



STEP B DECISION

Step B Team:	Decision:	<u>RESOLVE</u>
USPS:	USPS Number:	G11N-4G-C 1754 7357
Alex Zamora	Grievant:	Amanda Montalvo
NALC:	Branch Grievance Number:	421-549-17
Karrie Kimbrell	Branch:	421
	Installation:	San Antonio
Deciding District:	Delivery Unit:	Hackberry
Rio Grande	State:	Texas
	Incident Date:	05/30/2017
	Informal Step A Initiated:	07/07/2017
	Formal Step A Meeting:	No meeting
USPS Formal A:	Date Received at Step B:	07/26/2017
Stephanie Olivares	Step B Decision Date:	08/03/2017
NALC Formal A:	Issue Code:	19.2000
Richard Gould	NALC Subject Code:	100103

ISSUE:

Did management violate Article 19 of the National Agreement (via the M-39 Section 134.21) when the manager conducted street observations on the grievant in a covert manner? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file evidenced a violation. Street observations will be conducted in accordance with the M-39, Section 134.2 language shown in the DRT explanation below. See DRT explanation.

EXPLANATION:

The grievant states she was followed by an unknown jeep for a period of time. After about a half an hour went by, she approached the vehicle and discovered it was the station manager.

The union contends on 05/30/17, full-time letter carrier Amanda Montalvo was delivering her route when she decided to get gas around 10:35 AM. It was at that time that she noticed a jeep in her vicinity just parked in a certain location. She left the gas station for her route and noticed the same jeep following her until sometime between 10:40 and 11:00. Not sure who the person was that was following her, she approached the vehicle to find it was the station manager, Stephanie Olivares.

Station Manager Stephanie Olivares failed to discharge her duties in an open and above-board manner when she failed to identify herself to Mrs. Montalvo from the get go. She instead chose to follow Mrs. Montalvo for some time only identifying herself when approached by Mrs. Montalvo. Mrs. Olivares was covertly watching Mrs. Montalvo in violation of the M-39. The union requests as remedy that management cease and desist violating Section 134.2 of the M-39 and identify themselves prior to any observations.

Management did not meet at the Formal Step A level and did not provide any contentions.

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The DRT determined a violation was evidenced when the grievant was observed covertly by management. The grievant states an unknown jeep was following her for a period of time before she approached the jeep in an effort to see who was following her. The person in the jeep was the station manager. The manager did not make herself known to the carrier while observing her. This was undisputed and is in violation of the language found in the M-39, Section 134.2 which states the following:

134.2 Techniques

134.21 The manager must maintain an objective attitude in conducting street supervision and discharge this duty in an open and above board manner.

134.22 The manager is not to spy or use other covert techniques. Any employee infractions are to be handled in accordance with the section in the current National Agreement that deal with these problems.

Street observations will be handled in the appropriate manner as shown above.



Alex Zamora
USPS Step B Representative



Karrie Kimbrell
NALC Step B Representative

Grievance File Contents:

PS Form 8190

Union Contentions

Informal Step A Request

Employee Everything Report

PS Form 4584

USPS DMS

Grievant Statement

USPS Tracking

Formal Step A Request

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
NALC Branch President
USPS Formal A Representative
NALC Formal A Representative
DRT File