

# **FROM A TO ARBITRATION**

**EPISODE 11-STATIONARY EVENTS, BACKING AND STREET OBSERVATION**



# **INFORMAL A LEVEL**

- **MANAGEMENT LOVES TO HAVE THOSE GOTCHA MOMENTS OF BUSTING CARRIERS**
- **WE HAVE TO TRY TO SETTLE THESE GRIEVANCES AT THE INFORMAL A LEVEL OR AT LEAST MAKE THE CASE FOR THE FORMAL A LEVEL WITH ALL THE INFORMATION THEY NEED**

# STATIONARY EVENTS

- **THE LOC SITS THERE AND WATCHES YOUR LITTLE BLIP ON RIMS AND DIMS**
- **WHEN YOU SIT FOR X AMOUNT OF TIME THEY WILL CALL/EMAIL YOUR OFFICE**
- **MANAGEMENT WILL ASK THE CARRIER AT THEIR CASE ABOUT THE STATIONARY EVENT**
- **DO NOT ANSWER ANY QUESTIONS OF THIS SUBJECT AT THE CARRIER CASE.**
- **IF THEY DIDN'T ACTUALLY SEE YOU, THEN THEY DIDN'T SEE IT.**
- **THEY CAN HAVE AN INVESTIGATIVE INTERVIEW AND ASK THE CARRIER, BUT THE STEWARD MUST BE PRESENT**

# BACKING UP

- **USPS USES THE CLOUD BASED ENTERPRISE SYSTEM RIMS (REGIONAL INTELLIGENT MAIL SERVER) PROGRAM TO VIRTUALLY WATCH CARRIERS ON THE STREET WHILE THEY ARE ON THEIR ROUTE**
- **MANAGEMENT WILL USE THE GPS THROUGH THE RIMS AND DIMS PROGRAM TO TRY TO DISCIPLINE THE CARRIER FOR EXCESSIVE BACKING**
- **USING THE GPS AS THE ONLY DETERMINING FACTOR TO ISSUE DISCIPLINE IS PROCEDURALLY INCORRECT**
  - **MANAGEMENT MUST GO OUT AND PHYSICALLY SEE THE CARRIER PERFORM THE ACT OF WHICH THEY ARE ACCUSING THEM OF TO USE AS DISCIPLINE AGAINST A CARRIER**

# USING CONTRACTUAL ARGUMENTS

- **M-1458 STATES IN PART:**
  - **WITH CURRENT TECHNOLOGY, MSP RECORDS OF SCAN TIMES ARE NOT TO BE USED AS TIMECARD DATA FOR PAY PURPOSES. MSP DATA MAY NOT CONSTITUTE THE SOLE BASIS FOR DISCIPLINARY ACTION. HOWEVER, IT MAY BE USED BY THE PARTIES IN CONJUNCTION WITH OTHER RECORDS TO SUPPORT OR REFUTE DISCIPLINARY ACTION ISSUED PURSUANT TO ARTICLE 16 OF THE NATIONAL AGREEMENT. (JUST CAUSE)**

# USING CONTRACTUAL ARGUMENTS

- **USE FOR BACKING, STATIONARY EVENTS AND STREET OBSERVATIONS:**
- **M-39-SECTION 134-HANDBOOK STATES IN PART: STREET MANAGEMENT**
  - **134.11 STREET MANAGEMENT IS A NATURAL EXTENSION OF OFFICE MANAGEMENT. ALL CARRIERS ARE TO BE NOTIFIED TO EXPECT DAILY SUPERVISION ON THE STREET JUST AS THEY RECEIVE DAILY SUPERVISION IN THE OFFICE FOR A DELIVERY MANAGER TO FULLY UNDERSTAND AND CONTROL THE ORGANIZATION, THE MANAGER MUST BE AWARE OF ANY CONDITIONS THAT AFFECT DELIVERY ANYWHERE WITHIN THE SERVICE TERRITORY.**
  - **134.12 ACCOMPANYING CARRIERS ON THE STREET IS CONSIDERED AN ESSENTIAL RESPONSIBILITY OF MANAGEMENT AND ONE OF THE MANAGER'S MOST IMPORTANT DUTIES. MANAGERS SHOULD ACT PROMPTLY TO CORRECT IMPROPER CONDITIONS. A POSITIVE ATTITUDE MUST BE MAINTAINED BY THE MANAGER AT ALL TIMES.**

# USING CONTRACTUAL ARGUMENTS

- **M-39 SECTION 134 CONT.**
- **134.21 TECHNIQUES STATES:**
  - **THE MANAGER MUST MAINTAIN AN OBJECTIVE ATTITUDE IN CONDUCTING STREET SUPERVISION AND DISCHARGE THIS DUTY IN AN OPEN AND ABOVE BOARD MANNER.**
- **134.22 STATES:**
  - **THE MANAGER IS NOT TO SPY OR USE OTHER CONVERT TECHNIQUES. ANY EMPLOYEE INFRACTIONS ARE TO BE HANDLED IN ACCORDANCE WITH THE SECTION IN THE CURRENT NATIONAL AGREEMENT THAT DEAL WITH THESE PROBLEMS.**

# USING CONTRACTUAL ARGUMENTS

- **ARBITRATOR L. WOLITZ C-32778 STATES IN PART:**
  - **WE AGREE WITH THE UNION THAT THE CONTENT OF M-39 134.22 (THE MANAGER IS NOT TO SPY OR USE OTHER COVERT TECHNIQUES. ANY EMPLOYEE INFRACTIONS ARE TO BE HANDLED IN ACCORDANCE WITH THE SECTION IN THE CURRENT NATIONAL AGREEMENT THAT DEAL WITH THESE PROBLEMS.) IS DIRECTLY RELATED TO WORKING CONDITIONS. IT IS ABOUT HOW THE CARRIER IS TO BE OBSERVED WHEN HE IS ON THE STREET. IT COULD NOT BE MORE DIRECTLY OR CLEARLY RELATED TO A CARRIER'S WORKING CONDITIONS THIS JUDGMENT IS STRENGTHENED BY THE NEXT SENTENCE WHICH REFERS ANY INFRACTIONS TO BE HANDLED IN ACCORDANCE WITH THE NATIONAL AGREEMENT .**
  - **WE THEREFORE DETERMINE THAT THIS GRIEVANCE IS ARBITRABLE**



# **IT ISN'T GRIEVABLE THEY SAY**

- **LABOR WILL MAKE THE ARGUMENT THAT GRIEVING THE FACT THAT THEY ARE USING THE RIMS AND DIMS BECAUSE OF ARBITRATOR NOLAN.**
- **ARBITRATOR NOLAN STATED THAT THE UNION CAN'T FILE A GRIEVANCE UNLESS IT PERTAINS TO WAGES, HOURS OR WORKING CONDITIONS (Q11N-4Q-C-14032224)**
- **THIS IS A GRIEVANCE BECAUSE OF THE FACT THAT IT IS A VIOLATION OF THE CONTRACT UNDER ARTICLE 19 THAT IS AGAINST THE RULE IN THE M-39**

# CONTENTIONS FOR INFORMAL A

- **WHEN A MANAGER SITS IN AN OFFICE MILES AWAY WITHOUT THE CARRIER'S KNOWLEDGE AND WATCHES THEM ON A MONITOR INTERPRETING WHAT THE MDD IS PUTTING OUT, HOW IS THAT NOT BEING COVERT OR SPYING ON THE CARRIER?**
- **MANAGEMENT MAY STATE THAT THIS ISSUE IS UNGRIEVABLE BUT IT IS THE UNION'S OPINION THAT THIS IS A VIOLATION OF THE M-39 SECTION 134 VIA ARTICLE 19 OF THE NATIONAL AGREEMENT**
- **THE CARRIER WAS NEVER GIVEN A NOTICE THAT THEY WERE BEING OBSERVED, HOWEVER MANAGEMENT GAVE THE UNION A REQUESTED 4584 (MAKE SURE THAT THE DATES AND TIMES ARE CORRECT)**