

IMPLEMENTATION OF MEMORANDUM OF UNDERSTANDING

In accordance with the Memorandum of Understanding pertaining to the Inspection Service which was reached during the 1973 National negotiations, the following statements of Postal Service policy shall be operative for all employees covered by the 1973 Agreement.

All Postal Service employees shall cooperate in any postal investigation (442.17 PSM). This includes investigations conducted by Postal Inspectors in connection with performance of their assigned duties and responsibilities. In criminal matters, of course, employees are entitled to exercise their constitutional right to remain silent by refusing to answer pertinent questions.

Postal Inspectors are not authorized to issue letters of charges to employees covered under the National Agreement. Furthermore, Inspectors are specifically prohibited from providing management with any recommendations or opinions as to the disciplinary action management should take. Inspectors are also strictly prohibited from soliciting or accepting resignations and are not authorized to counsel employees with regard to resignations, early retirement or disciplinary action which might be taken against the employee by management.

Although Postal Inspectors are not authorized to issue letters of charges or in any manner to mete out discipline to employees, it is recognized that in some instances an employee under criminal investigation might voluntarily resign or request early retirement. In such cases, Inspectors are directed to advise the employee to discuss such matters with the appropriate administrative official.

When an employee has been arrested for a violation of criminal law or the criminal investigation reaches the accusatory stage, i. e., the investigation has begun to focus on the employee as a particular suspect in the case, prior to any further interrogation, the employee must be informed of his constitutional right against self-incrimination and also must be assured a continuing opportunity to exercise these rights.

The Inspector must inform the employee that: (1) he has the right to remain silent; (2) anything he says can be used against him in court; (3) he has the right to talk to an attorney for advice before any questions are asked, and to have the attorney with him during questioning; (4) if he cannot afford an attorney, one will be appointed for him before any questioning if he wishes; and (5) if he decides to answer questions without an attorney present, he will still have a right to stop answering at any time. He also has the right to stop answering at any time until he talks to an attorney. The employee, however, if he does so voluntarily, knowingly, and intelligently, may waive these rights.

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In addition to the employee's being informed of his aforementioned constitutional rights, to insure that the employee's employment rights vis-a-vis the U. S. Postal Service are not jeopardized, he is entitled to request the presence of a union representative in an interrogation by a Postal Inspector at this stage of the criminal investigation. (The right to union representation does not apply, of course, to investigations of non-criminal matters, including the questioning of employees by Inspectors during or in connection with postal operating inspections and internal audits.)

*NOTE: FOR INFORMATION and TO BE USED
TO ANSWER INQUIRIES. THE MEMO ON
THIS SUBJECT WILL NOT BE CONTAINED IN
THE NEW AGREEMENT BY MUTUAL UNDERSTANDING.*

J.H.R.