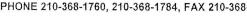
RIO GRANDE DISPUTE RESOLUTION TEAM 10410 Perrin Beitel Road, Rm 1059 San Antonio, TX 78284-9608 PHONE 210-368-1760, 210-368-1784, FAX 210-368-8525







STEP B DECISION

Step B Team:

Decision:

RESOLVE

USPS:

USPS Number:

G11N-4G-C 1754 7357

Alex Zamora

Grievant:

Amanda Montalvo

NALC:

Branch Grievance Number:

421-549-17

Karrie Kimbrell

Branch: Installation: 421 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: Date Received at Step B:

No meeting 07/26/2017

Stephanie Olivares NALC Formal A:

Step B Decision Date:

08/03/2017 19.2000

USPS Formal A:

Issue Code:

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 aboveboard manner when she failed to identify herself to Mrs. Montalvo from the get go. She instead dhose 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 MALC Branch President USPS Formal A Representative NALC Formal A Representative DRT File