



### STEP B DECISION

Step B Team:  
USPS: **Yvonne Lopez**  
NALC: **Mark L. Malone**

District:  
**Rio Grande**

Step A Reps:  
USPS: **A Alderete**  
NALC: **R Gould**

Decision: **RESOLVE**  
USPS Number: **G06N-4G-C 1223 6307**  
Grievant: **Class Action**  
Branch Grievance Number: **421-447-12**  
NALC Branch #: **421**  
Installation: **San Antonio**  
Delivery Unit: **Lockhill Station 48-7967**  
State: **Texas**  
Incident date: **06/14/2012**  
Date Informal Step A: **06/11/2012**  
Formal Step A Meeting Date: **06/19/2012**  
Date Received at Step B: **06/29/2012**  
Step B Decision Date: **08/02/2012**  
Issue Code: **19.0000 03.4000**  
NALC subject code: **600118**  
Original Step B Received Date: **07/05/2012**  
Date Sent to Assisting Team: **07/31/2012**

#### TIME LIMITS AT STEP B EXTENDED BY MUTUAL AGREEMENT

**ISSUE:** Was there a violation of Articles 3 and 19 when management failed to protect accountable mail and failing to provide carriers with an accountable clerk for clearing purposes and failing to comply with an in station agreement? If so, what is an appropriate remedy?

**DECISION:** The dispute resolution team mutually agreed to resolve this dispute. Station management will have an inherent responsibility to provide the necessary staffing to clear all city letter carriers of arrow keys and all accountable mail prior to their end of tour. All work hours are compensable, clearing accountable mail is a line 14 (1838) function which requires the employee to remain on the clock until such time as they have completed all office duties as assigned.

#### **EXPLANATION:**

**The union contends** management violated Articles 3 and 19 from 11-14 June 2012 by failing to protect accountable mail, failing to provide carriers with an accountable clerk for clearing purposes, and failing to comply with an in station agreement. Management continually understaffs in the PM when carriers are coming back off the street. Management has resorted to giving carriers bags to place their accountable items in. These accountables include certified, Registered, Express, postage due, COD, arrow keys and all other accountable items.

When the carriers come back in the afternoon they have been instructed to place their accountable items in these bags and put them in a u-cart or on the stand-up desk by the supervisor's desk.



Initially, the union and management came up with an agreement on a PS Form 8190 that states, "Accountable mail that is brought back by carriers in the afternoon for clearing purposes will not be left unattended at any time." As can be seen in the pictures, the accountables to include an Express out in the open, have been left unattended on many occasions, therefore, management has failed to abide by this agreement.

The union has obtained signatures from many of the carriers attesting to the fact that many times there is no accountable clerk available in the afternoon and the accountables are left unattended at the stand-up desk. This is in direct violation of the hand books and manuals concerning accountable items.

Management is refusing to provide a full time accountable clerk and refusing to ensure that all accountable mail is protected as outlined in the provisions above. Management claims Article 3 gives them the right and refuses to see that they are violating Article 3. Management claims that carriers have not yet been disciplined for losing any accountable items.

The union requests management immediately "cease and desist" instructing carriers to use the bags for accountable items and placing them on the supervisor's desk and management be instructed to provide an accountable clerk in the afternoon to ensure the carriers are cleared correctly in accordance with the handbooks and manuals.

**Management contends** they did not violate any National or local agreements in accordance with Article 19, pertaining to accountable clerks.

Management states the grievance is grossly untimely.

The process for handling the accountable in the PM has been the same for over two years. When the carriers return from the street, if the clerk is not available to check them in, the carrier places all their items in a route pouch and place the pouch in a u-cart or hamper by the supervisor's desk. It was the union who came up with the idea of getting a route pouch for every route.

Carriers come off the street at different times, and a clerk can no longer just be waiting on them to return. In today's environment, nothing trumps the window and our customers in line. Daily we gather the bags and stage them near the supervisor desk. In the last two years due to changes and shortages of clerks, processes have to change.

This particular week, the unit had two window clerks call in for the entire week, so all available clerks were working the window.

No one here has ever lost anything, no one here has ever been issued discipline for something being lost or stolen. The union needs to understand that depending on staffing daily is dependent on how fast we take care of the employee coming off the street or having the pouches placed at the supervisor desk.

With that said, we cannot have the carrier waiting to be cleared by a clerk who is at the time servicing a customer at the window.

Due to the grievance being grossly untimely and having no issues of lost, stolen or discipline being addressed based on this process, the grievance is denied.

#### **Step B discussion:**



Management stated the grievance was untimely, yet failed to expand on this argument. The Step B agrees the grievance has met all timeliness guidelines. The team will review management's allegations of timeliness to determine if the merits of the case will be examined. Management contends the practice of placing accountable mail in route bags and placing those bags in carts or hampers has been used in this station for the last two years. The PS Form 8190 cites the dates of the alleged infraction as June 11-14, 2012; the Informal meeting was held June 19<sup>th</sup>.

While the union may have slept on their rights to initiate a dispute for incident dates prior to June 11, 2012, this dispute addresses only the instructions given in regard to leaving accountable mail from June 11-14, 2012. The Step B team mutually agreed that in regard to these dates, the grievance was initiated timely at informal.

The case file contains 9 photographs showing accountables being left on the workroom floor. The union's information request asked for pictures of the route bags to show how the accountable mail is being handled. While it is unclear who took the photographs, both parties are reminded of the prohibition of the use of photographic equipment on Postal Property.

**Poster 7** states the following, under Rules and Regulations Governing Conduct on Postal Property;

**Rules and Regulations**

**Governing Conduct on Postal Property**

***Photographs for News, Advertising, or Commercial Purposes***

*Photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings except where prohibited by official signs or Security Force personnel or other authorized personnel, or a Federal court order or rule. Other photographs may be taken only with the permission of the local postmaster or installation head.*

As per the union, accountables are being left unsecured at the supervisor's desk. Management stated they push the accountables into the accountable cage. The union states the accountables are left unattended. Express mail and certified mail pieces are no longer kept under lock and key and are stored closest to the window area for retrieval for delivery to customers across the window. However, Registereds, COD's, arrow keys and other items containing money and/or value are required to be secured as per the F-1.

The **F-1, section 2-5.2.2**, Security states in part;

**2-5.2.2 Security**

**2-5.2.2.1 Field Units Policy**

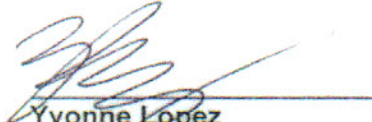
*The field unit manager is responsible for providing required security for all accountable items including postal funds, stamp stock, blank money order stock, philatelic products, retail products, accountable receipts, and property assets of the Postal Service. Responsibility for security of certain accountable items may be specifically delegated to other field unit employees under the supervision of the field unit manager. The field unit manager determines how each field unit uses its available security equipment. The assignment of security equipment varies from one field unit to another due to differences in equipment availability. Field unit managers must advise the next level of management, in writing, of security equipment inadequacy or malfunctions. The field unit manager or supervisor is responsible for providing and monitoring adequate security for all building-related security matters,*

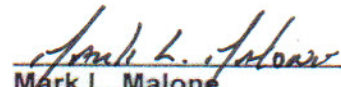


*including compliance with ID badge procedures, duplicate keys, passwords, combinations, use of safes and vaults, etc.*

Management also alludes that they have a right under Article 3 in maintaining the efficiency of the operation entrusted to them. Management does have the authority, however, the security of the mail is a requirement for all postal employees and must be adhered to. The parties agree there has been no loss or stolen items since the inception of the routed bags used to store the accountables.

At the option of the station manager, the employees may be relieved of any/all potential accountability and liability for the loss of arrows keys and all other accountable items. However, absent a written (signed) statement by the station manager, assuming all liability and absolving every employee of all liability, the employees are required to turn in their accountable mail and obtain clearance for them; PS Form 3821.

  
Yvonne Lopez  
USPS Step B Representative

  
Mark L. Malone  
NALC Step B Representative

cc: Manager, SW Area Labor Relations  
Manager, Rio Grande District  
Kathy Baldwin, NALC NBA, Region 10  
Postmaster, San Antonio, Texas  
Manager, Human Resources, Rio Grande District  
Manager, Labor Relations, Rio Grande District  
Management Formal Step A Designee  
NALC Branch President  
NALC Formal Step A Designee  
DRT File

Grievance file content:

Union's Additions & Corrections, 2 pages  
PS Form 8190 (421-447-12)  
Union Contentions, (3 pages)  
Photos of Lockhill Standup Desk Area, 9 ea  
PS Form 8190 (421-357-11)  
Signed Declaration Document, 6/20/2012  
Carrier Statements, 6/21/2012

POM, page 38  
Informal Step A Request for Information  
Management's Contentions, 2 pages  
Employee Everything Report, 3 pages  
Supervisor Moczygemba Statement, 6/29/12  
Accountable Clerk Statement, 6/29/2012  
Request for Formal Step A meeting