



RESOLVE



STEP B DECISION

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|-------------------------|--------------------------|----------------------------|
| Step B Team: | Decision: | RESOLVE |
| USPS: | USPS Number: | G16N-4G-C 2000 6779 |
| Robin Gutman | Grievant: | Class Action |
| NALC: | Branch Grievance Number: | 421 1134 19 |
| Louise K. Jordan | Branch: | 421 |
| | Installation: | Universal City |
| District: | Delivery Unit: | Main Post Office |
| Rio Grande | State: | Texas |
| | Incident Date: | 10/01/2019 |
| | Informal Step A Meeting: | 10/10/2019 |
| | Formal Step A Meeting: | 10/17/2019 |
| USPS Formal A: | Received at Step B: | 10/25/2019 |
| Amy R. Garza | Step B Decision Date: | 11/15/2019 |
| NALC Formal A: | Issue Code: | 19.2000 |
| Adam J. Reyna | NALC Subject Code: | 600207 |

ISSUE:

Did management violate the Administrative Support Manual (ASM) through Article 19 of the National Agreement by instructing carriers to sign a locally developed form? If so, what is the remedy?

Did management violate Article 15 of the National Agreement by not abiding by Step B decision for Grievance # G16N-4G-C 1902 7822 (421-1408-18)? If so, what is the remedy?

DECISION:

The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The file did evidence a violation of the Administrative Support Manual - Section 324 - Development, Coordination, and Clearance through Article 19 of the National Agreement when management instructed carriers to sign and submit the locally developed handwritten form, to include the O-13. Consistent with National Arbitrator Aaron's award on this issue (H1N-NAC-C-3, February 27, 1984, C-04162), locally developed forms must be approved consistent with the Administrative Support Manual (ASM). Since the form has not been approved in accordance with that manual, it would follow that the form (handwritten and/or O-13) must be withdrawn and no longer used. See the DRT Explanation below.

EXPLANATION:

This is a class action grievance on behalf of the letter carriers completing collections of mail at the Main Post Office in Universal City, Texas. Carriers were given a pre-written template by management which outlines the process for completing their collection duties as part of the Mock Zero Bundle (MZZ) checklist guide.

The union filed this grievance to protest management's requirement for employees to complete the locally developed form. 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 management violated the ASM through Article 19 of the National Agreement when they instructed/required carriers to complete and sign the locally developed form after completing collections. Management also violated ASM Section 324 and 325. According to the ASM Section 324.12, the locally developed forms at issue were not

promulgated according to the rules in that manual. The union contends management does have internal controls for the certification of collections but these may not conflict with the National Agreement. The union contends this started when the new postmaster came to Universal City and this had never been an issue prior. The union contends management is misusing buck slips and that if management questions the collection of a box they should go check. The union also contends management has a program called Collection Point Management System (CPMS) which they could use to verify pick up of any box.

The union requests management cease and desist the practice of forcing/instructing carriers to sign pre-written statements and/or forms not promulgated in accordance with the ASM. The union also requests management cease and desist the practice of forcing/instructing carriers to write out the locally developed form regarding collection boxes. The union further requests management cease and desist the practice of violating settlements that were agreed to in good faith bargaining or whatever the Step B or Arbitrator deems appropriate.

Management references the collection mail standard operating procedure (SOP) as part of the mock zero bundle procedures provided by the Rio Grande District. Management contends all carrier have yearly training to include D1148 drop, inspection, collecting mail, scanning and SPM sampling. As part of the SOP a detailed handwritten statement, signed and round dated, is required by each carrier who is assigned a collection. Management contends the carriers are not the only ones required to do this and that clerks and the closing supervisor also must make a statement.

The DRT reviewed the documents in the case file and agreed that management was in violation of Article 19 of the National Agreement through the Administrative Support Manual (ASM). The locally developed form in the file has no title and no indication it was an authorized form that had the required clearance in accordance with ASM 324.2 and the Article 19, Local Policies.

The DRT reviewed the Step B decision referenced, by the union in the issue statement. The team agreed, although the decision did make management aware of the requirement to have locally developed forms approved in accordance with the ASM, the decision was in reference to a specific form for an individual grievant and is not relevant to this instant file.

The Administrative Support Manual (ASM) includes the following relevant language:

324.2 Coordination and Clearance

The originating office obtains the necessary clearances from other affected organizational units before a new or revised form is approved. Required clearances include:

| Type of Form | Required Clearance |
|---|---|
| <i>Forms that affect wages, hours, and other terms and conditions of employment, or that concern any work and/or time standards or studies relating to any bargaining unit employees.</i> | <i>PS: Through the vice president of Labor Relations using the clearance option 3 memo (see MI AS-310-96-3, Management of Policy and Procedure Information — Paper and On-Line). Local: Through the appropriate area Human Resources manager.</i> |
| <i>PS and local forms that: a. Collect personally identifiable information about a customer, employee, or other individual (such</i> | <i>Through the manager, Records Office, using the clearance option 3 memo (see MI AS-310-96-3) for Privacy Act considerations (for details see Handbook AS-353, Guide to</i> |

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| <i>as name or Social Security number) directly from those individuals.</i> <i>b. Are completed by a customer, employee, or other individuals.</i> | <i>Privacy, the Freedom of Information Act, and Records Management).</i> |
| <i>PS forms that are stocked in the material distribution centers.</i> | <i>Through Inventory Management, Purchasing and Materials, Head-quarters, on Form 189, Stocking Plan for Directives and Forms.</i> |

From the National Agreement (JCAM) Page 19-2:

Local Policies. Locally developed policies may not vary from nationally established handbook and manual provisions (National Arbitrator Aaron, H1N-NAC-C-3, February 27, 1984, C-04162). Additionally, locally developed forms must be approved consistent with the Administrative Support Manual (ASM) and may not conflict with nationally developed forms found in handbooks and manuals.

National Arbitrator Garrett held in MB-NAT-562, January 19, 1977 (C-00427), that "the development of a new form locally to deal with stewards' absences from assigned duties on union business—as a substitute for a national form embodied in an existing manual (and thus in conflict with that manual)—thus falls within the second paragraph of Article 19. Since the procedure there set forth has not been invoked by the Postal Service, it would follow that the form must be withdrawn.

The team agreed although the pre-printed statement and/or the O-13 was intended to be used as a management tool to monitor the collection schedules, locally developed forms must be approved consistent with the ASM. Additionally, the DRT agreed if management seeks to obtain information from employees relative to whether they had properly performed their jobs, they may obtain that information through an investigation (including interviewing the employees, if necessary), but not by compelling the employees to involuntarily submit statements.

Based on its review of the case file, the DRT mutually agreed to the decision on page one of this paper.



Robin Gutman
USPS Step B Representative



Louise K. Jordan
NALC Step B Representative

cc:

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

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

Grievance File Contents

PS Form 8190
 Request for Information
 Informal Step A Request
 Supervisor Interview
 Formal Step A Request
 Union's Contentions (5 pages)

Mock Zero Bundle Documentation (40 pages)
 City Collector Signed Documents (21 pages)
 Step B Settlements (7 pages)
 M-00852 (2 pages)
 M-01325
 M-01361