

Adverse Action Counselor Training Evolves to Meet Increasing Demands



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The Adverse Action Counselor program—which prides itself on having the best trained representatives for Postmasters—will meet for intensive training in Washington, D.C., on Friday, February 29. The training program, which will consist of experienced counselors as well as new trainees, will cover a myriad of topics relating to Postmaster consultation, various appeal systems, mediation and topical presentations—all responsibilities of Adverse Action Counselors.

The Adverse Action Counselor program has been forced to evolve to meet the increased demands of the Postal Service's own evolution in the field of management discipline. In the past, where Postmasters were often demoted or removed for virtually any infraction, the remedy was usually limited to an appeal of the U.S. Merit Systems Protection Board (MSPB). This legalistic process was the sole remedy available to Postmasters, and Adverse Action Counselors were trained to investigate, participate as technical advisors, and, in some cases, to actually present defenses before MSPB in minor disciplinary cases.

This has all changed with the advent of a Postal Service that is finally more concerned with remedial actions and correction than with harsh punishment for Postmasters who have committed real or imagined infractions of the rules and policies that govern their conduct as the most important representatives of the Postal Service.

The Postal Service has adopted the policy of issuing Letters of Warning in lieu of 14-day suspensions in order to place the discipline on a Postmaster's record without the fear of a MSPB review (which requires discipline by

suspension of 15 days or more to be appealable.) Adverse Action Counselors will be trained to respond to such discipline by settlement negotiations, which may involve the removal of the offending Letter of Warning within a designated period of time, remedial training for the Postmaster in some circumstances, internal appeals within the postal system, and written responses explaining the Postmaster's side of the dispute which resulted in the disciplinary sanction.

These very important responses, written with the assistance of Adverse Action Counselors, should be included in the official personnel folder and serve as a counterweight should the underlying Letter of Warning in lieu of a 14-day suspension be cited in subsequent discipline proceedings.

Mediation, which is a new approach by the Postal Service to resolve disciplinary sanctions against postal managers, will also be covered in the training. The entire process of mediation and techniques for a successful mediation will be addressed in order to provide Adverse Action Counselors with the most comprehensive tools to successfully participate in the mediation of a Postmaster's disciplinary sanction.

In that mediation, unlike arbitration, is not final and binding, but is merely an effort by a third party to bring the disputants together to resolve a matter, the techniques employed in a successful mediation are far different than those used in the past in MSPB appeals and other matters where the third party could make a final and binding decision. In short, mediation is more difficult for an Adverse Action Counselor and thus requires enhanced advocacy skills.

The technique for reply to adverse actions is another subject which must be understood by Adverse Action Counselors. They are the primary representative of the Postmaster at the reply stage of an adverse action and the counselor's efforts at that point in the process can be critical to an appropriate resolution of a serious adverse action. This is also part of the technical advisor role played by Adverse Action Counselors should a case go to the MSPB with legal representation provided by the LEAGUE.

The Adverse Action Counselor often would serve as a technical advisor to the lawyer, and although this makes for a very effective team in representing the Postmaster, there exists considerable training that has to occur initially before an Adverse Action

CODE OF ETHICS FOR ADVERSE ACTION COUNSELORS

- 1 Provide Competent Representation
- 2 Non-Judgmental Approach
- 3 Confidentiality
- 4 Support Without Personal Involvement
- 5 Exhibit Above-Reproach Postal and Personal Conduct
- 6 Apply the Golden Rule

Counselor finds himself/herself in a courtroom serving in that capacity. This specific training will be provided to the Adverse Action Counselors as part of the February 29th program.

Perhaps the most critical role for an Adverse Action Counselor is the initial consultation with the Postmaster in trouble. This requires considerable skills and training to avoid the pitfalls that are inherent in that important consultation role.

The Postmaster who is confronted with an adverse action is usually frightened, suspicious and looking for assistance wherever and whenever he or she can get it. The Adverse Action Counselor must remain objective at all times, but also be reasonable and at all times focusing exclusively on protecting the rights of the Postmaster.

Often, an Adverse Action Counselor, through individual consultation and group presentations at conventions and other meetings of Postmasters, can literally help Postmasters to avoid adverse actions. This is why counselors must be trained to be extremely talented in the consultation role, as the LEAGUE's goal is always, if possible, to avoid adverse actions by educating Postmasters to the

pitfalls of the workplace and the rights and remedies available to them.

In addition to the obvious topics cited above, the Adverse Action Counselors will learn about the Equal Employment Opportunity system, Fair Labor Standards issues, oratorical skills, the art of negotiation and many other currently relevant issues and skills that will help them to remain the best at their critically important LEAGUE jobs.

All Adverse Action Counselors are required to live by a Code of Ethics and

to meet specific duties and responsibilities related to their positions. These certainly will be reviewed and reinforced throughout the training program.

Obviously, the agenda for the 2008 training is already jam-packed with information for our Adverse Action Counselors. It is a great opportunity to get together and to share experiences while networking and enjoying the camaraderie of an elite organization within the LEAGUE. See you call in D.C. at the Forum. •

Duties of the Adverse Action Counselor

1. To counsel Postmasters regarding adverse actions.
2. To maintain strict confidentiality in all matters relating to Postmaster consultation and representation.
3. To assist and advise the Legal Service Provider in representing Postmasters before the Merit Systems Protection Board.
4. To represent Postmasters before the Merit Systems Protection Board and in Postal Service disciplinary appeals not covered by the Legal Services Plan.
5. To represent the Adverse Action Counselor program and the National League of Postmasters at all times in an ethical and professional manner.
6. To support the U.S. Postal Service in its efforts to prevent adverse actions.
7. To assist the Legal Services Provider firm in carrying out the counseling and representation duties of the LEAGUE Adverse Action Legal Services Benefit Plan.
8. To provide complete and accurate reports to the Legal Consultant of each case/problem handled and to assist the Legal Consultant in preparing consolidated reports to the National Office, Program Advisor and National Executive Board.
9. To write articles, make presentations and generally inform Postmasters of their rights, responsibilities and duties as Postmasters to avoid adverse actions.
10. To assist all counselors in carrying out the counseling and representation duties of the Adverse Action Counselor program.
11. Adverse Action Counselors are expected to attend the annual training seminar and their own LEAGUE State Conventions every year. Additionally, they are expected to attend, as a minimum, either the LEAGUE Forum in February/March or the National Convention in July/August every year. The lead Adverse Action Counselor in each region, or a counselor designee, must attend the LEAGUE regional meeting. Obviously, all Adverse Action Counselors are encouraged to attend every LEAGUE function. Exception to this requirement for Adverse Action Counselors will only be approved for good cause by the Adverse Action Counselor Program Advisor with advice from the Legal Consultant.