

Safety blitzes, street supervision and disciplinary action

On Dec. 17, 2024, the Postal Service notified NALC of its intent to establish Headquarters Safety Engagement Teams to assist the district field offices in conducting safety observations. According to USPS, the overall number of accidents has risen by 10.26 percent over the past two years, with fatalities and motor vehicle accidents increasing by 15.64 percent since Fiscal Year 2022. The Safety Engagement Teams are supposed to monitor letter carriers during the performance of their street duties. Because these teams may include management personnel other than a letter carrier's immediate supervisor, the team members should be driving official Postal Service vehicles. Team members should provide their USPS identification if they need to interact with a letter carrier while making these safety observations.

Multiple Postal Service handbooks obligate supervisors to conduct driving observations at least twice a year for every driver under their direction. Based on the notification from USPS, it's likely the Safety Engagement Team will be taking on this responsibility as part of its duties. Letter carriers should be mindful of the fact that these teams, instead of their immediate supervisor, could be observing the carrier's vehicle operation skills and driving habits.

This month's Contract Talk will help explain management's responsibilities when performing street supervision, driving observations and issuing discipline.

Handbook M-41, City Delivery Carriers Duties and Responsibilities, reminds city carriers that they may be supervised anytime while they are working. Section 16, Supervision, of *Handbook M-41* states:

Carriers may expect to be supervised at all times while in performance of their daily duties.

While carriers should expect to be supervised at any time, management has certain responsibilities when performing this street supervision. These requirements are found in Section 134, Street Management, of *Handbook M-39, Management of Delivery Services*, which states in pertinent part:

134.12 Accompanying carriers on the street is considered an essential responsibility of management and one of the manager's most important duties. Managers should act promptly to correct improper conditions. A positive attitude must be maintained by the manager at all times.

Section 134.3 of *Handbook M-39*, which identifies specific circumstances that may require additional street supervision, states:

134.3 Criteria for Need
Certain criteria may call attention for individual street supervision. When overtime or auxiliary assistance is used frequently on a route (foot, motorized, parcel post, collection, relay), when a manager receives substantial evidence of loitering or other ac-

tions or lack of action by one or more employees, or when it is considered to be in the interest of the service, the manager may accompany the carrier on the street to determine the cause, or meet the carrier on the route and continue until such a time as the manager is satisfied. No advance notice to the carrier is required.

While there is no requirement for management to notify carriers in advance, Sections 134.21 and 134.22 of *Handbook M-39* provide the proper approach management must use when conducting street supervision:

134.2 Techniques

134.21 The manager must maintain an objective attitude in conducting street supervision and discharge this duty in an open and above board manner.

134.22 The manager is not to spy or use other covert techniques. Any employee infractions are to be handled in accordance with the section in the current National Agreement that deal with these problems.

The language in the above section requires management to use a straightforward, upfront manner and not to spy on carriers when supervising them on the street. When conducting street observations, supervisors are obliged to highlight the importance of working safely. This requirement is found in Section 134.5 of *Handbook M-39*, which states:

134.5 Safety

During any period of street supervision, every opportunity must be taken to emphasize safety while driving, walking on sidewalks, walking up and down steps, crossing streets, collecting mail, or delivering relays or parcels.

In addition to the requirements found in *Handbook M-39, Chapter 3-5.10 of Handbook EL-801, Supervisor's Safety Handbook*, requires supervisors to observe driving practices.

3-5.10 Observation of Driving Practices

To enforce a high standard of professional driving performance, you must complete PS Form 4584, Observation of Driving Practices, for each driver under your supervision twice a year and at other times deemed appropriate. You must familiarize yourself with defensive driving techniques so that you know what the common driving errors are, how they can be detected, and how they can be prevented.

Likewise, Section 14 of *Handbook EL-804, Safe Driver Program*, reiterates the need for driving observations, as well as the methods and responsibilities for supervisors who are conducting them:

141 Observation of Driving Practices

To enforce a high standard of driving performance, supervisors must observe, at a minimum, the number of driving observations shown in Exhibit 141 and complete PS Form 4584, *Observation of Driving Practices*, for each driver under their direct supervision.

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The frequency of driving observations, according to *Handbook EL-804*, varies based on the years of postal experience of the driver. In the first 90 days, management should include driving observations with a new employee's 30-, 60- and 80-day reviews. After that, non-career employees and employees with four to 23 months' postal experience should be observed once per quarter. Employees with two or more years' experience should expect driving observations at least twice per year.

The top of the PS Form 4584, Observation of Driving Practices, provides:

The primary purpose of conducting driving observations is to improve driving practices by identifying and correcting actions that could lead to accidents and injuries. This form provides an opportunity for positive recognition and reinforcement of defensive and safe driving practices. Conduct positive discussions with drivers, including the benefits gained from demonstrating safe driving practices. If a driving observation is determined to require official action, such action will be in accordance with the terms of the National Agreements.

Supervisors should document driving practices on the PS Form 4584 and provide the original to the carrier. As indicated, these management interactions should be positive in nature, reaffirming the positive attitude required by Section 134.12 of *Handbook M-39*. Section C of PS Form 4584 offers a list of driving practices supervisors should consider when conducting observations, and Section D instructs supervisors to recognize employees who exhibit safe driving.

Carriers who wish to review these handbooks in more detail can visit nalc.org and retrieve a PDF of the handbook by entering the handbook name in the search box on the top right corner of the main page.

In some locations, observations by these new Safety Engagement Teams have resulted in city carriers either being removed from their street duties using the emergency procedures found in Article 16, Section 7 of the National Agreement, being issued disciplinary action through the other sections, or both. While safety infractions may be serious, as indicated in the PS Form 4584 instructions, there are National Agreement provisions that management must follow when issuing discipline.

For management to sustain any disciplinary action against letter carriers, they must satisfy all the requirements related to the just cause principles contained in Article 16.

The *Joint Contract Administration Manual (JCAM)* defines just cause by breaking it into six sub-questions that arbitrators use when deciding whether to uphold

disciplinary action. These questions are summarized here; the complete explanation of just cause can be found beginning on page 16-1 of the *JCAM*.

1. Is there a rule? If so, was the employee aware of the rule? Was the employee forewarned of the disciplinary consequences for failure to follow the rule?
2. Is the rule a reasonable rule? Management must make sure rules are reasonable, and based on the overall objective of safe and efficient work performance. Management's rules should be reasonably related to business efficiency, safe operation of our business, and the performance we might expect of the employee.
3. Is the rule consistently and equitably enforced? A rule must be applied fairly and without discrimination.
4. Was a thorough investigation completed? Before administering the discipline, management must make an investigation to determine whether the employee committed the offense. Management must ensure that its investigation is thorough and objective.
5. Was the severity of the discipline reasonably related to the infraction itself and in line with that usually administered, as well as to the seriousness of the employee's past record?
6. Was the disciplinary action taken in a timely manner? Disciplinary actions should be taken as promptly as possible after the offense has been committed.

The fourth sub-question of just cause requires that before the decision to impose discipline is made, management must conduct a full, fair and impartial investigation, including giving the letter carrier an opportunity to respond to the charges. In most cases, a supervisor simply observing a safety infraction is not enough to sustain a disciplinary action.

As communicated in this article and the *JCAM*, management has specific contractual and handbook responsibilities they must fulfill when assessing city carrier performance, safety and efficiency. As always, if management removes a carrier from their duties using the emergency procedure or issues a disciplinary action letter, they should contact their steward immediately and give the steward a copy of any written notifications. The steward can then investigate to determine if management has satisfied their obligations when issuing the discipline.

NALC encourages city carriers to always perform their duties safely and to make safety the most important focus throughout the day. Remember, you are the most important delivery.