



# RESOLVE



## STEP B DECISION

### Step B Team:

USPS:

**Alex Zamora**

NALC:

**Jim Ruetze**

District:

**Rio Grande**

USPS Formal A:

**Doris McDowell**

NALC Formal A:

**Ralph E Rodriguez**

Decision:

USPS Number:

Grievant:

Branch Grievance Number:

Branch:

Installation:

Delivery Unit:

State:

Incident Date:

Informal Step A Initiated:

Formal Step A Meeting:

Received at Step B:

Step B Decision Date:

Issue Code:

NALC Subject Code:

### RESOLVE

**G16N-4G-C 1818 6651**

**Class Action**

**421-26-18**

**421**

**San Antonio**

**Leon Valley**

**TX**

**12/30/2017**

**06/14/2018**

**06/15/2018**

**06/19/2018**

**07/26/2018**

**40.4510**

**100077**

### ISSUE:

Was there inappropriate conduct by the supervisors at Leon Valley Station when they continue to contact letter carriers via their cell phones while the carriers are at home or delivering on the street? If so, what is the appropriate remedy?

### DECISION:

The Dispute Resolution Team (DRT) mutually agreed to RESOLVE this grievance. Based on the fact circumstances specific to Leon Valley Station as documented in this grievance, the DRT agreed that within 14 days of receipt of this decision, management at that office will conduct a service talk that includes an assurance that management will not contact any carrier who is on the clock without first obtaining permission for that purpose. Leon Valley carriers may also indicate that management may contact them on their cell phones for specific reasons, such as family emergencies. The DRT agreed that one way to document such permission had been granted is to provide a sheet for carriers to indicate they permit management to contact them on their cell phones while working. However, the parties are free to negotiate any method they see fit to accomplish this goal.

Additionally, the DRT agreed carriers may use their cell phones to contact management to verbally notify the supervisor of a change in the carrier's return time to the office, or to report an accident and/or injury.

The DRT could not agree with the union's assertion that management may never contact carriers off the clock for the purpose of calling them in to work on a non-scheduled day due to unforeseen circumstances. While preserving the national parties' prohibition on treating carriers as "on-call" employees, the DRT agreed it is not inappropriate for management to call a carrier in to work to fill an unforeseen vacancy on a given day. Additionally, management must post all schedules and keep them up to date. See the DRT Explanation below.

### EXPLANATION:

This grievance arose when the steward determined management was contacting letter carriers on their cell phones in violation of guidance disseminated in a service talk dated

RIO GRANDE DISPUTE RESOLUTION TEAM  
10410 Perrin Beitel Road, Rm 1059  
San Antonio, TX 78284-9608  
PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525

09/04/2015. Unable to resolve the grievance at the Informal A and Formal A steps of the grievance procedure, the union appealed to Step B.

**The union** contends management is contacting letter carriers on their cell phones while on or off duty. The union contends both the city carriers and rural carriers along with management have been violating the following postal policy: U.S. POSTAL SERVICE DELIVERY SERVICE TALK from Headquarters Delivery Operations Vice President Edward Phelan dated September 4, 2015 "Postmasters, Managers, Supervisors should only contact letter carriers while on street duty using the mobile delivery device for limited USPS business or an emergency." Also, the union contends that management has not allowed union steward Rodriguez to interview any city or rural carriers to find out which ones do not wish to be contacted via cell phone. The union requests that management cease and desist contacting letter carriers (rural or city) on their cell phones while on or off duty.

**Management** contends there is no issue of management harassing carriers about their cell phones. It has been past practice that management and craft communicate through cell phones and no other carrier other than the steward Ralph Rodriguez has ever brought it to management's attention about not being contacted by cell phone. Management also contends the union steward Rodriguez has called the station manager when the station manager was on a SDO to discuss work business. Management and city carriers do not abuse the cell phone privilege and if any employee that wishes not to be called on the cell phone will let a member of management know then that employee will not be contacted by cell phone.

**The DRT** reviewed the case file and determined that the service talk (Letter Carrier use of mobile phones while on the street) was disseminated for the purpose of reminding employees that there are cameras everywhere and it has become a commonplace for the news and social media to show videos of employees behaving poorly.

According to management's Formal Step A contentions, any carrier who doesn't want to be contacted on his or her cell phone need only notify management of those wishes. The DRT agreed that in order to eliminate the potential discomfort a carrier may experience in telling his or her supervisors they are forbidden from doing something, the carriers don't need to tell management not to contact them at work on their cell phones. Rather, management must wait until a carrier voluntarily (without being asked) notifies them that the carrier gives permission to call them while at work.

The DRT further agreed the above decision should not be read to permit supervisors to call carriers on their cell phones with regularity, even if permission is granted. Management should be using the MDD for communication in most cases. Contacting carriers on their cell phones should therefore be the exception rather than the rule.

The service talk upon which the union based this grievance provides the following, in relevant part:

*Letter Carriers should not:*

- *Talk or text on mobile devices during street activity*
- *Text or create video while driving*
- *Post videos to social media of any kind*
- *Throw or damage packages at delivery point*

*Letter Carriers can:*

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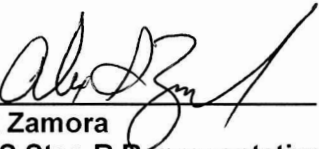
- *Make calls or text during lunch or break*
- *Use mobile device in emergency situations or to contact supervisor*


*Postmasters, managers, supervisors should only contact letter carriers while on street duty using the mobile delivery device for limited USPS business or an emergency.*

USPS Handbook M-39 (*Management of Delivery Services*) provides the following concerning scheduling carriers:

**122.12** *Post all schedules and keep them up to date.*

Based on its review of the case file, the DRT agreed that the decision above applies to Leon Valley Station only and should not be read to impose an obligation on other offices in the San Antonio Installation.

  
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Alex Zamora  
USPS Step B Representative

  
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Jim Ruetze  
NALC Step B Representative

**Grievance File Contents:**

PS Form 8190  
Union Contentions  
Management Contentions  
Request for Documentation/Informal A  
Request for Formal A  
Miscellaneous Mobile Phone Information  
Delivery Service Talk on Mobile Phones  
Table of Contents

cc:    **Area Manager of Labor Relations, Southern Area**  
         **NALC NBA, Region 10**  
         **District Manager, Rio Grande District**  
         **Manager, Human Resources, Rio Grande District**  
         **Manager, Labor Relations, Rio Grande District**  
         **Postmaster**  
         **NALC Branch President**  
         **USPS Formal A Representative**  
         **NALC Formal A Representative**  
         **DRT File**