



FORMAL STEP A RESOLUTION FORM

NALC GRIEVANCE NUMBER: B4-00354-20

GRIEVANT NAME: CLASS ACTION

STATION/POST OFFICE: NASHVILLE INSTALLATION

DATE OF DECISION: AUGUST 5, 2020

The issue of this grievance pertains to:

DID MANAGEMENT VIOLATE ARTICLE 14 AND 19 OF THE NATIONAL AGREEMENT WHEN THEY SENT A MESSAGE, OVER THE CITY LETTER CARRIERS SCANNER, INFORMING CITY LETTER CARRIERS THAT THEY COULD ONLY TAKE BREAKS FROM THE HEAT ON "APPROVED REST BREAKS"?

DID MANAGEMENT VIOLATE ARTICLE 15 AND 19 OF THE NATIONAL AGREEMENT VIA POSTAL SERVICE POLICY LETTER (M-01517) WHEN THEY SENT OUT A MESSAGE, OVER THE LETTER CARRIERS SCANNER, INFORMING THAT THEY COULD ONLY TAKE BREAKS FROM THE HEAT ON "APPROVED REST BREAKS"?

As a result of a Formal Step A meeting of the Dispute Resolution Process we the parties agree to the following resolution of this grievance:

THE FORMAL A PARTIES AGREE MANagements CORPORATE COMMUNICATIONS MESSAGE "WHEN POSSIBLE; TAKE APPROVED REST BREAKS TO BEAT THE HEAT" IS NOT IN COMPLIANCE WITH DRT RESOLUTION FOR THE NASHVILLE INSTALLATION B4-00487-15 AND AGREE TO RESOLVE THIS GRIEVANCE WITH THE FOLLOWING INSTRUCTIONS:

UPON SEVEN (7) DAYS FROM DECISION MANAGEMENT WILL CONDUCT A STAND-UP TALK WITH THE FOLLOWING INFORMATION WHICH STATES:

STAY HEALTHY IN THE HEAT

HOT WEATHER IS HERE AND EXTREME HEAT CAN BE VERY DANGEROUS. EVERY YEAR ON AVERAGE, EXTREME HEAT CAUSES 658 DEATHS IN THE UNITED STATES.

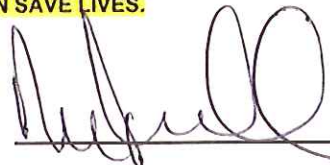
REMEMBER THESE THREE THINGS WHEN WORKING OUTSIDE DURING HOT WEATHER:

- You need plenty of water throughout the day – 8 ounces of water every 20 minutes. Don't wait until you feel thirsty.
- Take breaks as needed to help your body recover.
- Resting in the shade or in air-conditioning helps you cool down.

IT'S IMPORTANT TO KNOW THE SIGNS OF HEAT-RELATED ILLNESSES -- ACTING QUICKLY CAN PREVENT MORE SERIOUS MEDICAL CONDITIONS AND MAY EVEN SAVE LIVES.



NALC REPRESENTATIVE



USPS REPRESENTATIVE



Date Received at Step B (MM/DD/YYYY)

USPS-NALC Joint Step A Grievance Form

INFORMAL STEP A — NALC Shop Steward Completes This Section (See instructions on page 2.)

1. Grievant's Name (Last, first, middle initial)
CLASS ACTION

2. Grievant's Telephone No. (Include area code)

3. Seniority Date (MM/DD/YYYY) | 4. Status (Check one)
 FT FTF PTR PTF CCA

5. Grievant's Employee Identification Number (EIN)

6. District, Installation, Work Unit, ZIP Code®
TN, NASHVILLE

7. Finance No.

8. NALC Branch No. **4** | 9. NALC Grievance No. **B4-00354-20** | 10. Incident Date (MM/DD/YYYY) **04/18/2020**

11. Date Discussed With Supervisor (Filing date)

12a. Companion MSPB Appeal? Yes No | 12b. Companion EEO Appeal? Yes No

13a. Supervisor's Printed Name, Initials, and Telephone No.
Tim Hawkins Sgt 615-356-7465

13b. Steward's Printed Name, Initials, and Telephone No.
Corey L. Walton no 615 686 9595

FORMAL STEP A — Formal Step A Parties Complete This Section (See instructions on page 2.)

14. USPS Grievance No.: Obtain prior to Formal Step A meeting.

15. Issue Statement: Provide contract provision(s) and frame the issue(s).
SEE ATTACHED

16. Undisputed Facts: List and attach all supporting documents. Use additional paper if necessary. Attachments? No Yes Number ____
grievance is timely. Time limits extended @ informal A.

17. UNION'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments? No Yes Number ____

18. MANAGEMENT'S full, detailed statement of disputed facts and contentions: List and attach all supporting documents. Use additional paper if necessary. Attachments? No Yes Number ____

19a. Union Representative: Enter the remedy requested by the union.
SEE ATTACHED

19b. Settlement Offer: List any settlement offers by either party on page 3.

20. Disposition (Check one) Resolved Withdrawn Not Resolved | Date of Formal Step A Meeting (MM/DD/YYYY) **08/07/2020**

21a. USPS Representative's Name

21b. Telephone No. (Include area code)

21c. USPS Representative's Signature

21d. Date (MM/DD/YYYY)

22a. NALC Representative's Name
Aaron Lee

22b. Telephone No. (Include area code)
615-587-3816

22c. NALC Representative's Signature

22d. Date (MM/DD/YYYY)
08/07/2020

Issue:

1. Did Management violate Articles 14 and 19 of the National Agreement when they sent a message, over the city letter carriers' scanner, informing city letter carriers that they could only take breaks from the heat on "approved rest breaks"? If so, what is the appropriate remedy?
2. Did Management violate Articles 15 and 19 via M-1517 of the National Agreement when they sent a message out, over the letter carriers scanner, informing city letter carriers that they could only take breaks from the heat on "approved rest breaks", which is in violation of B-Team decision B4-00487-~~15~~ ¹⁵
3. Did Management violate Articles 15, 17 and 31 of the National Agreement when they failed to give the Union its requested information? If so, what is the appropriate remedy?

Remedy:

1. Management will cease and desist violating article 15 and 19 via m-1517 of the National Agreement as it pertains to abiding by B-Team decisions
2. Management will immediately give a standup talk at each station in the Nashville Installation informing carriers to take breaks as needed when dealing with the heat, which would bring Management into compliance with B-Team decision for B4-00487-15
3. Each carrier in the Nashville Installation on the roles as of 04/18/20 be awarded \$10.00 a calendar day from 04/18/20 until Management gives the standup talk mentioned in number 2 of this remedy.
4. Management cease and desist violating Article 14 of the National agreement as it pertains to dealing with instructions given to city letter carriers on how to beat the heat.
5. Management will be issued an additional cease and desist violating violating Articles 17 and 31 of the JCAM
6. As an incentive for future compliance as it pertains to violating Articles 15,17 and 31 of the JCAM Local Branch 4 will be awarded \$500.00, if the Arbitrator deems paying the Branch as inappropriate then Formal Step A representative Jason Leath be awarded \$500.00. Proof of payment will be furnished to the Union no later than 14 days from the date of decision.
7. Whatever the B-Team or Arbitrator deems appropriate.



Message



**From: Corporate
Communications**

When possible; take
approved rest breaks to
beat the heat.

Press ENTER



04/18 9:29 AM

ESC



SCAN



END

TAB



Vol.



ENT

SP

1

2

3

BKSP

4

5

6

DEL

7

8

9

SFT

*

0

#

A

B

C

D

E

F

G

H

I

J

K

L

M

N

O

P

Q

R

S

T

Informal Step A contentions

On 4/18/20 corporate communications sent out the following message over the carrier's scanners:
"when possible; take approved rest breaks to beat the heat"

Under section 242.34 of the M-39 handbook it describes the carriers approved breaks as follows:

242.34 Street Time Allied Work Rules

242.341 The carriers at the delivery unit will receive two 10-minute break periods. The local union may annually opt to have either (a) both breaks on the street or (b) one of the 10-minute breaks in the office and one break on the street. If two 10-minute breaks are taken on the street, they will be separate from each other. Breaks must be separate from the lunch period. The carrier shall record on PS Form 1564-A, Delivery Instructions, the approximate location of the break(s). Reasonable comfort stops will not be deducted from the carrier's actual time.

This message was almost identical to the message local management has stated in the past when instructing carriers how to deal with the heat. It is ignorant, uneducated and deadly. In 8-Team decision 84-00487-15 the Union dealt with local Management's ignorance as it pertains to instructions that directly and intentionally place carriers in harms way. That decision instructed Management in the Nashville installation as follows:

" ...The DRT agrees Management will adhere to the above language in dealing with future heat related issues. The DRT further agrees carriers are allowed comfort stops as needed and Management will refrain from denying these types of stops.

The message sent out, over the scanner, on 04/18/20 was in direct violation of B-Team decision for B4-00487-15. Management's constant attempt to relegate city carriers to a set number of breaks when dealing with heat related issues is disturbing and careless. The following information was included in the decision. Stay Healthy in the Heat

Hot weather is here and extreme heat can be very dangerous. Every year on average, extreme heat causes 658 deaths in the United States.

Remember these three things when working outside during hot weather:

1. You need plenty of water throughout the day – 8 ounces of water every 20 minutes. Don't wait until you feel thirsty.
2. Take breaks as needed to help your body recover.
3. Resting in the shade or in air-conditioning helps you cool down.

Its important to know the signs of heat related illnesses acting quickly can prevent more serious medical conditions and may even save lives.

It is hard to believe that a District Manager, that forces entire groups, i.e. OPS, Labo, , nurses, Human resources, Postmasters, safety, etc. to go out on "safety blitzes" ,in an attempt to catch letter carriers doing something wrong, would be so out of touch with real safety issues that he would allow this to go out over the letter carriers scanner. Maybe if he did less 'micro-managing' and less telecons, he could step up and be a true champion of city letter carrier's safety.

On page 17-4 of the JCAM both parties have agreed to the following language:

Steward Rights-Activities Included.

A steward may conduct a broad range of activities related to the investigation and adjustment of grievances and of problems that may become grievances. These activities include the right to review relevant documents, files and records, as well as interviewing a potential grievant, supervisors and witnesses.

settlements and arbitration decisions have established that a steward has the right to do (among other things) the following:

- Complete grievance forms and write appeals on the clock (see below).
- Interview witnesses, including postal patrons who are off postal premises (National Arbitrator Aaron, N8-NA-0219, November 10, 1980, C-03219; Step 4, H1N-3U-C 13115, March 4, 1983, M-01001; Step 4, H8N-4J-C 22660, May 15, 1981, M-00164);
- Interview supervisors (Step 4, H7N-3Q-C 31599, May 20, 1991, M-00988);
- Interview postal inspectors (Management Letter, N8-N-0224, March 10, 1981, M-00225);
- Review relevant documents (Step 4, H4N-3W-C 27743, May 1, 1987, M-00837);
- Review an employee's Official Personnel Folder when relevant (Step 4, NC-E 2263, August 18, 1976, M-00104);
- Write the union statement of corrections and additions to the Formal Step A decision (Step 4, A8-S-0309, December 7, 1979, M-01145).
- Interview Office of Inspector General [OIG] Agents A steward has the right to conduct all such activities on the clock (see below).

On page 17-6 of the JCAM both parties have agreed to the following language:

Right to Information.

The NALC's rights to information relevant to collective bargaining and to contract administration are set forth in Article 31. This section states stewards' specific rights to review and obtain documents, files and other records, in addition to the right to interview a grievant, supervisors and witnesses. Steward requests to review and obtain documents should state how the request is relevant to the handling of a grievance or potential grievance. Management should respond to questions and to requests for documents in a cooperative and timely manner. When a relevant request is made, management should provide for review and/or produce the requested documentation as soon as is reasonably possible. A steward has a right to obtain supervisors' personal notes of discussions held with individual employees in accordance with Article 16.2 if the notes have been made part of the employee's Official Personnel Folder or if they are necessary to processing a grievance or determining whether a grievance exists (National Arbitrator Mittenthal, H8N-3W-C 20711, February 16, 1982, C-03230; Step 4, NC-S-10618, October 8, 1978, M00106; and Step 4, G90N-4G-C 93050025, February 23, 1994, M01190)

On Page 31-2 of the JCAM both parties have agreed to the following language:

Information.

Article 31.3 provides that the Postal Service will make available to the union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of the Agreement, including information necessary to determine whether to file or to continue the processing of a grievance. It also recognizes the union's legal right to

employer information under the National Labor Relations Act. Examples of the types of information covered by this provision include:

- attendance records
- payroll records
- documents in an employee's official personnel file
- internal USPS instructions and memorandums
- disciplinary records
- route inspection records
- patron complaints
- handbooks and manuals
- photographs
- reports and studies
- seniority lists
- overtime desired and work assignment lists
- bidding records
- wage and salary records
- training manuals
- Postal Inspection Service Investigative Memoranda (IM)
- Office of Inspector General Report of Investigation (ROI)

To obtain employer information the union need only give a reasonable description of what it needs and make a reasonable claim that the information is needed to enforce or administer the contract. The union must have a reason for seeking the information—it cannot conduct a “fishing expedition” into Postal Service records.

On 04/20/2020 I turned in a request for information and asked for the following information:

The name of the person from corporate communications who sent the following message over the scanners on /04/18/20, which stated: when possible; take approved rest breaks to beat the heat.

I never received that information, which prohibited me from interviewing this person and see their intent or further request internal documentation or memorandums.

Both parties agree to extend the time limits on
all grievances from Bellemeade station until 5/9/20

Jim Stewart 4-30-20
Management

Com Fuller 4/30/20
NALL

RON ERLAND, Treasurer
J.E. WOODARD, Financial Secretary
MICHAEL ENGLAND, Sergeant-At-Arms
GLENN WATTS, Director of Retirees

M. L. (Rip) MALONE
BRANCH NO. 4

RAY RAYMER, N.S.B.A. Clerk
C. R. HIRST, Trustee
DALE LYLES, Trustee
JAMES BROWN, Trustee

National Association of Letter Carriers

THOMAS L. ROLLINS, President
Suite 212, Bldg. C
211 Donelson Pike
P.O. Box 140816
Nashville, TN 37214
(615) 883-7687



CHRISTOPHER VERVILLE, Secretary
Suite 212, Bldg. C
211 Donelson Pike
P.O. Box 140816
Nashville, TN 37214
(615) 883-7687

REQUEST FOR INFORMATION (CONTRACTUAL)

Belle Meade
Station/Office

Date of Request 4/20/20

Dear Management:

Pursuant to Articles 17 and 31, of the National Agreement, I am requesting copies of the following information and/or documents, these documents are needed to investigate a possible grievance.

The name of the person from Corporate Communications
who sent the following message over the scanners on 4/18/20
which stated: "when possible, take approved rest breaks
to beat the heat"

This information/documentation is needed for the union to investigate a POSSIBLE GRIEVANCE pertaining to: Article 14 & 19. safety and health

Management's Signature: [Signature] Date: 4/20/20

Date Union received documentation _____

Thomas L. Rollins, President
NALC Branch 4
Nashville, TN. 37214-0816