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In the Matter of the Arbitration
between
UNITED STATES POSTAL SERVICE
and
AMERICAN POSTAL WORKERS UNION

Grievant: FLOOR MAT GRIEVANCE

Post Office: PORTLAND

Case No. NIC-1J-C 19817

Before ARNOLD M. ZACK, Arbitrator

Appearances:

For U.S. Postal Service Vincent Demers

For Union: Wayne Poland

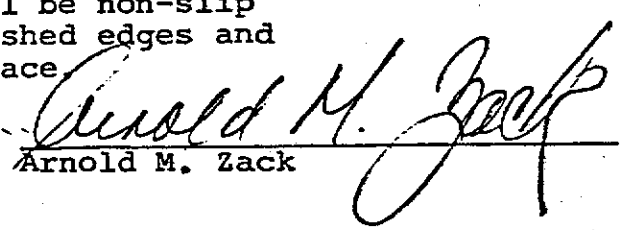
Date of Hearing: June 7, 1984

Place of Hearing: Portland, Maine

Award:

The Postal Service did violate Article 14 by removing floor mats from certain areas of the Portland Post Office. It shall be installed at work stations involving prolonged standing, away from high traffic areas and areas where rolling stock is used, shall be non-slip material with bound or finished edges and fit flush to the floor surface.

Date of Award: June 25, 1984


Arnold M. Zack

JUN 28 1984

UNITED STATES POSTAL SERVICE
PORTLAND, MAINE

AND

AMERICAN POSTAL WORKERS UNION

ARBITRATION OPINION & DECISION

CASE NO. NLC-1J-C 19817
FLOOR MAT GRIEVANCE

DATE OF DECISION: JUNE 25, 1984

On June 7, 1984 I held a hearing in Portland, Maine on the following issue. Vincent Demers represented the Postal Service. Wayne Poland represented the Union.

THE ISSUE

The parties agreed upon the issue to be decided as follows:

"Did the Postal Service violate Article 14 by removing floor mats from certain areas of the Portland Post Office? What shall be the remedy, if any?"

THE FACTS

For at least six years prior to May 1983 employees used pieces of old conveyor belt as mats on the floor at the casing tables, next to the conveyor at the opening belt, at the foot of the press slide and at other locations throughout the facility. These were used to relieve pressure from standing for prolonged periods and according to the Union, were not in high traffic areas or areas where rolling equipment is used.

According to Safety Manager Watkins he had the mats removed from the floors because they constituted a safety hazard. An examination of the facility revealed that carpeting was retained on two elevated walkways adjacent to the parcel post slide. Watkins testified that any mats on the floor would be inconsistent with safety and that the wearing of special footwear provided a better solution to foot problems than antifatigue matting.

The present grievance was filed on May 6, 1983.

On July 28, 1983 the Postal Service issued Postal Bulletin PB 21414 which reads:

"The use of antifatigue floor matting can improve worker comfort and contribute to safe working conditions when properly used and maintained. Such matting is authorized for local procurement and use at work stations involving prolonged standing.

Installation heads may, at their discretion, designate locations where antifatigue matting may be used.

Antifatigue matting must not be used in high traffic areas or in areas where rolling equipment is used.

Installation heads should control the use of such matting to assure good housekeeping and to prevent safety hazards. To reduce the possibility of slips and falls, use matting with bound or finished edges and which fits flush with the floor surface. Do not use matting which slips underfoot. Matting which is torn, frayed, or otherwise damaged must be removed from service."

CONTENTIONS OF THE UNION

The Union contends that there has been a clear long accepted past practice of permitting antifatigue floor mats at the Portland facility, that such mats were not in the way of rolling equipment and that they had never been the cause of any accidents. It asserts that the cost saving of having such mats exceeds the employer's liability for injury to employees from sore, fatigued feet and legs; that it is up to management to protect against safety violations by rolling equipment being in the wrong location; and that the employer's action was arbitrary, contrary to the published policy of the Postal Service and without any safety justification. It urges the grievance be sustained.

CONTENTIONS OF THE POSTAL SERVICE

The Postal Service contends that there has been no proof of a national contract violation; that the mats removed in May 1983 were judged to be unsafe; that that judgement is consistent with the ruling of Arbitrator Caraway in a similar case in Mobile, Alabama (SlC-3D-C-661); that the published Postal Policy still leaves to the employer the discretion on the use of such mats; and that it acted properly in removing them and in refraining from their return to areas it judges to be hazardous. It asserts that it has allowed the mats in some locations in the facility, that they are a hazard to rolling equipment, and to employees who may trip on them; and that antifatigue concerns are better addressed by the utilization of appropriate footwear. It concludes that the arbitrator should not substitute his safety judgement for that of the Postal Service and that the grievance should be denied.

DISCUSSION

The evidence in this case shows a past practice of utilizing conveyor belt pieces as floor mats for a number of years at the

Portland facility without accident or injury, and without any protest by the employer that the practice was a safety hazard, that they impeded the movement of rolling equipment or that they were in anyway unacceptable.

The May 1983 determination that they constituted an impediment to the smooth flow of rolling equipment and a danger to employees is borne out neither by the evidence, nor by an examination of the facility where the floor markings left after the mats removal demonstrates that their use was confined to areas where employees spent long periods standing or areas not used by rolling equipment - such as at casing tables or at sorting positions next to conveyor belts. If anything the facility examination demonstrated that a greater safety hazard resulted from rolling equipment being in places from which it was barred, and that the placement of slightly higher elevated mats might preclude carts from being in areas properly reserved to standing and working employees.

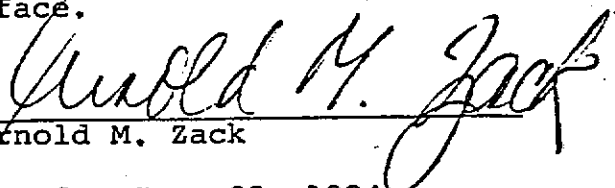
Any conclusions that any mats on the floor were themselves inconsistent with safety is contradicted by the issuance of the above cited Postal Bulletin proclaiming their value as an antifatigue aide.

Accordingly we find their removal was an improper, unilateral cancellation of a long established and mutually accepted past practice without any persuasive evidence of a hazardous condition.

Appropriate floor matting shall be reinstalled at the work stations involving prolonged standing, away from high traffic areas and areas where rolling equipment is not used. The matting to be installed should be non-slip matting and have bound or finished edges and fit flush with the floor surface.

DECISION

The Postal Service did violate Article 14 by removing floor mats from certain areas of the Portland Post Office. It shall be installed at work stations involving prolonged standing, away from high traffic areas and areas where rolling stock is used, shall be non-slip material with bound or finished edges and fit flush to the floor surface.


Arnold M. Zack

Dated: June 25, 1984