

Probation: The case of the disappearing CCA



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Over the past few years, the demographics of the letter carrier craft have changed. Nearly half of the letter carrier craft have 10 years or less in the Postal Service. Those of you who fall into that class have probably heard senior letter carriers wax poetic about the good old days, before DPS, FSS, scanners and MSPs. The evolution of the myriad of duties now inherent in letter carrier work has been astounding, but also potentially dangerous.

There are increasingly more work-related distractions inherent in the job. As people continue to work from home, there is more deviation from the normal course of delivery in terms of delivering parcels of all shapes and sizes. The coronavirus pandemic has turned every week into the holiday season.

Any change in a normal workday, in our case dismounting or driving off more parcels, has the potential to produce an increase in workplace injuries. Newer employees who succumb to the pressure to meet computer-generated delivery estimates are particularly vulnerable to suffering such injuries.

There is no requirement to risk one's health just to meet management's often-ridiculous expectations. The Contract Talk section of the July *Postal Record* on time-protection tools addressed those expectations, and should be read by every letter carrier.

Looking at the turnover rate for city carrier assistants (CCAs), one could surmise that the desirability of a letter carrier job, once a vaunted ticket to the middle class, no longer exists. In my letter carrier career, I could count on one hand the number of employees who got to the job and quit. That's no longer the reality in today's post office.

The high turnover rates for CCAs has accustomed some to the "here today, gone tomorrow employee": the disappearing CCA. Some of those CCAs may have disappeared after suffering a workplace injury.

From the very first day a CCA is hired, he or she is afforded the protection of the Federal Employees' Compensation Act (FECA). FECA provides for medical and wage-loss compensation for federal employees injured in the performance of their letter carrier duties, including probationary CCAs.

There is an unfortunate belief in the post office that states that new employees, the CCAs in our craft, will immediately get fired if they report an injury. This is a dangerous myth that leads some employees to endure injuries that can lead to life-long disabilities. It can also lead some CCAs to disappear due to the workplace injury.

In 2012, the Occupational Health and Safety Administration (OSHA) addressed the problems inherent in how

employers manage workplace injuries in a memorandum, "Employer Safety Incentive and Disincentive Policies and Practices."

The memorandum clearly lays out the section of the Occupational Health and Safety (OSH) Act pertaining to discrimination against injured workers:

Section 11(c) of the OSH Act prohibits an employer from discriminating against an employee because the employee reports an injury or illness. 29 CFR 1904.36. This memorandum is intended to provide guidance to both field compliance officers and whistleblower investigative staff on several employer practices that can discourage employee reports of injuries and violate section 11(c), or other whistleblower statutes. Reporting a work-related injury or illness is a core employee right, and retaliating against a worker for reporting an injury or illness is illegal discrimination under section 11(c).

The memorandum states this simple truth:

If employees do not feel free to report injuries or illnesses, the employer's entire workforce is put at risk. Employers do not learn of and correct dangerous conditions that have resulted in injuries, and injured employees may not receive the proper medical attention, or the workers' compensation benefits to which they are entitled. Ensuring that employees can report injuries or illnesses without fear of retaliation is therefore crucial to protecting worker safety and health.

NALC has successfully assisted probationary CCAs who were terminated after reporting a workplace injury by helping them contact OSHA to file a whistle-blower complaint. In many instances, the CCA was returned to work.

Unfortunately, the current administration has been chipping away at the spirit and intent of the 2012 memorandum with proposals to change whistle-blower protections. Under this administration, OSHA staffing has decreased, lengthening the time it takes to get in contact with an investigator and file a complaint. You should be concerned when the administration touts the number of regulations it has eliminated; those regulations may be the ones you need to help you.

As union members, we can help prevent our CCAs from disappearing. We can start by busting the myth that discourages legitimate workplace-injury claims from being filed by our newest letter carriers. We can advise them of their rights and give them the OSHA whistle-blower hotline number, 800-321-6742.

Familiarize yourselves and your co-workers with the Office of Workers' Compensation Programs web portal, ECOMP. Help your co-workers register in ECOMP. It's easy—you can register on a smartphone in less than 10 minutes.

Let's make our union stronger by caring for each other. Treat every employee as an essential employee. Together, we can eliminate the disappearing CCAs.