

CCA Corner

CCA Rights in Discipline Cases

If you are reading this and you are a CCA, it is very important that you know your rights in case management attempts to discipline you for allegedly violating Postal Rules and Regulations. This article will cover the basic rights that CCAs have under the contract so that you will know what to do if you are faced with discipline.

The first thing that you need to be aware of is that the discipline procedure is different for employees who have not yet served their probationary period and those employees who are out of probation. The difference is that employees who are still in their probation do not have access to the grievance procedure if management disciplines them, including removal, during this period. For CCAs, the probationary period is either 90 work days or 120 calendar days, whichever comes first, from your first day employed by the Postal Service. To keep track of your probationary period, begin counting the work days from your first day in orientation and the calendar days from the Saturday before your first day in orientation. For those CCAs who have completed their probation, you have virtually the same rights as a career carrier and I will cover the only difference later on in this article.

The most important thing to remember is that if you are interviewed by anyone in management, including Postal Inspectors and Office of the Inspector General Inspectors, you have the right to union representation if you reasonably believe that the interview can lead to discipline. The right to representation is called your Weingarten Rights and they can be found in Article 17 of the National Agreement; however, management is under no obligation to inform you of these rights, you must tell management that you want a steward present for the interview. Do not let management bully you into not having a steward present and remember, you do not have to answer questions until the steward is present. You also have the right to speak to the steward in private before the interview takes place and you have the right to be assisted by the steward during the interview. I recommend that any time you are called into the office and management starts questioning you about anything, you should ask to have a steward present.

Once management completes their investigation and they decide to issue discipline, which happens most of the time, they will call you into the office to give you the disciplinary notice. You do not have the right to have a steward present when the notice is issued, but management may have a steward present as a witness. The typical written notices are a Letter of Warning, a 7 Day Suspension, a 14 Day Suspension, or a Notice of Removal. Management will then ask you to sign the discipline and it is up to you whether you sign it or not; however, your signature is not an admission of guilt, it is only an acknowledgement that you received the notice, and it will have no bearing on the ultimate outcome of the discipline grievance. Management should then give you a copy of the discipline and at that point you should tell your supervisor that you want to see a steward and you should tell the steward that you want to file a grievance regarding the discipline.

As I stated earlier, as a CCA you have practically the same rights as a career employee when disciplined. Management still bears the burden of proof to prove that you are guilty of committing the infraction cited in the notice. The only difference is that career employees are entitled to what is called progressive discipline, which means that management must start at the lowest level of discipline and work up to removal as the last step. While CCAs do not have the same right to progressive discipline,

the discipline that management issues must still be corrective in nature. What this means is that the object of the discipline is to correct the employee's behavior and that in order to accomplish this, management must start at the lower level of discipline. The bottom line is that regardless of what you may have been told by your supervisor or manager, you cannot be fired for a minor offense without any other discipline in your file just because you are a CCA.

If you have any questions about the discipline procedure, please feel free to call the Union Hall or ask your Shop Steward.