



# RESOLVE

## STEP B DECISION

### Step B Team:

USPS:

**Alex Zamora**

NALC:

**Jim Ruetze**

District:

**Rio Grande**

USPS Formal A:

**Michael R. Moreno**

NALC Formal A:

**Joseph Blancarte**

Decision:

USPS Number:

Grievant:

Branch Grievance Number:

Branch:

Installation:

Delivery Unit:

State:

Incident Date:

Informal Step A Meeting:

Formal Step A Meeting:

Received at Step B:

Step B Decision Date:

Issue Code:

NALC Subject Code:

RESOLVE

**G11N-4G-C 1666 4682**

**Class**

**421-602-16**

**421**

**San Antonio**

**Laurel Heights**

**TX**

**06/25/2016**

**07/09/2016**

**07/22/2016**

**07/29/2016**

**08/30/2016**

**19.0000**

**600118**

### ISSUE:

Did management violate Articles 3, 5, 15 and/or 19 of the National Agreement by failing to provide a clerk to clear carriers of their accountable items? If so, what remedy is appropriate?

Did management violate Articles 15, 17, 19 and/or 31 of the National Agreement by failing to provide the union with requested documentation/interviews within 72 hours? If so, what remedy is appropriate?

### DECISION:

The Dispute Resolution Team (DRT) mutually agreed to RESOLVE this grievance. Management violated Articles 3 and 5 of the National Agreement by failing to arrange for proper clearance of accountable items. Consistent with prior Step B decisions on this issue, carriers may remain on the clock until they are properly cleared of their accountable items in accordance with postal handbooks and manuals as described in the EXPLANATION portion of this decision. In the event management does not arrange for proper clearance of accountable items on a daily basis, carriers will not be held responsible for irregularities (e.g. loss or damage) related to accountable items.

Management also violated Articles 15, 17 and 31 by failing to provide requested information and interviews within 72 hours, which is the time frame that has been established as "reasonable" in prior Step B decisions. No explanation was given to excuse the failure to adhere to the 72-hour rule. Steward Joseph Blancarte is awarded \$200.00, less applicable deductions, and management is again instructed to cease and desist failing to provide requested information and/or interviews within 72 hours. See the DRT Explanation below.

### EXPLANATION:

This grievance revisits the proper procedures concerning the handling of accountable items in the San Antonio installation, in this case Laurel Heights Station. Prior Step B decisions included in the file, also concerning clearance of accountable items, resolved grievances arising from Lockhill Station and Nimitz Station, also in San Antonio. Upon returning from their street duties, carriers at Laurel Heights Station are instructed to leave their accountable items at the supervisor's desk rather than in the accountable cage with the clearing clerk.

The union filed this grievance to protest the improper handling of accountable items when carriers return from the street. As part of its grievance investigation, the union requested to interview a number of individuals. According to documentation in the case file, many of those interviews did not take place. 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 management has been previously instructed to provide adequate staffing for proper clearance of accountable items. The union also contends deviating from established policies regarding clearing accountable items exposes employees to the risk of discipline or other undesirable outcomes if an item turns up missing.

The union also contends management failed to provide requested information to the union within 72 hours, thus hampering the union's ability to investigate this grievance and still maintain timeliness. The union further contends several prior grievances have been settled at all three initial levels of the Dispute Resolution Process granting monetary remedies and instructing management to cease and desist failing to provide information in a timely manner.

The union requests management cease and desist instructing carriers to turn accountable items over at the supervisor's desk. Additionally, the union requests carriers stay on the clock until accountable items are cleared, with the union steward monitoring this issue for three months. Moreover, the union requests carriers be reminded in the weekly standup meeting of this instruction.

The union also requests yet another cease and desist instruction related to providing requested information within 72 hours. The union reminds the decision-making authority that compensatory remedies have thus far not proven to be effective. The union therefore requests a \$1,000.00 remedy for this violation, to be distributed equally among all carriers at Laurel Heights Station.

Management contends there is no language in any information brought forth by the union requiring a "clerk" to be the one to clear carriers. Management contends if a clerk is not available, then management may assert its Article 3 right to have the supervisor clear carriers of accountables. Moreover, management contends carriers have no standing to demand a clerk be made available to clear them of their accountables. Management also contends there has been no violation at all, so the monetary remedy requested by the union is inappropriate. Management further contends no accountable items have gone missing and no disciplinary action has been taken with respect to clearing accountable items upon the carriers' return from the street.

The DRT reviewed the case file and determined numerous USPS handbooks and manuals call for a clerk to clear carriers of their accountable items upon their return from the street. Handbook M-39, *Management of City Delivery Service*, includes the following:

**116 Mail Processing for Delivery Services**

**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 to the office.*

**117 Utilizing Work Area and Equipment**

**117.1 Workroom Floor Layout**

*The workroom floor must be arranged to minimize walking and to facilitate an orderly flow of mail and equipment. Attention must also be given to selection and layout of authorized equipment that will be used by carriers at a detached unit (e.g., a carrier-staffed mailroom in a large office building) as follows:*

**h. Accountable Mail Cage. Locate where it will be near the carriers while permitting the clerk to do other work when not serving carriers.** *Do not require the carriers to make*

more than one stop for available accountables and keys. An optional method for use in the morning is to take available accountable letters, flats, parcels, keys, change, etc., to the carriers using a suitable conveyance capable of holding all these items. Aisles must be wide enough to permit passage of this equipment.

### **127 Office Work When Carriers Return From Route**

The carrier unit managers must observe and direct carrier activity when carriers return from the route. Observe such things as:

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

Handbook PO-610, *Signature Capture and Electronic Record Management*, contains the following relevant language:

### **1-3 Completing and Handling PS Form 3849**

A complete and accurate delivery record is necessary to meet Postal Service requirements of service offerings and to protect the Postal Service from fraudulent claims. Delivery employees must follow the rules listed here when completing PS Form 3849 for all deliveries:

- n. **An accountable clerk clears the employee** and routes PS Forms 3849 to CFS using the CFS Change-of-Address (COA) pouch.

### **2-5 Undeliverable Accountable Mail**

#### **2-5.2 On-Street Users**

If the delivery employee identifies the item on the street as a forward, or if the item is undeliverable for any reason, the delivery employee does the following:

1. Scan/enter the article barcode using the handheld scanner.
2. Select the appropriate event.
3. Return the article **to the accountable clerk** for forwarding procedures.

### **3-1 Overview**

The Postal Service personnel operating in the Computerized Forwarding System (CFS) unit are responsible for optically scanning all signed PS Forms 3849. This scanning process completes the record that was initially created by the delivery employee.

The **accountable clerk** must perform the following functions daily, regardless of PS Form 3849 volume:

- a. **During the clearance procedure**, check that all forms have been properly completed with a signature, printed name, and address in the delivery section on the barcoded side of the form. Bring all forms that are not properly completed to the attention of the delivery employee or supervisor. If possible, have the delivery employee or supervisor make corrections immediately — employees can correct a form that is missing a printed name or an address but not a signature. Instruct the delivery employee to properly complete forms in the future.

USPS Handbook DM-901, Registered Mail, includes the following relevant language as well:

### **6-5.1.2 Carrier Delivery (City, Rural, and Contract Delivery Service)**

Registered articles transferred to carriers and retail associates must be listed on PS Form 3867, *Accountable Mail Matter Received for Delivery*. Each carrier or retail associate accepting custody of a registered article for delivery to the customer must sign PS Form 3867 opposite the article number. Individual accountability is assumed upon receipt.

**Carriers are relieved of their personal accountability using the clearing clerk's signature block** for mail that is not delivered but returned to the Post Office as notified, or PS Form 3849, *Delivery Notice/Reminder/Receipt*, if the article is delivered. **Carriers will return undelivered registered articles to the accountable clerk.**

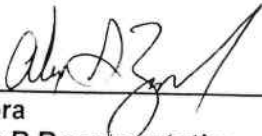
RIO GRANDE DISPUTE RESOLUTION TEAM  
10410 Perrin Beitel Road, Rm 1059  
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These citations establish that management should assign a clerk to clear carriers of accountables. However, the DRT also agreed that from a city letter carrier perspective, it isn't relevant who clears the carriers. Therefore, the rights of carriers have not been violated if someone other than a clerk clears them.

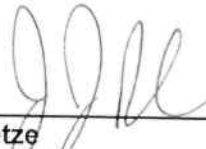
Carriers may rightly be concerned if proper clearance is not accomplished. Thus, carriers may remain on the clock until they have been properly cleared. Notwithstanding the previous If carriers are not cleared of their accountable items in accordance with the above citations, no action may be taken against them if an item is missing or damaged. PS Form 3867 and/or PS Form 3821 may be used to establish proper clearance.

With respect to the union's claim that requested information was not provided timely, the case file established a 72 hour rule is in place and management did not provide some information until well after 72 hours had elapsed. Management provided no rebuttal to the union's contention that some interviews were not conducted at all. Because the union also established compensatory monetary remedies had also been paid in the past for this violation, the DRT agreed to pay Steward Joseph Blancarte \$200.00 for this violation. The DRT encourages management to provide requested information within 72 hours to avoid greater remedies. The parties should work in good faith to see that the spirit of the rule is observed if management finds it impossible to provide information within that time frame.

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



Alex Zamora  
USPS Step B Representative



Jim Ruetze  
NALC Step B Representative

cc:  
Manager, SW Area Labor Relations  
NALC Region 10 NBA  
HR Manager, Rio Grande District  
LR Manager, Rio Grande District  
Management Formal Step A

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

**Grievance File Contents**

PS Form 8190  
Union Contentions  
Management Contentions  
Prior Step B Decisions (Clearing Clerk)  
Prior Step B Decisions (Timely Info)  
Prior Informal Step A Settlements  
Prior Formal Step A Settlements  
Request for Information

Witness Interviews  
June 2016 PS Forms 3867  
Alternate Steward Certification  
MRS Excerpt re: Alternate Stewards  
Formal Step A Meeting Request  
Time Limit Extensions  
Extension of Steward Designation  
Agreement re: Formal Step A Appeals

## Payout Request History for Grievance

16664682

[HELP](#)

<b>Not Processed By Payroll</b>		<b>Payroll Processed</b>	
<input checked="" type="checkbox"/> New (Not yet sent to Payroll)	<input checked="" type="checkbox"/> Pending (Not back from Payroll)	<input checked="" type="checkbox"/> Paid (Back from Payroll without error)	<input checked="" type="checkbox"/> Payroll Error (Back from Payroll with error)
<input checked="" type="checkbox"/> Submitted (Received acknowledgment from Payroll, awaiting processing)			
<input type="button" value=" &lt; Back"/>		<input type="button" value=" Show History"/>	

### New, Pending and Submitted Requests

Status	GATS Code	App Seq	Request Amount	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested	
New		2	\$200.00	BLANCARTE	JOSEPH	6640	PP14 FY2016	KBY9N0	09/01/2016	<input type="button" value="Detail"/>
Total New: \$200.00										
Total Pending: \$0.00										
Total Submitted: \$0.00										

### Paid and Errors from Finance

Status	Error or Warning	App Seq	Request Amount	Amount Paid	PP Paid	Last Name	First Name	SSN	Relevant PP	Requested By	Date Requested
No Data											
Total Paid: \$0.00											
Total Error: \$0.00											