



RESOLVE



STEP B DECISION

Step B Team:	Decision:	RESOLVE
USPS:	USPS Number:	G16N-4G-C 2002 0587
Robin Gutman	Grievant:	Class Action
NALC:	Branch Grievance Number:	421-44-19
Louise K. Jordan	Branch:	421
	Installation:	San Antonio
District:	Delivery Unit:	AMF Station
Rio Grande	State:	Texas
	Incident Date:	10/29/2019
	Informal Step A Meeting:	11/08/2019
	Formal Step A Meeting:	11/15/2019
USPS Formal A:	Received at Step B:	11/22/2019
Susana Decano	Step B Decision Date:	12/17/2019
NALC Formal A:	Issue Code:	02.1910
Ralph E. Rodriguez	NALC Subject Code:	100775

ISSUE:

Did management violate Handbook M-39 (Management of Delivery Systems), the Employee and Labor Relations Manual (ELM), and the Joint Statement on Violence and Behavior in the Workplace (JSVBW) through Article 19 and Article 15 of the National Agreement by the lack of a mutual respect environment that was created at the AMF Station in San Antonio? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The file evidenced the grievance has merit. Management is reminded of their contractual obligation to maintain an atmosphere of mutual respect in accordance with Handbook M-39, section 115.4. See DRT explanation below.

EXPLANATION:

This grievance concerns the conduct of Acting Station Manager Suzanna Decano and the supervisors and the environment created as a result of their interaction with the letter carriers assigned to AMF Station in San Antonio, Texas.

The union filed this grievance to protest what it considers the inappropriate conduct of the Acting Station Manager Susana Decano and the supervisors. 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 Acting Station Manager Susana Decano is managing the AMF Station with intimidation, lies and belittlement in an attempt to achieve unattainable expectations from the letter carriers and clerks under her charge. The union also contends Acting Station Manager Suzanna Decano and the supervisors at AMF are intentionally failing to provide "clear and concise" instructions to carriers who ask for time on their own route or when they are given a kickoff.

The union included multiple employee statements with their perceptions of the environment and management's behavior. The statements identify an environment ranging from

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harassment of employees, by calling them out (correcting errors) in front of their peers, to belittling them by telling them things like not to cry or I will bust out the violin. The union contends management violated Article 15 and the Postal Service Policy Letter (M-01571) when they failed to comply with numerous Step B decisions regarding dignity and respect.

The union requests a payment of \$300.00 to all employees at the AMF Station (clerks, PSE's, city carriers, CCAs and custodians) for management knowingly violating multiple cease and desist awards throughout the city from the DRT. The union requests management once again to be instructed to cease and desist the harassment to include belittling and underestimating of times needed to finish a route of all employees assigned to AMF Station. The union requests all members of management attend sensitivity training and apologize to the employees for the past actions by them.

Management contends during the Formal Step A meeting the steward could not give one single instance of where a supervisor created a hostile work environment or where a supervisor did not promote an atmosphere of mutual respect and dignity. Management contends the M-41 specifically states that carriers can expect to be supervised at all times. Management contends this instant case does not rise to the level alluded to in the handbooks and manuals regarding Dignity and Respect and a hostile environment. Management contends this issue is just another misunderstanding and a lot of finger-pointing by the union and the carriers regarding their interactions and their outbursts, not management's. Management contends the union has failed to conduct a thorough investigation when they failed to interview any of the supervisors and failed to allow management to cross examine (interview) the accusers. Management contends the union removed all the names from the canned statements. Management contends all the union has done is validate the Union Task Force for Dignity and Respect is a sham and a disgrace to both the union and the Postal Service. Finally, the manager states she has not seen one single instance where any of her supervisors have acted inappropriately at any time and she will not tolerate such behavior.

The DRT reviewed the case file and agreed all employees have the right to be treated with dignity and respect. The employees' statements show a perception, by some carriers that the environment at the AMF Station is not harmonious and does not provide for an atmosphere of mutual respect and dignity. It is clear from the file some carriers feel they are spoken down to or feel embarrassed in front of their peers when management makes what certain carriers perceive as snide uncalled for remarks. Management has a responsibility to address any concerns and to maintain an atmosphere of mutual respect and dignity.

The union mentioned "Joint Statement on Violence and Behavior in the Workplace" in their issue statement. Although the team agrees this instant case does not rise to that level we have including the language below as a teaching moment.

The Joint Statement on Violence and Behavior in the Workplace includes the following, in relevant part:

We openly acknowledge that in some places or units there is an unacceptable level of stress in the workplace; that there is no excuse for and will be no tolerance of violence or any threats of violence by anyone at any level of the Postal Service; and that there is no excuse for and will be no tolerance of harassment, intimidation, threats or bullying by anyone.

We also affirm that every employee at every level of the Postal Service should be treated at all times with dignity, respect and fairness. The need for the USPS to serve the public efficiently and productively and the need for all employees to be committed

to giving a fair day's work for a fair day's pay, does not justify actions that are abusive or intolerant. "Making the numbers" is not an excuse for the abuse of anyone. Those who do not treat others with dignity and respect will not be rewarded or promoted. Those whose unacceptable behavior continues will be removed from their positions.

The DRT noticed Ms. Decano did not address the fact that the majority of the instances reported by the employees referenced her behavior specifically. Ms. Decano claims she was not given an opportunity to address the complaints because the names were removed but the DRT found the file did contain the handwritten statements with the employee's names on them and they were referenced in the union's additions and corrections. The union states management was provided the handwritten statements. The parties are reminded of their contractual obligation to exchange copies of all relevant papers or documents and fully develop the file in accordance with the provision of the JCAM language found on page 15-5 shown below:

Formal Step A (d)

15.2 (d) At the meeting the Union representative shall make a full and detailed statement of facts relied upon, contractual provisions involved, and remedy sought. The Union representative may also furnish written statements from witnesses or other individuals. The Employer representative shall also make a full and detailed statement of facts and contractual provisions relied upon. The parties' representatives shall cooperate fully in the effort to develop all necessary facts, including the exchange of copies of all relevant papers or documents in accordance with Articles 17 and 31. The parties' representatives may mutually agree to jointly interview witnesses where desirable to assure full development of all facts and contentions. In addition, in cases involving discharge either party shall have the right to present no more than two witnesses. Such right shall not preclude the parties from jointly agreeing to interview additional witnesses as provided above.

The DRT agreed management is responsible for ensuring the M-39, section 115.4 is followed. The M-39 contains the following relevant language:

115.3 Obligation to Employees

When problems arise, managers must recognize that they have an obligation to their employees and to the Postal Service to look to themselves, as well as to the employee, to:

- a. Find out who, what, when, where, and why.*
- b. Make absolutely sure you have all the facts.*
- c. The manager has the responsibility to resolve as many problems as possible before they become grievances.*
- d. If the employee's stand has merit, admit it and correct the situation. You are the manager; you must make decisions; don't pass this responsibility on to someone else.*

115.4 Maintain Mutual Respect Atmosphere

*The National Agreement sets out the basic rules and rights governing management and employees in their dealings with each other, but **it is the front-line manager** who controls management's attempt to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities. (Emphasis Added)*

The DRT agreed the Step B decision (page 149) is precedent-setting for the San Antonio Installation and management at the AMF Station has the responsibility to provide clear and concise instructions to the employees at all times. The decision states in relevant part,

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"When an employee informs management of their inability to comply with previous instruction management will provide the employee with new or modified instruction." For management to simply say you have your instruction as given this morning is not ok. Management must instruct the carrier based on the new information from the carrier.

The DRT also agreed management should be given an opportunity to attempt to correct the environment or the employee's perceptions of the environment before training would be necessary. Based on its review of the case file, the DRT mutually agreed to the decision above.



Robin Gutman
USPS Step B Representative

cc: LR Manager, Southern Area
NALC Region 10 NBA
Rio Grande District HR Manager
Rio Grande District LR Manager
Management Formal A Designee



Louise K. Jordan
NALC Step B Representative

NALC Branch President
NALC Formal A Designee
Manager, Rio Grande District
Postmaster
DRT File

Grievance File Contents

Request for Informal A Meeting
Request for Formal A Meeting
Steward Designation Letter
PS Forms 8190 (3 pages)
Union's Contentions (11 pages)
Carrier Weekly Schedule
Dignity & Respect Questionnaires (41 pages)
District Manager's Letter
Southern Area Letter
Cell Phone Letter

Workplace Harassment – Poster 159
M-01492 – Joint Statement of Expectations
USPS Policy on Harassment (2 pages)
USPS –Zero Tolerance Policy
Step B Decisions (96 pages)
Management's Contentions (3 pages)
Union's Additions and Corrections (5 pages)
Dignity & Respect Questionnaires (65 pages)
Management's Additions & Corrections (4 pages)