



**RESOLVE**



**STEP B DECISION**

<b>Step B Team:</b>	Decision:	<b>RESOLVE</b>
USPS:	USPS Number:	<b>G19N-4G-C 2118 2898</b>
<b>Rose Barner</b>	Grievant:	<b>Jorge Valdez</b>
NALC:	Branch Grievance Number:	<b>421-1624-21</b>
<b>Jim Ruetze</b>	Branch:	<b>421</b>
	Installation:	<b>Eagle Pass</b>
District:	Delivery Unit:	<b>Main Post Office</b>
<b>Rio Grande</b>	State:	<b>TX</b>
	Incident Date:	<b>03/16/2021</b>
	Informal Step A Meeting:	<b>03/30/2021</b>
	Formal Step A Meeting:	<b>04/27/2021</b>
	Received at Step B:	<b>04/28/2021</b>
	Step B Decision Date:	<b>05/27/2021</b>
	Issue Code:	<b>02.1910</b>
	NALC Subject Code:	<b>100775</b>

**ISSUE:** Did management violate the M-39 Handbook, Management of Delivery Services, Section 115.4, Employee and Labor Relations Manual (ELM) Section 665.24 and/or the Joint Statement on Violence and Behavior in the Workplace (JSVBW) via Article 19 of the National Agreement when Raul Salazar made intimidating and inappropriate remarks to Jorge Valdez on March 16, 2021? If so, what is the remedy?

**DECISION:** The Dispute Resolution Team (DRT) mutually agreed to **RESOLVE** this grievance. The case file did not evidence a violation of the JSVBW; however management violated Section 115 of the M-39 Handbook, *Management of Delivery Services*. All employees are expected to treat each other with dignity and respect, and it is the front-line manager's responsibility to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities. The DRT agreed management at Eagle Pass Main Post Office will conduct the following standup talks concerning Respect in the Workplace within four weeks of receipt of this decision:

1. *Being Respectful in the Workplace*
2. *The Importance of Respect in the Workplace*
3. *Choosing Your Words Carefully*
4. *Asking Questions and Providing Feedback*
5. *Gossiping in the Workplace*
6. *Bullying in the Workplace*
7. *Harassment in the Workplace*

Also, OIC Salazar will complete the online course in HERO on "Promoting Respect in the Workplace for Managers" within four weeks of receipt of this decision. See the DRT Explanation below.

**EXPLANATION:** This grievance concerns a verbal exchange that took place at the Main Post Office in Eagle Pass on March 16, 2021 between Supervisor Raul Salazar and Steward Jorge

Valdez. The union alleged Salazar changed the room where the steward normally conducts his union business. The steward then learned the original room was not being utilized and proceeded to notify Salazar of this fact. As he approached, Salazar began to yell at him and became aggressive and required him to report to the area to perform his steward duties as previously designated.

The union filed this grievance to protest Salazar's inappropriate conduct and his treatment of the steward. Unable to resolve the dispute through the Informal and Formal A steps of the grievance procedure, the union appealed to Step B.

**The union** contended at Formal Step A on March 16, 2021, the steward was headed toward the business reply mail (BRM) room to work on his contentions for grievances when Supervisor Salazar instructed him to report to a different location because the BRM room was being used by the clerks. The room assigned to the steward had no door, no privacy and constant traffic by management due to the postmaster's office nearby as well as other distractions. The union contended the steward saw the clerk that normally uses the BRM room and she stated she did not need the office, so he headed toward Salazar's office to let him know. When he met Salazar, he began yelling in a very loud tone in the steward's face stating he was the boss. There were several supervisors observing this encounter, but no one intervened.

The union requested Eagle Pass management will conduct 5 standups on dignity and respect and take the following courses: Anger Management Essentials, Understanding Anger Course, Interpersonal Communication that Builds Trust and Effective Listening.

**Management** at Formal Step A contended the union presented no paperwork, contentions, documents or facts at the Informal A making this grievance contractually defective. Management contended the grievant was instructed to utilize a location to process his grievances where he would not be disturbed or interrupted. As the grievant walked away he began to smirk and laugh. When management told him his behavior was inappropriate and unprofessional, the grievant exclaimed Salazar had no authority to tell him what to do. When management exclaimed back that he was his supervisor and he had to follow instructions, Valdez pulled down his mask and approached Salazar menacingly and got into Salazar's face. The verbal exchange continued as management attempted to control the situation until supervisor Carrillo intervened and reiterated the instructions. Management contended the grievant's attitude and vulgar language was discussed with the Dispute Resolution Team and Mr. Cesar Hernandez on previous occasions.

**The DRT** reviewed the case file and determined management's actions were inconsistent with Handbook M-39, *Management of Delivery Services* section 115.4; however, it did not rise to the level of a violation of the JSVBW. It is the front-line manager's responsibility to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities.

To guide their actions going forward, the DRT reminds the parties of the following language from the ELM:

**665.16 Behavior and Personal Habits**

Employees are expected to conduct themselves during and outside of working hours in a manner that reflects favorably upon the Postal Service. Although it is not the policy of the Postal Service to interfere with the private lives of employees, it does require that postal employees be honest, reliable, trustworthy, courteous, and of good character and reputation. The Federal Standards of Ethical Conduct referenced in 662.1 also contain regulations governing the off-duty behavior of postal employees. Employees must not

engage in criminal, dishonest, notoriously disgraceful, immoral, or other conduct prejudicial to the Postal Service. Conviction for a violation of any criminal statute may be grounds for disciplinary action against an employee, including removal of the employee, in addition to any other penalty imposed pursuant to statute. [Emphasis Added]

Additionally, Handbook M-39, *Management of Delivery Services*, includes the following guidance, with emphasis added:

**115.4 Maintain Mutual Respect Atmosphere**

The National Agreement sets out the basic rules and rights governing management and employees in their dealings with each other, but it is the front-line manager who controls management's attempt to maintain an atmosphere between employer and employee which assures mutual respect for each other's rights and responsibilities.

Also, Handbook M-41, *City Carriers Duties and Responsibilities*, provides the following:

**112.2 Diligence and Promptness**

**112.21** Obey the instructions of your manager.

**112.22** Report for work promptly as scheduled.

**112.23** Complete time records to accurately reflect the hours employed each day

**112.24** Display a willing attitude and put forth a conscientious effort in developing skills to perform duties assigned.

**112.25** Be prompt, courteous, and obliging in the performance of duties. Attend quietly and diligently to work and refrain from loud talking and the use of profane language.

Based on its review of the case file, the DRT agreed to the decision and remedy above.



Rose Barner  
USPS Step B Representative



Jim Ruetze  
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: R. Salazar

NALC Branch President  
NALC Formal Step A: J. Valdez  
Manager, Rio Grande District  
Postmaster  
DRT File

**Grievance File Contents**

Formal A Meeting Request  
PS Form 8190  
Informal Step A Meeting Request  
Request for Steward Time – 9 pgs  
Relevancy Letter  
Union Response to Relevancy Letter  
Union Contentions – 19 pgs  
Carrier Statements – 14 pgs  
Liz Lopez Statement  
Interview – Jose Aguilera – 3 pgs  
Interview with Carriers – 6 pg

Policy Statements – 5 pgs  
Prior Formal A Settlement – 9 pgs  
Prior Step B Settlement – 4 pgs  
Prior Formal A Settlement – 4 pgs  
Management Table of Contents Management  
Contentions – 4 pgs  
Management Statements – 3 pgs  
Postal Policy Letters – 2 pgs  
Steward's Drawing  
Cesar Hernandez Statement – 3 pgs  
Zero Tolerance Policy