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STEP B DECISION

Step B Team:	Decision:	<u>RESOLVE</u>
USPS:	USPS Number:	G11N-4G-C 1423 5272
Yvonne G Lopez	Grievant:	Class Action
NALC:	Branch Grievance Number:	421-555-14
Karrie Blough	NALC Branch #:	421
	Installation:	San Antonio
	Delivery Unit:	Cedar Elm
District:	State:	Texas
Rio Grande	Incident date:	Ongoing
	Date Informal Step A:	None
Formal Step A Reps:	Formal Step A Meeting Date:	07/10/2014
USPS: Michael Moreno	Date Received at Step B:	07/21/2014
NALC: Michael Irizarry	Step B Decision Date:	08/12/2014
	Issue Code:	03.1000
	NALC subject code:	600207

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ISSUE: Did management violate Article 3, 5, and 19 when management failed to comply with DRT decision, G11N-4G-C 1324 7654? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. Requiring carriers to sign a locally developed form, specifically the ADVO log, is in conflict with the National Agreement. See DRT explanation.

EXPLANATION:

The union contends that there is a DRT decision, 421-462-13 that states management must discontinue the use of locally developed forms; see attached Lockhill Step B. This is a violation of Articles 3, 15, and 19. Manager of Cedar Elm feels management has the right to give instruction to fill out these developed forms for management's use to improve service to the customer. On June 27, 2014, Manager was asked to honor the DRT decision from Lockhill and he stated he would not.

These are also used to support discipline toward carriers who forget to fill them out on a daily basis. None of these forms help the postal service in any way. The 3M process has never improved through the years and the parcel log is not used to determine time given to the carrier because DOIS does not recognize parcels. The ADVO log is a developed form, but DOIS does not recognize that volume to giving the carrier's time to deliver their routes. There was a conversation amongst the steward from Lockhill and Cedar Elm on July 1, 2014.

The union request management cease and desist from the use of the developed forms at Cedar Elm and pay each carrier \$10.00 a day for not complying with this order from June 27, 2014 and make the carriers at Cedar Elm whole.

RIO GRANDE DISPUTE RESOLUTION TEAM
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Management contends they have continuously instructed carriers to annotate their parcel count so management can accurately give them accurate credit each day when compared to each carrier's annotation of parcels and their quantity on each PS Form 3996? Grievant continues to fail in following the instructions set by management in annotating their parcel counts when others do not. Grievant continues to find reason in not assisting management in accurately annotating their parcel count correctly as instructed.

Grievant claims, per DRT decision, G11N-4G-C 1324 7654, Alderete vs Gould, that the use of locally developed forms which collected **personal identifiable** information should be discontinued. Management indicated to NALC that annotating a numeric number is not personally identifiable as in **signing** an individual's signature on an ADVO log, which the decision pertains to. Annotating a numeric number is not personally identifiable, but is associated to a route. We are not asking for carriers to sign or initial, but to log their parcel counts for credit reasons. NALC continues to find excuses not to assist management in giving each route the necessary credit it needs when addressing each submitted PS Form 3996. This rule is enforced daily with no exception for each carrier.

Management contends that NALC does not want management to hold carriers accountable for failing to follow instructions, but the inability to abide to management's instructions in annotating their daily parcel counts prior to departing for their assignment. The Formal Step A management denies this grievance in whole and grievant has violated Article 665, of the ELM and provisions as noted in M-39 and M-41.


The DRT reviewed the case file and determined a violation was present when carriers were required to sign the ADVO log. The union steward for Cedar Elm refers to grievance 421-462-13; GATS G11N-4G-C 1324 7654, which originates out of Lockhill Station. The basic contention in this grievance is that management was mandating carriers to sign and/or initial locally developed training forms after stand up talks and also sign their names to the ADVO log to verify the bar code was scanned showing the ADVO deliveries had been completed.

The union and management contend the parcel log, 3M log and the ADVO delivery completed log in this presented grievance. Evidence supporting a violation in terms of filling in numerical answers in the parcel and 3M log was not contained in the case file. While mentioned in the Step B decision provided, those issues did not appear to be clearly resolved in that case. Since this is the only document the union provided to support its contentions, a violation could not be determined without more information. The union bears the burden of proof in contract cases. That burden was only partially met in this case with respect to the signing of the ADVO log only.

The ADVO log as per the local parties requires a signature, which is in violation. Management is requiring the carrier/s to sign a log confirming ADVO was scanned and delivered. The carrier/s is required to scan all bar codes as instructed. The signing of the log is voluntary.



Yvonne G Lopez
USPS Step B Representative



Karrie Blough
NALC Step B Representative

Grievance File Contents:

PS Form 8190
Request for Formal Step A, 07/07/14
Union's Contentions
Buckslip, 06/27/14
G11N-\$G-C 1324 7654, 7 pgs
Management Contentions, 3 pgs
PS Form 8190, duplicate
Request for Formal Step A, duplicate
Buckslip, duplicate
G11N-4G-C 1324 7654, duplicate
Union Contentions, 4 pgs

cc: Manager, Southern Area Labor Relations
District Manager, Rio Grande District
NALC NBA, Region 10
Postmaster, San Antonio, Texas
Manager, Human Resources, Rio Grande District
Manager, Labor Relations, Rio Grande District
NALC Branch President
Management Formal Step A Designee
NALC Formal Step A Designee
DRT File