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# Management's New Unreasonable Accommodations

For as long as I have worked at the Post Office a clear divide exists in the minds of all employees. It is 'Us' vs 'Them'. Most often, 'US' (the bargaining units) and 'THEM' (Management). Management is quick to say any request we have to do our job safely and healthily is unreasonable and only approves a request when it benefits THEM. Recently, Management has made every effort to drive this point home.

## The Testing Grounds

I work at the Call Center, and we tend to be the testing ground for Management's new ideas. Since we work directly under headquarters, it is far quicker to roll out a new policy change, directive or program. The original intent of the Call Center is a place for injured employees to go. We have a complement that requires a significant number of jobs that must be rehabilitation. For years, the Call Center was treated as the last place you can go. Management was consistent that no further accommodations could be made. Several former Carriers joined our craft, and injured clerks returned to work.

For many, the Call Center aggravated their conditions. Carpal Tunnel from sorting mail? Typing does not help. Lower back pain from a fall? Sitting for eight hours and being unable to move becomes extremely uncomfortable if not painful. But this is your only job option for many. Many of the remaining employees volunteered due to other facilities beginning to excess or after conversion to FTR from PSE, this is where we went.

When I became a Steward about five years ago, I was instantly hesitant to recommend people turn in medical / doctors notes. I am old school, and do not trust Management. I always feared Management would use a note, or request for additional non-work time against an employee. Whenever you admit you can't work an 8-hour day, your job is in jeopardy.

## Managements Plan of Action

Now, years later, Management has slowly begun walking to that goal. My fellow Call Center Agents were told by Management that if you had a Doctors Note for Restroom or off the phone activities, you are more

than welcome to do so and it would be allowed. If you need to go to the bathroom five times a day because you drink water to be able to talk on the phone, Management will encourage you to get a note.

It did not start overnight. It started by documented discussions about frequent restroom use. We, the Union, fought this and received an agreement that restroom use is not tracked and would only be considered on a case-by-case basis.

it does not violate the contract.

The Union used the Grievance procedure to fight this, but Article 34 is clear. OSHA has rules for bathroom access, but not for time to use it as long as you have access - which paid breaks cover. And the Department of Labor has rulings on work hours and actual work, which basically concludes that work hours are time spent doing your job function. Once you turn in a note and ask for time not working, the Contract and

A Supervisor will try to 'be your friend' and recommend you get a note to prevent discipline, and then suddenly you are notified that someone from HR needs to talk to you. You get interviewed and granted an accommodation. Two weeks later you realize your paycheck is short. I have Grieved this and lost, as Management is not violating the contract by honoring your medical documentation.

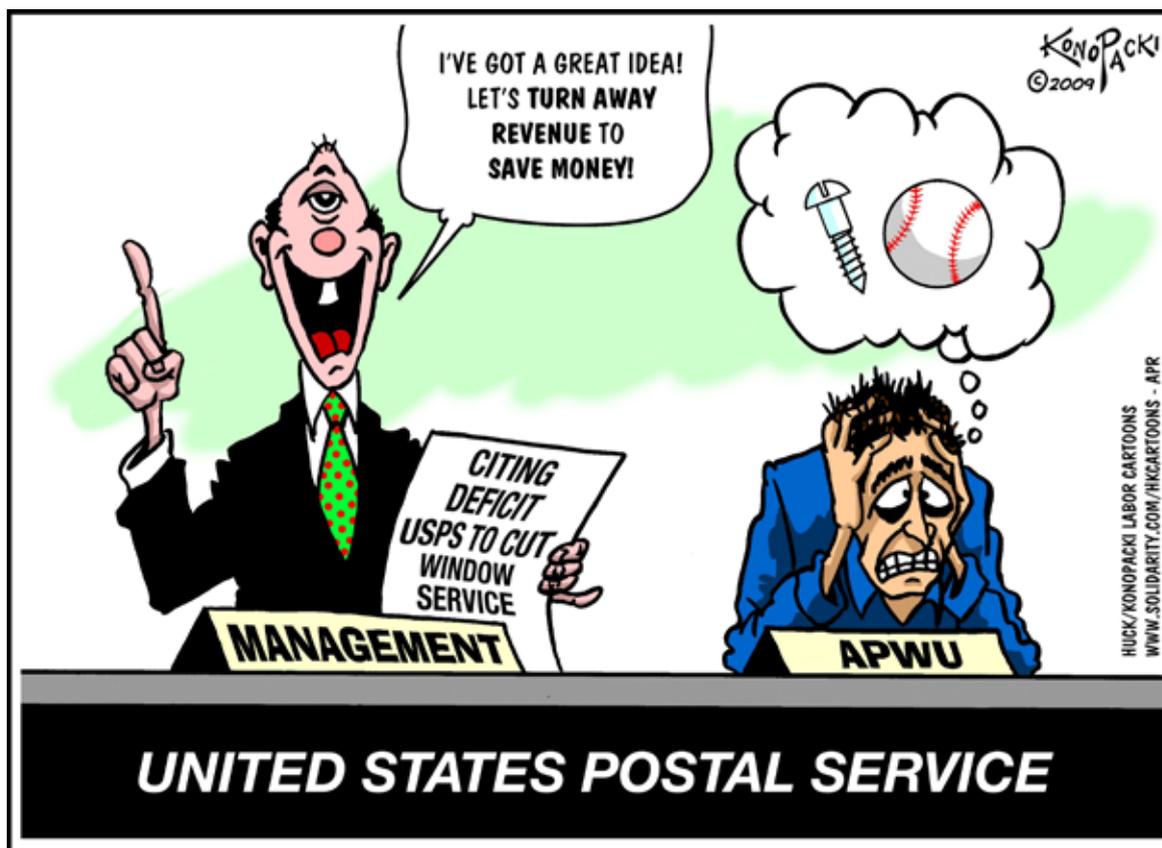
At no point in time does Management say you may not be paid, and no one recommends you speak to a Steward. In fact, after all the cases I handled related to this, only one person even informed the Union they were spoken to by Management in advance before pay stopped. As the Steward, I didn't find out until pay had stopped for weeks. Dozens of our coworkers just went along with what Management said.

At the Call Center I fight this by convincing Management to now involve the Union in meetings involving a Reasonable Accommodation. We also push back with what language we have under Article 13 and Article 19 (Through the EL 307) to allow the employee to voluntarily rescind the Accommodation request. These were not

contractual rights, but something we had to fight for.

As an APWU member, if at any point you are in a meeting with multiple members of Management, you need to ask for a Steward. One is bad enough, two is digging your own grave. I don't care if the Supervisor is a childhood friend, and the Manager went to college with you. If Management tries to convince you to provide documentation which includes restrictions not outlined in the ELM, you need to speak to a Steward immediately. Any Steward can guide you through the process, explain the consequences, and help navigate a way out of this. Sometimes notes are good, but only when they protect you.

A Reasonable Accommodation is a modification you need to perform your job. That is perfectly fine and encouraged. An Unreasonable Accommodation is an accommodation that benefits Management, and can put your job or pay in jeopardy. The Union is only as strong as our membership, us. We have fought for years to have the protections in our contract. Management will always try to take back OUR rights when they can, and WE can't let them.



Then, Management began attempting to cite long periods of restroom as work avoidance. Discussions and negotiations later, Management switched tactics - they asked for a note. Management would completely stop asking you about restroom use if you turned in a note. At this point I recognized Managements game plan - if you can't win through discipline switch to Reasonable Accommodation.

## Not Exactly Reasonable

Management began referring employees to RAC, the Reasonable Accommodation Committee. Unlike other facilities covered by a District, the Call Center had their own RAC. Your Request will happily be approved, and the accommodation is to allow you to punch out and use the restroom to take care of personal business. All the kindness you were shown feels like a slap in the face after you learn that now your paycheck is impacted. If you go to the restroom once a day, for five minutes, Management will still punch you out after you submit a Doctors Note. That is your Reasonable Accommodation. The worst part? You asked for it and

Law has no defense to automatically reverse that decision.

I have called the Department of Labor for clarification on actual work and if this is permissible, and it is perfectly acceptable to not pay you for not actually working. The nuance here is that at the Call Center you have dozens of reasons to need a minute 'not working'. You may need to use the bathroom. Or walk to stretch your leg that goes numb to do an on-the-job injury. Or you may need five minutes after getting cussed out by a customer. None of that matters once you turn in your doctor's note.

## When Management Wins, They Continue

I hear it now, 'Eric, I don't work at the Call Center, why should I care?' This could be happening in your office and you just don't realize it. We all know once Management learns they can get away with something they continue and expand into trying it elsewhere. We need to be proactive as a Grievance will not resolve an issue like this - we must all be educated on the process. You could be several steps into this process and not realize it.