

GUIDELINES (for Union use)

Grievances re: Management abuse of carriers

Issue Statement: Did the employer through its agent _____ violate Contract provisions, including but not limited to Articles 3, 15, and 19 of the Collective Bargaining Agreement, as well as the M-39 handbook section 115 (mutual respect) and the Joint Statement on Violence and Behavior in the Workplace, through his/her treatment of the grievant? If so, what is the remedy or what shall be the remedy?

FACTS TO CONSIDER: (provide evidence as necessary)

- Who is the affected carrier?
- Who is the manager?
- Has the grievant provided a statement of what happened, written in a timely manner?
- What did the manager do or say?
- Where did this take place (public or private)?
- Were there witnesses? Have they provided statements?
- Has this manager behaved abusively towards employees before (prior grievances)? Is there a pattern of abuse?

ARGUMENTS/CITATIONS:

- Remember, the union has the burden of proving the Contract was violated.
- M-39, § 115.4: The National Agreement sets out the basic rules and rights governing management and employees in their dealings with each other, but it is the front-line manager who controls management's attempt to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities.
- Joint Statement on Violence and Behavior in the Workplace; deemed enforceable through the grievance procedure by Arbitrator Snow (C-15697): Management may not intimidate, harass, bully or threaten carriers. Making the numbers is not an excuse to abuse anyone. Those who do not treat others with dignity and respect will not be promoted, and if the behavior continues they will be removed from their positions.
- Article 14: Management is required to provide safe working conditions
- ELM 666.2: Employees, which includes management, are expected to conduct themselves in a manner which reflects favorably on the Postal Service.

REMEDY:

- Cease and desist (1st time); retrain the manager (1st time); remove the manager from the supervision of letter carriers (multiple offenses); and/or other appropriate remedy.

115.1 Basic Principle

In the administration of discipline, a basic principle must be that discipline should be

corrective in nature, rather than punitive. No employee may be disciplined or discharged except for just cause. The delivery manager must make every effort to correct a situation before resorting to disciplinary measures.

115.4 Maintain Mutual Respect Atmosphere

The National Agreement sets out the basic rules and rights governing management and employees in their dealings with each other, but it is the front-line manager who controls management's attempt to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities.