

DALLAS DISTRICT DISPUTE RESOLUTION TEAM

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RESOLVE



STEP B DECISION

Step B Team: Kimetra Lewis
Schenequa Neal

District: Rio Grande
Deciding District: Dallas

Formal Step A Parties
NALC: Edward Quinonez
USPS:

Decision: RESOLVE
USPS Number: G11N-4G-C 15326664
Grievant: Pedro Lantigua
Branch Grievance Number: 421-653-15
Branch Number: 421
Installation: San Marcos
Delivery Unit: 78666
State: Texas
Incident Date: 09/03/2015
Date Informal Step A Initiated: 09/23/2015
Formal Step A Meeting Date: No Meeting
Date Received at Step B: 09/29/2015
Step B Decision Date: 10/05/2015
USPS Issue Code: 19.0000
NALC Issue Code: 100103
Original Step B Received Date:
Date Sent To Assisting Team:

ISSUE: Did Management violate Article 19 of the National Agreement when Management instructed the grievant not to attempt delivery of parcels at the customer's door at 1975 Aquarena Springs? If so, what is the appropriate remedy?

DECISION: The Dispute Resolution Team (DRT) agreed to RESOLVE this grievance. Carrier Lantigua should follow the provisions of Article M-41 cited above until the manager's office is usable again. At that time, either the carrier or management should obtain a written statement from the manager's office stating that the customer's parcels can be left in the office for their pick up. See EXPLANATION below.

EXPLANATION: There is no dispute among the parties a flood occurred during the Memorial Day holiday in San Marcos. Prior to the flood, Carrier Lantigua was leaving notices for parcels in the mailbox of the customers and leaving the parcels in the manager's office of the apartment complex. The flood caused damage to the office and they were forced to construct a temporary office inside of a trailer which could not fit the parcels; therefore, the manager refused to accept the parcels anymore. At this point, the grievant began delivering the parcels door-to-door when he was unable to fit them inside of the mail receptacles.

The Union contends the grievant was following Postal rules and regulations by delivering the parcels door-to-door. Management contends the grievant had no authorization to deliver in that fashion; thus, he is extending his route.

The M-41 states the following in regards to the delivery of parcel post:

322.3 Parcel Post

322.31 Load parcel post directly into the vehicle from hampers or sacks. Normally separate the parcels in delivery sequence. Make a mental note of the first parcel delivery point. When this parcel has been delivered, make mental note of the next, and so on, until all parcels have been delivered. For any parcel that does not fit into the customer's mailbox or parcel locker (when available), an attempt to deliver must be made at the customer's door. If no one is available to receive the parcel, follow the procedures in 322.311 and 322.312.

The procedures in the M-41 Sections 322.311 and 322.312 state the following:

322.311 When the Carrier is Authorized to Leave Ordinary Parcels

a. Parcels must not be left in an unprotected location such as a porch unless the mailer participates in the carrier release program by endorsing the package "Carrier-Leave If No Response" or the addressee has given written directions for an alternate delivery location. Examples of protected locations are a locked vestibule, locked hallway or with the doorman of an apartment building, inside a storm door of a residence, etc. Form 3849, *Delivery Notice/Reminder/Receipt*, with the "It Is located: _____" block completed must be left in the mail receptacle notifying the addressee of the mail left in the authorized alternate location. Parcels must not be left where adverse weather can affect them.

b. By following the mailer's or addressee's instructions, the Postal Service provides customers with a more convenient way to receive parcels. Carriers are not liable for loss or theft where these instructions and postal regulations are followed.

c. Mailers who participate in the carrier release program understand that there are areas where the Postal Service will not leave parcels for security reasons. Mailers also understand that carriers do not leave packages without protection from inclement weather. If there is not a suitable location to leave a carrier release parcel, Form 3849 must be left.

322.312 When the Carrier is Not Authorized to Leave Ordinary Parcels

a. When someone is usually available to receive parcels. When an ordinary or unnumbered insured parcel is not delivered on the first attempt and the carrier knows that someone at the address is usually available to receive parcels, do not leave Form 3849, *Delivery Notice/Reminder/Receipt*. Write the date and the carrier's initials and route number near the address and return the parcel to the office. Place the parcel in the gurney at the carrier's case. Attempt a second delivery on the next delivery day. If the parcel is not delivered after the second attempt, complete and leave Form 3849.

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b. When someone is not usually available to receive parcels. If no one is available to receive the parcel and the carrier knows that someone at the address is *not* usually available to receive parcels, complete and leave Form 3849 (see exhibit 322.312b) after the first attempt. When the carrier does not know if someone is usually available to receive parcels, Form 3849 should be left after the first attempt. Endorse the parcel near the address, showing the reason for nondelivery, e.g., "No Response", date delivery was attempted, and the carrier's initials and route number. Upon returning to the office, deposit the parcel in the designated place for undelivered parcels.

The Postal Operations Manual (POM) Section 611.1.a states the conditions governing delivery to the addressee as follows:

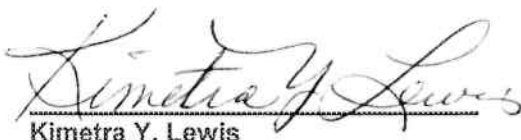
611.1 Conditions

The following conditions govern delivery, refusal, and return:

- a. Delivery to Addressee. The addressee may control delivery of his or her mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them.

It was stated in the grievance file that the manager's office was scheduled to reopen at the end of September or the first week of October. The case file did not contain an agreement with the manager of the apartment complex and the Postal Service which authorized the carrier to leave the parcels in the manager's office. However, one would assume that if it was an established practice accepted by all parties; then, once the manager's office was back to its normal state, the practice would resume.

Based upon the evidence presented within the grievance file, the DRT agreed that Carrier Lantigua should follow the provisions of Article M-41 cited above until the manager's office is usable again. At that time, either the carrier or management should obtain a written statement from the manager's office stating that the customer's parcels can be left in the office for their pick up.



Kimetra Y. Lewis
NALC Step B Representative



Schenequa Neal
USPS Step B Representative

cc: Rio Grande DRT

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