

ATTENTION APWU
MEMBERS
READ THIS
IMPORTANT
INFORMATION

The following information is from National as to your rights when facing and investigation by the Postal Inspectors, OIG's and Postal Management.

Rights Before Postal Inspectors

If questioned by a U.S. Postal Inspector, even if you believe you are not guilty of any wrong doing, it is suggested that you:

- Remain calm;
- Correctly identify yourself;
- Do not physically resist an arrest or a search of your person or property;
- Read aloud to the Postal Inspector(s) the statement on the reverse side of this card;
- Remain silent until you have consulted with your APWU representative or attorney, as appropriate.

This is not complete legal advice. Always consult with a lawyer.



Statement

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

His/Her name is _____

Telephone number _____

If I am under arrest, I request you to so advise me and to inform me of the reason or reasons.

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

I do not waive any of my rights, including my right to remain silent. I will not sign a waiver-of-rights form. nor admit or deny any allegation, nor make any written or oral statement unless my attorney is personally present and so advises me.



Important Questions and Answers

1. When should I request a union representative or shop steward?

You should request a union representative or shop steward as soon as an individual identifies himself or herself as a postal inspector and advise you they would like to ask you questions. This also applies when a window clerk stamp stock is counted by a postal inspector and the clerk suspects that he or she could become the subject of an investigation.

2. Are postal inspectors required to advise employees that they are entitled to have a union steward or representative present during an interrogation?

No, postal inspectors are not required to inform the employee of his or her right to have a union steward or representative present during an interrogation. The responsibility rests with the employee to know specifically what their rights are.

3. What is the employee rights during an interrogation by the Postal Inspection Service, when he or she may be the subject of a criminal investigation?

If a union steward or representative believes the employee may be the subject of a criminal investigation, they should advise the employee to remain silent and to consult with an attorney. Furthermore, they should advise the postal inspectors that the employee intends to seek legal counsel and will cooperate with the investigation pending advice from their attorney.

The union steward or representative should remember that if enough evidence has already been gathered to establish criminal culpability, the postal inspectors will advise the employee of their Miranda Rights under the law.

4. What is a PS Form 1067 and if requested, should the employee sign this form?

The PS Form 1067 is the United States Postal Inspection Service Warning and Waiver of Rights. It is commonly referred to as the Miranda warning. The employee is asked to sign a waiver of their rights prior to being questioned by the postal inspectors. **Under no circumstances should an employee sign this form until they have engaged legal counsel.**

5. **Are craft employees who are temporarily assigned to management positions covered by the provisions of the Collective Bargaining Agreement with respect to union representation during an interrogation by the Postal Inspection Service?**

Yes, an employee on a temporary assignment, to a management position, has all the rights applicable to his or her regular bid position under the Collective Bargaining Agreement.

6. **What is an Investigative Memorandum?**

After the completion of an investigation by the Postal Inspection Service, criminal or otherwise, an investigative memorandum is furnished to local management. It serves as an official record of the inspectors' findings and supplies evidence which may be used against an employee and in support of charges that may be issued by the postmaster or other management officials.

7. **Are there any situations in which an employee should agree to a polygraph test?**

In accordance with the Collective Bargaining Agreement, Article 17, Section 3, "all polygraph tests will continue to be on a voluntary basis." **Employees should never voluntarily submit to a polygraph examination until he or she obtains the advice of legal counsel.**

8. **What is the role of a union steward or representative during an investigative interview?**

The union steward or representative should not play the role of a passive observer during an investigative interview. The inspection service normally uses intimidating tactics, to reduce the effectiveness of the union steward or representative. Consult with the employee prior to the interview and advise him or her not to become intimidated.

Although the union steward or representative has every right to take an active part on behalf of the employee being interviewed, he or she should not become argumentative or engage in legal discussions with the inspection service. If the situation becomes entangled in interpretations of law or in legal opinions, the best advice to give the employee is to seek legal counsel.

9. Are all postal service employees required to cooperate in postal investigations?

Yes, all employees are required to cooperate during an investigation by the Postal Inspection Service. However, if an employee has been arrested for a violation of criminal law, or is a suspect in the investigation, the postal inspectors must inform the employee of his or her constitutional rights against self-incrimination.

He or she is entitled to remain silent and refuse to answer questions without his/her attorney present. This warning is based upon the United States Supreme Court decision of *Miranda V. Arizona*, 384 U.S. 436, which requires all law enforcement officers to advise persons under investigation of their constitutional rights.

10. Can an employee request the presence of both a union steward and an attorney during an interrogation by the Postal Inspection Service?

Yes, the employee can request the presence of both a union steward and an attorney during an interrogation by the Postal Inspection Service.

11. Are postal inspectors authorized to issue letters of charges or recommend disciplinary action against an employee?

No, postal inspectors are not authorized to issue letters of charges, recommend disciplinary actions, or give opinions to management officials with respect to the type of disciplinary action to take. The role of the postal inspector is to simply report the facts obtained during the investigation.

12. Is an employee required to make a written statement when requested by the Postal Inspection Service?

No, neither the law nor the Collective Bargaining Agreement mandates the employee to give a written statement to the Postal Inspection Service when requested.

Any statement, either written or recorded, is voluntary. The employee should be advised to consult with an attorney prior to giving a written or oral statement.