

If questioned by OIG Inspector:

1. Remain calm.
2. Correctly identify yourself, if requested to do so.
3. Do not physically resist an arrest or search of your person or property.
4. Read aloud to the OIG Inspector the statement below.
5. Remain silent until you have consulted your NAPUS representative or an attorney.
6. REMEMBER-Many of the OIG Inspectors are not aware of postal procedures.

DO NOT TAKE A LIE DETECTOR-DO NOT SIGN-GET ON THE PHONE

STATEMENT

I request the presence of my NAPUS representative. If I am a suspect in a criminal matter, please do advise me. If so, I wish to contact my representative.

If I am under arrest, I request you to so advise me and to inform me of the reason or reasons. I will not resist an arrest.

I do not consent to a search of my person or property. However, I will not physically resist or obstruct such a search. If you have a search warrant, I request to see it at this time.

I will cooperate with you fully, but I do not waive any of my rights, including my right to remain silent. I will not sign a waiver-of-rights form, not admit or deny any allegations, nor make any written or oral statements, unless my attorney and/or a NAPUS representative are personally present and so advise me.

MIRANDA

Miranda warnings are given to subjects when they are placed under arrest or in custody. Do not sign a waiver of rights.

GARRITY

Garrity warnings are given to subjects when they are not under arrest or in custody. They are designated to ensure that employee interviews are voluntary. The warning advises subjects that they may remain silent on matters where there may be criminal exposure, but must report on activities for which there is no criminal exposure. Subjects are also reminded that the interview is strictly voluntary. Do not sign a waiver of rights.

KALKINES

Kalkines warning is to assure that the subject's statements may not be used against them in any criminal proceedings. Once an individual's statements are immunized, the employee no longer has a right to remain silent. The warning reminds employees that they have a duty to respond to investigate questions and discipline may follow if they fail to answer fully and truthfully. The statements provided may be used in administrative proceedings, but cannot be used in criminal proceedings. Do not sign a waiver of rights.

Appeal all Letters of Warnings. Otherwise they may be used against you in future discipline. Assure that all LOW's are pulled from OPF after two years. Assure that you have a representative with you for any meeting that may lead to discipline (Weingartner Rights) or remain silent. Adverse action is suspensions over 14 days, downgrade or termination. Our Legal Defense Fund will not give assistance for stealing or embezzlement. NAPUS cannot defend a Postmaster charged with a criminal violation in state or federal court. Subject must be a member of NAPUS for three months before an event needing this assistance. This period may be waived if the Postmaster or OIC becomes a member within 15 days of the appointment and the event prompting the adverse action is related to their current position. Normally it is better to use MSBP (Postmaster for one year) vs. ELM 650. Postal management makes decisions in ELM 650. Many times by higher-level management that pushed that discipline. Our Legal Defense Fund may be used to appeal adverse actions as follows:

1. Removal-free representation before the MSPB.
2. Suspensions of more than 14 days, furloughs without pay and reduction in grade or pay. NAPUS pays 100 percent for representation to MSBP.

EEO COMPLAINT REPRESENTATION

NAPUS will provide a representative to serve as technical advisor to assist and also provide representation at mediation/redress during the informal stage. The complainant is responsible to move the complaint to the formal stage if it is not resolved at the informal stage. You may also choose to retain an attorney anytime during the process at your own expense.

USE OF PERSONAL VEHICLES WHILE ON DUTY

The postal service should not force or require postmasters to use their own vehicle to perform job responsibilities. This includes street observation, route inspections, taking mail to another office or delivering express mail.

Following are various laws and regulations that apply when you drive your personal vehicle in furtherance of job duties:

1. If you are involved in an automobile accident while driving your own vehicle in an on-duty status a statute that protects you from personal liability in these actions covers you. This means the postal service will pay for any damage to other parties, provided that the employee was acting within the scope of employment.
2. If you are injured you are entitled to Office of Workers' Compensation Program benefits.
3. The postal service will not pay for any damage to your own personal vehicle, even if you are not at fault. It will also not pay any increase in premiums that your own insurance company may charge.
4. While the postal service may require employees who are contractually obligated to use their personal vehicles (rural carriers, etc.) in order to perform their duties, the postal service cannot require the same for Postmasters. Postmasters do not have such contractual obligations.

With the above stated, following is a case of an actual accident:

I was involved in a vehicle accident with my personal vehicle while on duty to deliver express mail. The postal service is still refusing to pay for the other party's damages. When I tried to get the District Accident Claims to take care of the situation I got nowhere. I was told that my private insurance would have to pay and then try to get their money back through tort claims and that the Post Office would fight that as well. My MPOO sent back an intimidating email. My private insurance already paid for property damage and wants their money back. There will also be Personal Injury damages that the Post Office states they would not pay either and that my Personal insurance would have to pay and fight to get their money back. The Postal Service would also fight them on it.

MEETINGS WITH MPOO

This is usually a pre-disciplinary interview. This is to review the facts and documents. You should have a PM Rep. at the meeting. Generally the MPOO has all the data needed and they want you to give them additional information they can use. If discipline is issued it should fit the infraction. Does the penalty fit the offense? Is the discipline reasonable and is it corrective? Discipline should never be punitive.

If any problem occurs at your office, that is beyond your control to correct, let you MPOO know immediately. Do this in writing, so have documentation (email). Keep records of dates and times, as may be needed for future events.