

RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 1933 8607
Rose Barner	Grievant:	Class
NALC:	Branch Grievance Number:	421-615-19
Jim Ruetze	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	Laurel Heights
Rio Grande	State:	TX
	Incident Date:	05/15/2019
USPS Formal A:	Informal Step A Meeting:	06/11/2019
Steven Gonzalez	Formal Step A Meeting:	07/12/2019
NALC Formal A:	Received at Step B:	07/22/2019
Joseph Blancarte	Step B Decision Date:	08/29/2019
	Issue Code:	02.1910
	NALC Subject Code:	100775

ISSUE:

Did management violate Articles 5 and/or 15 of the National Agreement by unilaterally changing a past practice related to photographs and drawings from family members at letter carrier cases? If so, what is the remedy?

Did USPS managers Gabriel Ramirez and Jo Ella Cantu, or any other management personnel violate Articles 15, 17, 19, 31 and the Joint Statement on Violence and Behavior in the Workplace (JSVBW) when they removed personal pictures and drawings from letter carrier cases? 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 15, 17, and/or 31 of the National Agreement by not providing interviews, information and steward time in a timely manner to comply with multiple Step B decisions? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The DRT determined that while the act of removing personal items from the carriers' cases was not consistent with the requirements of Section 115.4 of the M-39 Handbook, it did not rise to the level of a JSVBW violation. Also, the file did not include sufficient evidence of a past practice. The DRT agreed management at Laurel Heights Station will conduct the following standup talks concerning Respect in the Workplace within four weeks of receipt of this decision:

RIO GRANDE DISPUTE RESOLUTION TEAM
 10410 Perrin Beitel Road, Rm 1059
 San Antonio, TX 78284
 PHONE 210-368-1784, 210-368-5547, FAX 210-368-8525

1. *Being Respectful in the Workplace*
2. *The Importance of Respect in the Workplace*
3. *Choosing Your Words Carefully*
4. *Asking Questions and Providing Feedback*
5. *Gossiping in the Workplace*
6. *Bullying in the Workplace*
7. *Harassment in the Workplace*

Management must provide requested information as soon as possible, but no later than three (3) 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. Management will cease & desist failing to provide steward time on the clock for investigating and processing grievances. The employees in the table below are compensated in the amounts by their names for time spent off the clock in interviews with the steward. See the DRT Explanation below.

Employee	EIN	Remedy
Gomez Jr., A	02391280	\$10.50
Richard, RL	03496198	\$7.00
Locke, T	04553650	\$10.50
Buitron, JA	02273053	\$10.50
Santos Jr., FJ	02099833	\$7.00
Harris IV, C	04387589	\$7.00

EXPLANATION:

On 05/15/2019 USPS managers removed personal pictures and drawings from carrier cases after the carriers had left to perform delivery duties.

The union filed this grievance to protest the removal of these pictures and drawings from the carriers' cases. 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 on 05/15/2019, management personnel tore down personal pictures and drawings at each case at Laurel Heights while carriers were delivering mail, creating a hostile workplace and violating Article 5, 15, 17, 19 and 31 of the National Agreement. During the Formal A meeting Manager Gonzalez said the carriers had been notified by management before the pictures and drawings were torn down, which is not true. It is clear that the actions of USPS management personnel was out of line and created an atmosphere that became hostile. The actions of USPS management was very disrespectful. The carriers have never had issues with placing personal items at the cases from pictures of loved ones to drawings from their children. At this time Gonzalez is allowing some carriers to keep the personal items up but others have not been told anything one way or the other.

The union requests management be instructed to cease & desist violating Articles 5, 15, 17, 19 and 31 of the National Agreement concerning personal items at letter carrier cases. Further, the union requests a joint USPS/NALC climate assessment be made for all stations in San Antonio. The union requests a \$25.00 monetary remedy for all carriers

working on 05/15/2019 for the continued violations of the Step B decisions requiring management to treat USPS employees with dignity and respect. The union requests that steward Blancarte receive \$500.00 for Laurel Heights management attempting to hinder the investigation of this grievance by not providing information, interviews steward time on the clock within a reasonable amount of time and the carriers identified on the interviews with off the clock. The union further requests \$50.00 to each of the carriers who were interviewed and/or prepared statements off the clock because management did not schedule time on the clock for those purposes.

Management contends on 05/13/2019 employees at the Laurel Heights Station were informed by Station Manager Steven Gonzalez that all personal items had to be removed from the carrier cases immediately. This information was passed on during the daily huddle meeting. Purposely failing to follow instructions, several employees refused to remove their personal items from postal property after being informed two days earlier by Gonzalez. On 05/15/2019, Gonzalez had no other alternative but to remove unauthorized items from the carrier cases due to the disrespectful action from the carrier craft of failure to follow instructions. The staff conducting the audit was auditing management processes, not the carrier craft. The union's argument that interview time was not allowed with the audit staff from Laurel Heights. Management contends the union has a signed settlement which paid out a one-time lump sum of \$500.00.

The DRT reviewed the case file and determined the manner in which personal items were removed from the carriers' cases, while inconsistent with management's obligations under M-39 Section 115.4, did not rise to the level of a JSVWB violation. The file did not include sufficient evidence a past practice related to pictures at cases existed, so the DRT could not agree Article 5 of the National Agreement had been violated. The parties are reminded all employees are required to conduct themselves in a manner that reflects favorably upon the Postal Service. To assist in bridging the gap between management and employees, the DRT agreed the seven service talks on dignity and respect in the workplace will be given at the Laurel Heights Station. The local parties are to contact the DRT if management encounters trouble locating the above-listed service talks. Section 115.4 of the M-39 handbook provides:

115.4 Maintain Mutual Respect Atmosphere

The National Agreement sets out the basic rules and rights governing management and employees in their dealings with each other, but it is the front-line manager who controls management's attempt to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities.

The union requested a \$500.00 remedy for the steward and \$50.00 for each carrier whom the steward interviewed off the clock as a "make-whole" remedy for hindering the union's investigation by failing to provide information in a timely manner. Management contentions in the file suggested a separate grievance may have been filed on that issue. The DRT placed a joint call to the parties and confirmed a settlement was reached that provided lump sum payments to the steward and to some of the carriers who were interviewed off the clock. The remaining employees who were interviewed off the clock have been remedied in this decision, in the amounts indicated in the table above. The JCAM, on page 17-6, provides the following in relevant part:

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The appropriate remedy in a case where management has unreasonably denied a steward time on the clock is an order or agreement to cease and desist, plus payment to the steward for the time spent processing the grievance off-the-clock which should have been paid time.

The DRT expects the combination of remedies paid in the separate grievance settlement and in this decision, coupled with the instructional language here, to be sufficient in emphasizing the parties' commitment to contract compliance. Accordingly, no additional monetary remedy is necessary. Moreover, the pictures that were removed have been permitted back on the carriers' cases. Therefore, the DRT agreed there was no need for a \$25.00 remedy for the carriers who were at work on the day the pictures were initially removed.

Based on its review of the case file, the DRT agreed to the decision and remedy above.



Rose Barner
USPS 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



Jim Ruetze
NALC Step B Representative

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

Grievance File Contents

PS Form 8190
Union Contentions (16 pgs)
Management Contentions
Employee Statements/Pictures (20 pgs)
Request for Steward Time (7 pgs)
Steward Time Report (10 pgs)
Emails re: Request for Information (2 pgs)
Management Formal Step A Designation
Union's Interview Questions (7 pgs)
Employee Everything Report (52 pgs)
NALC MRS Excerpts (2 pgs)
Steward Statement re: Interviews
Arbitration Cover Page/Memo (2 pgs)

Query re: Relevance of Request
Response to Query
Moratorium on Time Limits
Request for Steward Time
Copy of Mailing Envelope
Time Limit Extensions (4 pgs)
Requests for Information/Meeting (8 pgs)
Chart re: Time worked off the clock
Request for Steward Time (6 pgs)
Steward Designation
Prior Settlements: Mutual Respect (89 pgs)
Prior Settlements: Noncompliance (42 pgs)
Prior Settlements: Time on the Clock (71 pgs)