

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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RESOLVED



STEP B DECISION

Step B Team: Kimetra Lewis
James Chandler

Decision: RESOLVE
USPS Number: G11N-4G-C 15144828
Grievant: Class Action
Branch Grievance Number: 421-255-15
Branch Number: 421
Installation: San Antonio
Delivery Unit: Nimitz
State: Texas
Incident Date: 03/25/2015
Date Informal Step A Initiated: Unknown
Formal Step A Meeting Date: 04/10/2015
Date Received at Step B: 04/20/2015
Step B Decision Date: 05/04/2015
USPS Issue Code: 19.0000
NALC Issue Code: 505000
Original Step B Received Date:
Date Sent To Assisting Team:

District: Rio Grande
Deciding District: Dallas

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

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 daily 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 financially responsible for the loss or damage of any accountable item which was not cleared at the end of the carrier's tour. Additionally, no disciplinary action can be imposed upon any carrier due to the loss or damage of any accountable item which was not cleared at the end of the carrier's tour. It is important to note that all bargaining unit work is to be conducted on the clock and all work hours are compensable. Clearing accountable mail is a line 14 function with a minimum base value of six (6) minutes. The clearing of accountable mail is incorporated in the total carrier's daily office time.

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

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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.

On February 26, 2015, another grievance was initiated by the Union alleging a potential violation occurred on February 26th and February 27th when carriers were instructed by Management to leave their accountable mail with the supervisor. The Union argued 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 DRT resolved that grievance by stating, *"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 items not cleared."*

On March 25, 2015, the Union argued upon returning to the office, carriers were once again instructed to leave their accountables in an envelope and place them in a postal white plastic bucket next to the supervisor's desk unsecured in the middle of the station until the last carrier arrived. The Union argued Management again refused to provide an accountable clerk to properly clear the carriers at the end of their tour. The Union argued this was the third time Management has ignored Step B decisions in regard to the issue at hand.

The Union contends Management has a bad habit of not utilizing the proper security equipment to secure the accountable at Nimitz Station. Nimitz Station has a 16x16 cage with a key lock and 4x4 steel safe that is not being utilized to keep the accountables that carriers turn in after their return from their routes. The Union contends Management also refuse to provide carriers with a PS Form 3821 which gives carriers proof that they are cleared. The Union contends Management called this situation an emergency. It is the position of the Union that the matter is not an emergency since the situation was of a recurring nature.

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 following 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 March 26, 2015 by Clerk Holguin. No items were reported as missing. Management further contends a PSE has been scheduled to work at Nimitz weekly.

There is no dispute among the parties that the arrow keys and accountable items were not cleared on March 25, 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

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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 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.

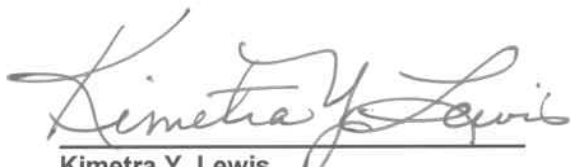
Article 3.F. *To take whatever actions may be necessary to carry out its mission in emergency situations, i.e., an unforeseen circumstance or a combination of circumstances which calls for immediate action in a situation which is not expected to be of a recurring nature.*

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Management stated PSE Clerk Latonya Jefferson was scheduled to work; however, a personal emergency prevented her from reporting for duty. 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 management staff at all levels immediately cease and desist violating Article 3, 15 and 19 by not providing an accountable clerk in the afternoon. In addition, the Union is requesting compensation in the form of \$1,000.00 in order to convince Management of their obligation to abide by Step B decisions or otherwise make whole. While the record shows a violation has occurred, the Union has not provided sufficient evidence to support that Management's actions caused a financial impact upon the affected letter carriers; 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
- Statements from Carriers
- Arrow Key and Gas Card Accountability Form (February 27, 2015)
- Accountable Mail Matter Received for Delivery
- Step B Decisions
- NALC Requested
- USPS Formal Step A Contentions
- AMF Clerk Schedule – March 21, 2015 – April 10, 2015
- End.