copy to the facility safety coordinator.*

It is the supervisor's responsibility to monitor the status of the report at all times until the hazard is abated. If the hazard remains unabated longer than 7 calendar days, the supervisor

must verbally inform the employee as to abatement status at the end of each 7-day interval.”

4. Supervisor **[name]** failed to **[initiate action to minimize the hazard and/or provide the employee with written notification of completeness]**. Section 824.633 of the ELM states:

“The approving official (the responsible manager) must initiate action to eliminate or minimize the hazard.

- a. If this results in the submission of a work order, attach the original PS Form 1767 and forward it, through channels, to the manager of Maintenance.
- b. If the approving official determines that there are no reasonable grounds to believe such a hazard exists, the employee must be notified in writing within 15 calendar days. (Safety personnel must assist in this determination when requested.)
- c. If the hazard was abated through actions of the approving official:
 1. The employee must be notified in writing, and
 2. The original PS Form 1767, with a statement of actions taken, must be forwarded to the safety office.”

5. Supervisor **[name]** failed to provide safe working conditions when they failed to follow up on an alleged unsafe condition reported on PS Form 1767 on **[date]**. Article 14, Section 1 of the National Agreement states:

“Section 1. Responsibilities

It is the responsibility of management to provide safe working conditions in all present and future installations and to develop a safe working force. The Union will cooperate with and assist management to live up to this responsibility. The Employer will meet with the Union on a semiannual basis and inform the Union of its automated systems development programs. The Employer also agrees to give appropriate consideration to human factors in the design and development of automated systems. Human factors and ergonomics of new automated systems are a proper subject for discussion at the National Joint Labor-Management Safety Committee.”

6. All employees are responsible for complying with all OSHA and Postal Service safety and health regulations as provided for in Section 814.2 of the ELM, which states:

“All employees are responsible for:

- a. *Complying with all OSHA and Postal Service safety and health regulations, procedures, and practices, including the use of approved personal protective equipment.*
 - b. *Keeping the work area in a safe and healthful condition through good housekeeping and proper maintenance of property and equipment.*
 - c. *Reporting recognized safety hazards and unsafe working conditions immediately.*
 - d. *Performing all duties in a safe manner.*
 - e. *Keeping physically and mentally fit to meet the requirements of the job.*
 - f. *Reporting to their supervisors immediately any accident or injury in which they are involved, regardless of the extent of injury or damage.*
 - g. *Driving defensively and professionally, extending courtesy in all situations, and obeying all state, local, and Postal Service regulations when driving a vehicle owned, leased, or contracted by the Postal Service.*
7. Supervisor **[name]** failed to correct the unsafe condition which was reported on PS Form 1767 on **[date]**. Article 14, Section 2 of the National Agreement states:

“Section 2. Cooperation

The Employer and the Union insist on the observance of safe rules and safe procedures by employees and insist on correction of unsafe conditions. Mechanization, vehicles and vehicle equipment, and the work place must be maintained in a safe and sanitary condition, including adequate occupational health and environmental conditions. The Employer shall make available at each installation forms to be used by employees in reporting unsafe and unhealthful conditions. If an employee believes he/she is being required to work under unsafe conditions, such employee may:

- (a) notify such employee’s supervisor who will immediately investigate the condition and take corrective action if necessary;*
- (b) notify such employee’s steward, if available, who may discuss the alleged unsafe condition with such employee’s supervisor;*
- (c) file a grievance at Formal Step A of the grievance procedure within fourteen (14) days of notifying such employee’s supervisor if no corrective action is taken during the employee’s tour; and/or*

(d) make a written report to the Union representative from the local Safety and Health Committee who may discuss the report with such employee's supervisor.

Upon written request of the employee involved in an accident, a copy of the PS Form 1769 (Accident Report) will be provided.

Any grievance which has as its subject a safety or health issue directly affecting an employee(s) which is subsequently properly appealed to arbitration in accordance with the provisions of Article 15 may be placed at the head of the appropriate arbitration docket at the request of the Union."

Contentions:

1. Management violated Section 824 of the ELM via Article 19 of the National Agreement when they failed to **Investigate/Immediately act and/or respond in writing** to the submitted PS Form 1767.
2. Letter Carrier **[name/or anonymous]** reported a hazard on PS Form 1767 as provided for in Section 814 and 824.61 of the ELM.
3. Supervisor **[name]** failed to respond to the PS Form 1767 or abate the reported hazardous condition when they received the report of an alleged hazard on **[date]**.
4. Supervisor **[name]**'s failure to **[Promptly investigate/Immediately act and/or respond]** to the PS Form 1767 required by the ELM did not change managements responsibility to provide safe working conditions to all employees.
5. Supervisor **[name]** should have **[Promptly investigated/Immediately acted and/or responded]** to the employee's report of a safety hazard by the end of the tour of duty as stated in the ELM Section 824.632.
6. Supervisor **[name]** should have monitored the status of the report until the hazard was abated and verbally inform the employee of the abatement status at the end of each 7-day interval.
7. In accordance with Article 14, Section 2(c) of the National Agreement the union may initiate a grievance at Formal Step A within 14 days of notifying the employee's supervisor if no corrective action is taken during the employee's tour. The explanation of this provision is found on page 14-2 of the Joint Contract Administration Manual (JCAM) which states the following:

Safety Grievances Filed at Formal Step A. Article 14.2.(c) provides that safety and health grievances may be filed directly at Formal Step A of the grievance procedure. However, if a health or safety grievance is filed at Informal Step A instead, it is not procedurally defective for that reason.

Remedy (Block 19 of PS Form 8190):

1. That management cease and desist violating Sections 814 and 824 of the ELM via Article 19 of the National Agreement.
2. That management cease and desist violating Article 14 of the National Agreement.
3. That the unsafe hazard be immediately investigated/acted on and/or responded to in accordance with the ELM and that the hazard(s) be abated.
4. That letter carriers are not exposed to the reported hazard until abated.
5. That proof of abatement be provided to **[Letter Carrier and NALC Official]** upon completion, and/or any other remedy the Step B team or an arbitrator deems appropriate.

Add the following issue statement, facts, contentions, and remedy request if we can prove the violation is repetitive:

Issue Statement:

Did management violate Article 15, Section 3.A of the National Agreement along with policy letter M-01517 by failing to comply with the prior Step B decisions or local grievance settlements in the case file, and if so, what should the remedy be?

Facts:

1. Article 15, Section 3.A of the National Agreement states in relevant part:

The parties expect that good faith observance, by their respective representatives, of the principles and procedures set forth above will result in resolution of substantially all grievances initiated hereunder at the lowest possible step and recognize their obligation to achieve that end.

2. M-01517 states in part:

Compliance with arbitration awards and grievance settlements is not optional. No manager or supervisor has the authority to ignore or override an arbitrator's award or a signed grievance settlement. Steps to comply with arbitration awards and grievance settlements should be taken in a timely manner to avoid the perception of non-compliance, and those steps should be documented.

3. Included in the case file are **[Arbitration Awards/Step B decisions/local grievance settlements, etc.]** in which management was instructed/agreed to cease and desist violating Article 14, and/or the ELM section 824 via Article 19 of the National Agreement by failing to provide safe working conditions.

Contentions:

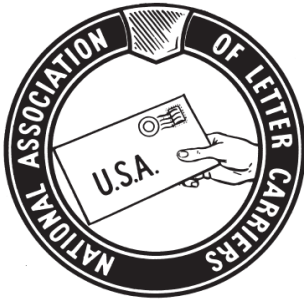
1. Management violated Article 15, Section 3.A of the National Agreement and M-01517 by failing to abide by the previous Step B decisions/local grievance

settlements in the case file. When management violates contractual provisions despite being instructed/agreeing to cease and desist these violations, they have failed to bargain in good faith.

2. The Union contends that Management has had prior cease and desist directives to stop violating Article 14 and the ELM Section 824 via Article 19 of the National Agreement by failing to provide safe working conditions. The Union also contends that Management's actions are continuous, egregious and deliberate. The Union has included past decisions/settlements in the case file to support their claim.

Remedy:

1. That management cease and desist violating Article 15 of the National Agreement.
2. That Letter Carrier(s) **[Name], [Name], and [Name]** each be paid a lump sum of \$100.00 to serve as an incentive for future compliance.



National Association of Letter Carriers Request for Information

To: _____
(Manager/Supervisor)

Date _____

(Station/Post Office)

Manager/Supervisor _____,

Pursuant to Articles 17 and 31 of the National Agreement, I am requesting the following information to investigate a grievance concerning a violation of the ELM via Article 19 and/or Article 14:

1. Any and all PS Form 1767's submitted by any employee(s), including management's response on **[date(s)]**.
2. Copy of any and all Management instructions related to the use of PS Forms 1767.
3. Copy of any emails dealing with PS Form 1767's submitted and/or recommendations for abating hazards at the **[Installation name]** Installation.
4. Copy of the Safety and Health Committee meeting minutes for **[year/quarter(s)]** at the **[Installation name]** Installation.

I am also requesting time to interview the following individuals:

1. **[Name]**
2. **[Name]**
3. **[Name]**

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

Sincerely,

Shop Steward
NALC

Request received by: _____

Date: _____



National Association of Letter Carriers Request for Steward Time

To: _____
(Manager/Supervisor)

Date _____

(Station/Post Office)

Manager/Supervisor _____,

Pursuant to Article 17 of the National Agreement, I am requesting the following steward time to investigate a grievance. I anticipate needing approximately _____ (hours/minutes) of steward time, which needs to be scheduled no later than _____ in order to ensure the timelines established in Article 15 are met. In the event more steward time is needed, I will inform you as soon as possible.

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

Sincerely,

_____ Request received by: _____

Shop Steward
NALC

Date: _____