



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1846 9851
Robin Gutman	Grievant:	Pete Velasquez
NALC:	Branch Grievance Number:	421-918-18
Jim Ruetze	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Laurel Heights
Rio Grande	State:	TX
	Incident Date:	08/16/2018
USPS Formal A:	Informal Step A Meeting:	08/30/2018
Steven Gonzalez	Formal Step A Meeting:	12/11/2018
NALC Formal A:	Received at Step B:	12/20/2018
Joseph Blancarte	Step B Decision Date:	01/14/2018
	Issue Code:	02.1910
	NALC Subject Code:	100775

ISSUE:

Did management violate Articles 3, 5, 15, and/or 19 (via ELM 665, M-39 115, and/or the Joint Statement on Violence and Behavior in the Workplace) of the National Agreement by the conduct of Supervisor Max-Richard Rameau? If so, what is the remedy?

Did Laurel Heights Station Manager Steven Gonzalez violate Articles 14 and/or 19 of the National Agreement by failing to conduct an investigation of an August 16, 2018 incident between Supervisor Rameau and Letter Carrier Pete Velasquez? If so, what is the remedy?

Did management violate Article 15.3 of the National Agreement by failing to comply with multiple Step B decisions concerning its obligation to treat carriers with dignity and respect? If so, what is the remedy?

Did management violate Articles 3, 15, 17, and/or 31 of the National Agreement by failing to comply with multiple Step B decisions requiring management to provide requested information to the union within 72 hours? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Management shall begin an Initial Management Inquiry Process (IMIP) in accordance with USPS Publication 552 ("Pub 552") within 14 days of receipt of this decision.

Management must provide requested information as soon as possible, but no later than three working days after receipt of the request, unless the information is not available within that time. If information is not available within that time, management must provide a statement to the union explaining the reason for the delay and when the information will be available. Management is required to comply with grievance settlements reached at all levels of the dispute resolution process. See the DRT Explanation below.

EXPLANATION:

The grievant in this case is Pete Velasquez, a full-time letter carrier assigned to Laurel Heights Station in San Antonio, TX. On the morning of August 16, 2018 Velasquez encountered Max-Richard Rameau, a supervisor from another office, at the entrance to Laurel Heights Station. According to statements in the file submitted by both Rameau and Velasquez, Velasquez addressed Rameau with a question concerning Rameau's participation on the "route inspection team." Both statements agree Rameau did not respond verbally, but Velasquez' statement indicates Rameau's nonverbal response left him with the impression Rameau was trying to intimidate him. Both men then entered the facility.

Once inside, Velasquez approached Rameau as he was in the vicinity of Supervisor Norma Olsen and Station Manager Steven Gonzalez and said "Good morning" to him, for the purpose of seeing if Rameau would continue with what Velasquez considered threatening behavior in the presence of Olsen and Gonzalez. Rameau responded by telling Velasquez not to talk to him. Velasquez requested to see his steward to discuss what he viewed as unnecessarily aggressive conduct by Rameau, and subsequently submitted a PS Form 1767 (*Report of Hazard, Unsafe Condition or Practice*) in which he complained that Rameau's demeanor rendered the work environment unsafe.

The union filed this grievance to protest Rameau's conduct and demeanor toward Velasquez. Unable to achieve a resolution through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

The union contends no investigation took place to respond to the PS Form 1767 Velasquez submitted. No information was provided to show management interviewed any witnesses to the incident or any carriers to determine if Velasquez' description of Rameau's conduct were accurate. The union further contends Rameau's behavior was calculated to elicit a reaction from Velasquez to get him back for an incident a few days prior that resulted in Rameau having to issue Velasquez a written apology. The union also contends Manager Steven Gonzalez' assumption that NALC Branch President Tony Boyd did not feel Velasquez's safety had been compromised was erroneous and irrelevant. Just as Boyd could not determine how Velasquez felt, Gonzalez could not determine how Boyd felt about how Velasquez felt.

The union requests management be instructed to cease & desist. The union also requests an IMIP be conducted throughout the city of San Antonio, and that Supervisor Max-Richard Rameau be instructed to not supervise Pete Velasquez or be assigned to Laurel Heights Station for two (2) years. The union further requests Supervisor Rameau be instructed to take LMS courses that deal with dignity and respect. Additionally, the union requests a monetary remedy of \$100.00 be paid to Pete Velasquez as an incentive for management to abide by Step B decisions, and a monetary remedy of \$500.00 (paid to all carriers working on August 16, 2018) for management's failure to provide requested information within three days of the union's request.

Management contends an investigation was conducted into the allegation and no harassment by Rameau was found. However, management arrived at the conclusion that Velasquez had antagonized Rameau by saying "Good morning" with a sense of rage to try and get a reaction out of him. Management also contends when Velasquez requested a steward the branch president, Tony Boyd, was called and at the conclusion of the call President Boyd did not feel Velasquez' safety was at risk. Management further contends no reliable witness statements exist to support Velasquez' version of events. The statements

submitted by two carriers who allegedly witnessed the interaction are inconsistent and therefore unreliable.

The DRT reviewed the case file and determined while the conduct described in the file would certainly be inappropriate, a thorough investigation would be needed to establish the severity and/or duration of any inappropriate conduct that may have occurred. The DRT agreed this is exactly what the IMIP was designed to accomplish.

The Employee & Labor Relations Manual (ELM) includes the following:

665.24 Violent and/or Threatening Behavior

The Postal Service is committed to the principle that all employees have a basic right to a safe and humane working environment. In order to ensure this right, it is the unequivocal policy of the Postal Service that there must be no tolerance of violence or threats of violence by anyone at any level of the Postal Service. Similarly, there must be no tolerance of harassment, intimidation, threats, or bullying by anyone at any level. Violation of this policy may result in disciplinary action, including removal from the Postal Service.

666.17 Reprisal for Exercising Appeal Rights

Taking or failing to take any personnel action as a reprisal for the exercise of any appeal right granted by a law, rule, or regulation is prohibited.

666.18 Reprisal for Release of Information

No one may take or fail to take a personnel action, or threaten to do so, with respect to any employee or applicant for employment because the employee or applicant discloses information that he or she believes evidences:

- a. *A violation of any law, rule, or regulation, or*
- b. *A gross waste of funds, gross mismanagement, an abuse of authority, or a substantial and specific danger to public health or safety.*

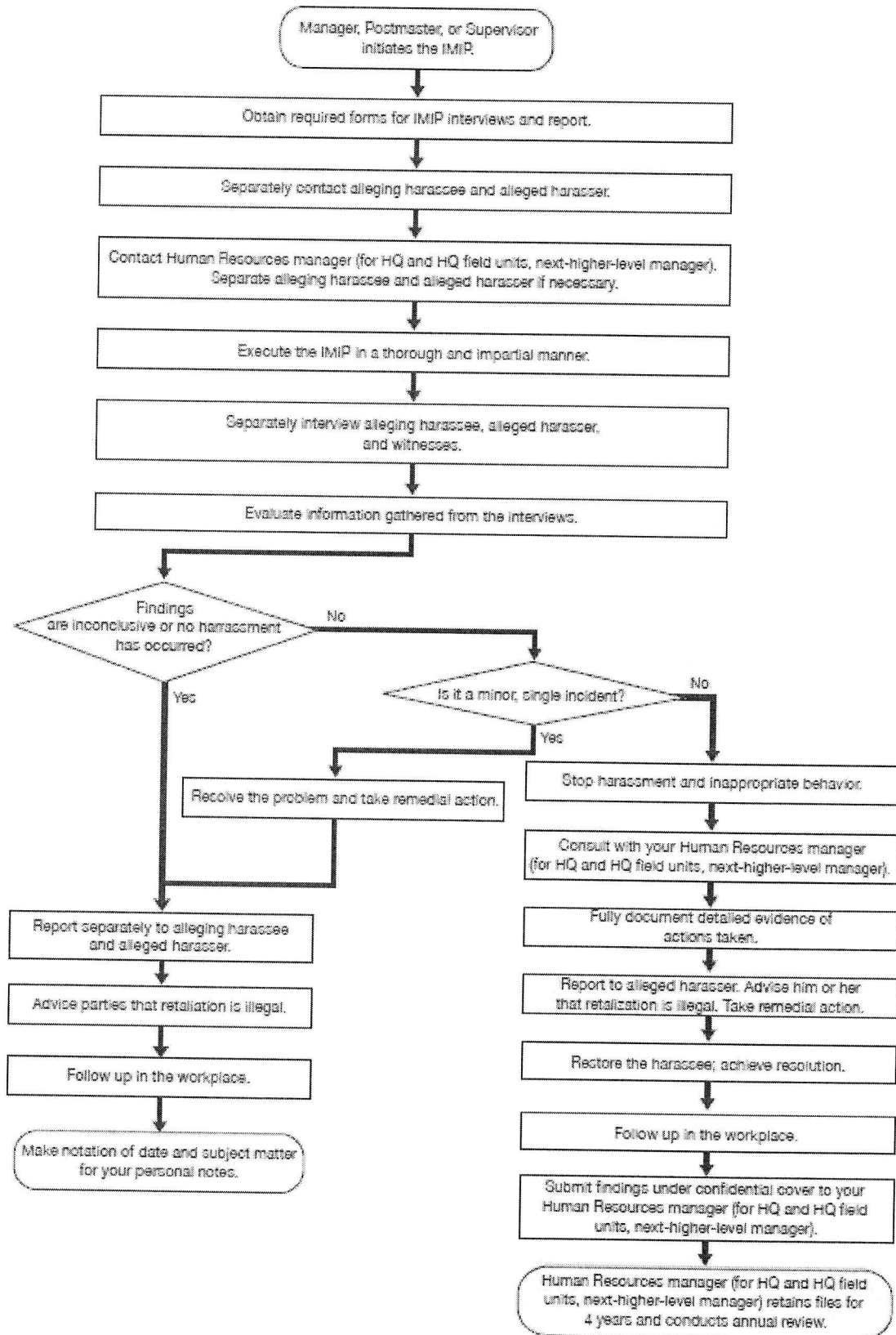
Disclosure of information that is specifically prohibited by law does not carry the protection described above. However, no disclosure under a. and b. above is prohibited by law if made to the Inspector General of the Postal Service. There can be no reprisal for disclosures to the Inspector General unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

The DRT also notes one of the steward's rights enumerated in Article 17 of the JCAM is the right to interview supervisors. The DRT also agreed that the Step 4 settlement (M-00988) that is cited in Article 17 says that supervisors are expected to respond to germane questions when interviewed as part of a grievance investigation.

The DRT noted that three grievances were received from Laurel Heights Station alleging inappropriate conduct by the management staff. The DRT agreed a single IMIP would suffice for all grievances, rather than a separate IMIP for each complaint. The IMIP must therefore address all the allegations in all three grievances: **G16N-4G-C 1846 9851 (NALC No. 421-918-18); G16N-4G-C 1848 4254 (NALC No. 421-1175-18); and G16N-4G-C 1848 6817 (NALC No. 421-1005-18)**

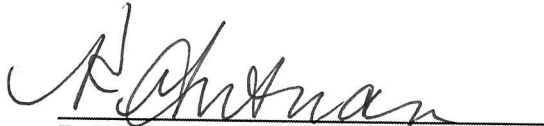
On the following page is a flow chart from page 15 of Publication 552 showing the steps required for a properly conducted IMIP. The DRT reminds the parties that if evidence of inappropriate behavior is found, it must be corrected even if the behavior does not rise to the level of illegal harassment.

Initial Management Inquiry Process at-a-Glance

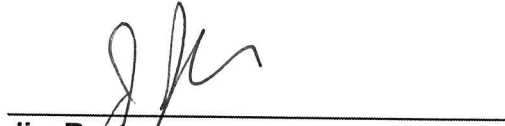


RIO GRANDE DISPUTE RESOLUTION TEAM
10410 Perrin Beitel Road, Rm 1059
Victoria, TX 78284-9608
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

Based on its review of the case file, the DRT agreed that a properly conducted IMIP is the appropriate resolution of this grievance; the DRT was unable to agree that the union's request for the supervisor to be removed from his supervisory duties was appropriate at this time.



Robin Gutman
USPS Step B Representative



Jim Ruetze
NALC Step B Representative

cc:

LR Manager, SW Area
NALC Region 10 NBA
Rio Grande District HR Manager
Rio Grande District LR Manager
Management Formal Step A Designee

NALC Branch President
NALC Formal Step A Designee
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents

PS Form 8190
Max-Richard Rameau Statement
Pete Velasquez Statement (3 pgs)
Velasquez Request for Investigation
Union's Additions & Corrections
Management Contentions
Apology from Rameau to Velasquez
Original PS Form 8190
Union Contentions (9 pgs)
Prearbitration Agreement (Carr Apology)
Prior Step B Decisions (78 pgs)
Prior Grievance Settlements (5 pgs)
Poster 159
Dignity and Respect Posting
Harassment Posting
JSVBW Agreement Summaries (2 pgs)
Step B Decisions: Noncompliance (73 pgs)
Prior Settlements (157 pgs)

Velasquez' Statement (3 pgs)
Witness Statements (2 pgs)
Email Photos of Statement and 1767
PS Form 1767 (with Response)
Statements from Velasquez (2 pgs)
Employee Everything Report (53 pgs)
Union Interviews (5 pgs)
Union Interview Questions (9 pgs)
Velasquez Request at Informal A
Witness Statements re: Blancarte (2 pgs)
Blancarte Employee Everything Report
Prior Step B Decision (4 pgs)
Time Limit Extension (9 pgs)
Request for Steward Time (8 pgs)
Requests for Information (8 pgs)
Responses to Information Requests (7 pgs)
Request for Formal Step A Meeting
Union Notes