

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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RESOLVED



STEP B DECISION

Step B Team: Kimetra Lewis
James Chandler

District: Rio Grande
Deciding District: Dallas

Formal Step A Parties
NALC: Homer Hernandez
USPS: Stephanie Olivarez

Decision: RESOLVE
USPS Number: G11N-4G-C 15110559
Grievant: Class Action
Branch Grievance Number: 421-138-15
Branch Number: 421
Installation: San Antonio
Delivery Unit: Nimitz
State: Texas
Incident Date: 02/26/2015
Date Informal Step A Initiated: Unknown
Formal Step A Meeting Date: 03/09/2015
Date Received at Step B: 03/17/2015
Step B Decision Date: 03/19/2015
USPS Issue Code: 19.0000
NALC Issue Code: 505000
Original Step B Received Date:
Date Sent To Assisting Team:

ISSUE: Did Management violate Articles 3, 15 and 19 of the National Agreement when Management failed to provide carriers with an accountable clerk for clearing purposes and when Management failed to comply with Step B decision, G06N-4G-C 12236307? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) has agreed to **RESOLVE** this grievance. The station manager 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 the carriers' end of tour. If a situation present itself again whereby no clearing clerk is available and the carriers are not cleared of arrow keys and accountable items at the end of their tour, no carrier will be held responsible for the loss of any accountable item not cleared.

EXPLANATION: On February 11, 2015, the Union initiated a class action grievance alleging a potential violation occurred on February 7, 2015 when carriers were instructed by Management to leave their accountable mail on the supervisor's desk in the absence of a clearing clerk. The DRT resolved that grievance by informing the parties that employees are to remain on the clock until that have completed their office duties which included the clearing of accountable items.

**Class Action
G11N-4G-C 15110559
421-138-15**

On February 26th and 27th, the Union contends Management was in violation when they failed to protect the interest of the city carriers by not providing a clearing clerk at the end of the tour to clear the accountable items assigned to the carriers and initiated another grievance.

The Union contends Management's actions are in violation of numerous rules and regulations of the Postal Service and fails to comply with a previous Step B decision on the same issue. The Union contends this is an on-going issue at the Nimitz Station. The Union contends the matter had previously been addressed by APWU and resolved with Management agreeing to provide a clearing clerk to preclude any future instances from occurring. The Union contends Management is not taking this issue serious and is putting carriers in a position of discipline if anything becomes missing. For Management's failure to provide the carriers with a clearing clerk, the Union is seeking one hour of overtime pay for each carrier within the Nimitz Station.

Management contends Supervisor Vidal instructed the carriers to place their keys and accountable items in an envelope which was sealed and placed in the accountable cage; thus, no bargaining work was performed by Nimitz management. Management contends the keys and accountable items were handled in a secure nature. Management contends they were being diligent in their efforts to maintain the sanctity of the mail and allowed for the accountable clerk in the am to clear and account for all arrow keys and accountable mail handed out the day before. Management contends all items were accounted for the following mornings of 02/27/2015 and 03/01/2015 by Clerk Holguin. No items were reported as missing.

There is no dispute among the parties that the arrow keys and accountable items were not cleared on February 26, 2015 and February 27, 2015 by a clearing clerk. The Step B decision clearly stated that the clearance of accountable items is to be done on the clock. Management stated that all arrow keys and accountable items were accounted for on the next day. Per the record, instructions were given to the carriers to place their accountable items in an envelope. After each envelope was sealed by the carrier, Supervisor Crystal Vidal round dated each envelope and wrote the corresponding route numbers on the outside and placed clear tape at the seal for protection. Supervisor Vidal then took all the envelopes to the accountable cage and placed them on the accountable cart inside the cage and locked the door to insure that the items were secure. On the next morning Clerk R. Holguin was assigned the duty to sort through the envelopes and verify that all arrow keys and accountable items were accounted for. According to the record, Clerk Holguin did not report any accountable items as missing.

The rules and regulations of the Postal Service identify whose responsibility it is to properly staff the unit to get this accomplished. Management stated that the clearing clerk did not report for duty as scheduled due to a personal emergency. Management contends efforts were made via email and telephone to obtain a replacement but none was available. Management stated that all arrow keys and accountable items were accounted for on the next day. Management also stated they will continue to schedule a clerk in the afternoon so as to clear the carrier's accountable items upon their return from their routes.

M-39 Section 116.1 states the following:

116.1 Scheduling clerks in a Delivery Unit

Schedule distribution clerks in a unit with decentralized distribution so that service standards will be met and an even flow of mail will be provided to the carriers each day throughout the year. Schedule the accountable clerk to avoid delaying the carriers' departures in the morning and for clearance of carriers on their return of the office.

M-39 Section 127.c states the following:

127 Office work when Carriers Return from Route

c. See that clerks are available to check in Accountable items as efficiently and promptly as possible.

M-41 Section 43 states the following:

43 Clearance for Accountable Items

431 Keys

Turn in mail keys exchange for assigned key check or signature clearance.

As a means of protection for the carriers against discipline in the event an item is lost, the Union initiated this grievance. Article 3.F of the National Agreement gives Management the exclusive right to take whatever actions necessary to carry out its mission in emergency situations. An emergency is defined within the article as a situation which is not expected to be of a recurring nature.

Article 3.F. *To take whatever actions may be necessary to carry out its mission in emergency situations, i.e., an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.*

Management stated PSE Clerk Amanda Smalley was scheduled to work both days; however, her small child was admitted to a hospital for treatment on February 26th and was not released on February 27th. Management also stated that efforts were made to locate another clerk but one could not be located. The DRT agreed that on the days in question, an emergency existed at the Nimitz Station. It became Management's obligation to take whatever actions necessary to carry out its mission; that included the clearing of carriers of their keys and accountable items.

For Management's failure to clear the carriers of their arrow keys and accountable items, the Union requested compensation in the form of one hour of overtime for each carrier at the Nimitz Station. While the record shows this was not an isolated incident, there is no evidence to demonstrate that Management's actions were egregious; therefore, the DRT could not agree with the remedy sought by the Union.

Based upon the evidence presented within the grievance file, the DRT agreed with the decision as cited above.



Kimetra Y. Lewis
NALC Step B Representative



James Chandler
USPS Step B Representative

cc: Rio Grande District

Contents:

- PS Form 8190
- Request for Formal Step A Meeting
- Request for Documentation and Steward Time to Investigate a Possible Grievance
- NALC Formal Step A Contentions
- Accountable Mail Matter Received for Delivery (February 27, 2015)
- Arrow Key and Gas Card Accountability Form (February 27, 2015)
- Statements from City Carriers
- PS Form 8190 (Grievance #421-106-15 – Incident Date February 7, 2015)
- APWU Grievance Settlement
- Step B Decision, G06N-4G-C 12236307
- Accountable Mail Matter Received for Delivery (February 7, 2015)
- Statements from Carriers
- NALC Requested Remedy
- USPS Formal Step A Contentions
- Leave Usage Log List Report
- Employee Everything Report – A Smalley
- PS Form 3972
- End.