



STEP B DECISION

STEP B TEAM:
Tennessee

Monica Lucas, USPS
Paul F Glavin, NALC

District Grieving:
Tennessee

Decision:	RESOLVED
USPS Number:	C16N-4C-C 18439534
Grievant:	Class Action
Branch Grievance #:	B4-00407-18
Branch:	4
Installation:	Nashville
Delivery Unit:	Belle Meade Station
State:	Tennessee
Incident Date:	09/04/2018
Informal Step A Initiated:	09/21/2018
Formal Step A Meeting Date:	10/31/2018
Date Received at Step B:	11/05/2018
Step B Decision Date:	11/26/2018
Issue Code:	19.2000
NALC Code:	505006, 100103

ISSUE:

1. Did Management violate Articles 2, 14, and 19 of the National Agreement via Section 141.2 of the M-39 Handbook, Management Instruction (MI) AS-882-2011-6, and ASM 273.172 when they took pictures of carriers on the workroom floor while in the performance of their normal office duties? If so, what is the appropriate remedy?
2. Did Management violate Articles 15, 17 and 31 of the National Agreement when they failed to provide the Union with requested information? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The DRT determines Management will cease and desist photographing Letter Carriers in the performance of their duties and/or photographing mail pieces without the required approval notated in Management Instruction AS-882-2011-6. Management is issued an additional cease and desist regarding the failure to provide information requested which is relevant to the investigation and processing of a possible grievance. Failure to do so in the future may result in the Union's request for escalating remedies to ensure compliance.

EXPLANATION:

The Union contends Management violated the National Agreement when Management used a hand held cell phone camera to take pictures of Letter Carriers in the Nashville Installation Belle Meade Station during the performance of their office duties. The grievance file contains statements from letter carriers and the shop steward which reveals USPS OPS employee Allyson Hartman was photographing letter carriers and counting their mail while they were casing and/or pulling down their mail prior to leaving the office for delivery. Management is attempting to utilize their positions of authority to belittle, demean, and embarrass employees of their performance without providing any evidence of unsatisfactory performance. They have failed to communicate effectively with their employees and have instead resorted to using the intimidation tactic of taking pictures

and arbitrarily counting their mail outside of the provisions of the applicable handbooks and manuals. Supervisor Hawkins provided no explanation for the incident even though he stood behind Mr. Sanders and conversed with Ms. Hartman during the incident. The Union further contends they were not provided the information requested in accordance with the National Agreement in a timely manner and in some instances, not at all. This also is in violation of previous grievance resolutions in the Nashville Installation which have instructed Management to cease and desist this practice. The Union asks that all remedies be awarded as requested.

Management contends they did not violate the National Agreement when Ms. Allyson Hartman was instructed by her boss to take pictures and count mail at the Nashville Belle Meade Station to compare volumes which were entered into DOIS. Management is within their rights to photograph the mail for business purposes and there was only one picture showing the legs of one employee. The letter carriers' guilty conscious is disturbing to Management. Ms. Hartman included via e-mail the only pictures she had taken on her phone. She also confirms, via e-mail, the measurement of 124 inches of flats. Management contends they are within their rights to take pictures of mail for business purposes. There are many photographs of Nashville carriers on social media that do not pertain to business and they have no problem with that.

The grievance file contains a statement from Belle Meade Steward Corey L. Walton regarding the events leading to this grievance, which reads in relevant part as follows:

On September 4th 2018, I noticed Allyson Hartmann, who is from OPs, walking around the workroom floor looking at carriers casing their mail. She began taking pictures of several carriers while they were in their cases, casing mail. She stopped at City Carrier Terry Sanders case and began taking pictures of him while he was casing his mail. She then stood behind him and watched him while he cased his route. As I was leaving for my route I observed her with a yardstick measuring Mr. Sander's mail as he pulled it down. I've been the shop Steward at Belle Meade for 12 years and I have never seen anyone take pictures of my carriers on the workroom floor. I have never had a manager or supervisor express concern about Mr. Sander's office performance. He is a carrier with 30 years of service and to have him done this way in front of his peers is a pathetic display by Management.

The grievance file contains a statement provided by Belle Meade Letter Carrier (O21) Paul M. Cochran which reads as follows:

On 9/4/18 I was leaving to go out on my route and I came out of the bathroom, went over to my gurney to roll out, and there was a lady going through my mail. No badge or did not identify herself, just going through it taking pictures. I asked who she was and told her to stop. At that point was when she told me who she was!

The case file contains a statement from Belle Meade Letter Carrier Jai Bell which reads as follows:

Yesterday, 9/4/18, as I was casing my mail a lady came and stood behind me and started taking pictures of me and my mail on Route 22.

The DRT notes Management provided contentions which read in relevant part as follows:

Ms. Hartman stated to me, Dannett Hemingway, that she was instructed over the phone by her boss to take some pictures of the mail and measurements of the mail at Belle Meade PO. She also stated the purpose was to verify what she saw and measured to what Management had measured for the route on that day. She was comparing the volume she saw to what was entered into DOIS... Ms. Hartman also states that she only had pictures that were sent through text on her phone and the measurement of 124" of flats that she provided. Management is within its rights to take pictures of mail for business purposes. There was one picture showing the legs of one employee...

The DRT directs the parties to USPS Management Instruction AS-882-2011-6 which reads in relevant part as follows:

Prohibitions. Under this policy the following activities are prohibited: Cameras must not be used to capture legible images of mail piece addresses or any documents, credit cards, or computer screens used in transactions. **Handheld and Cell-Phone Cameras or cell-phone camera functions may not be used by Postal Service employees or contractors in restrooms, locker rooms, retail counter areas, mail processing areas, or any other areas unless approved by an area or headquarters vice president or his or her designee for business purpose.** Cameras or cell phones used as cameras in violation of this prohibition may be subject to temporary confiscation.

The DRT notes there is no evidence contained in the file to show this action taken by Allyson Hartman was authorized by the area or headquarters vice president, or his or her designee, when she was taking pictures of letter carriers performing their duties on the workroom floor. The documentation provided as evidence in the grievance file also reveals there were legible images of mail piece addresses taken which fails to be in compliance with the above contractual instruction.

The DRT notes the file contains a request for information submitted by the Union to Management at the Informal Step A Level which reads in part as follows:

1. Any and all pictures taken by Alyson Hartman of any mail carriers cases, city carriers, carriers gurneys on 9/4/18
2. Any and all data collected by Alyson Hartman concerning city route 520 on 9/4/18
3. Any and all correspondence via email, text or any other kind between Alyson Hartman and Postmasters office, District Office, or Area Office concerning any route or carrier collected on 9/4/18

The file contains a statement provided by Steward Corey L. Walton which reads in part as follows:

Ms. Hartman took pictures of several carriers (statements included), yet those pictures are not included in the ones provided to the Union. Ms. Hartman stated, in her email, that she counted 124" of mail yet I have received no data, which I specifically requested... If Ms. Hartman counted route 520, which she did, then I need that data other than a generic "measured 124" of flats". Ms. Hartman measured all of Mr. Sander's mail on Route 520, as he was pulling it down. That means letters, flats and spurs. I watched her, myself, measure Mr. Sander's mail with a yardstick after it was cased and pulled down. She is not being truthful when she says she "measured 124" of flats." I need that data.

Article 31.3 of the National Agreement instructs the parties as follows:

"The Employer will make available for inspection by the Union all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of this Agreement, including information necessary to determine whether to file or to continue the processing of a grievance under this Agreement. Upon the request of the Union, the Employer will furnish such information, provided, however, that the Employer may require the Union to reimburse the USPS for any costs reasonably incurred in obtaining the information. Requests for information relating to purely local matters should be submitted by the local Union representative to the installation head or designee..."

On page 31-2 of the Joint Contract Administration Manual (JCAM), the parties also agreed to the following:

"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."

The DRT notes there is no statement provided by Allyson Hartman in the file and instructs Management of their obligation to remain in compliance with the provisions of Article 31 of the

National Agreement. The instructions and mandates in the above cited excerpts are obligatory and mandated.

Letter Carrier Terry A. Sanders provided a statement which reads as follows:

On September 4, 2018 I was casing mail on my route and a young lady came up behind me. She stood behind me talking to my Manager. She was taking pictures of me while I was casing mail. When I began to pull my route down, she counted it with a ruler. This is the first time in my 30 year career and it was quite embarrassing.

The DRT directs the parties to Section 115.4 of the M-39 Handbook which instructs the parties as follows:

Maintaining 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.

The DRT notes the above cited M-39 Handbook language which make it the front line manager's responsibility to maintain a mutual respect atmosphere between the employee and employer. Carrier Sanders confirms Ms. Hartman was standing behind him with his Manager. The DRT agrees Management had the opportunity to alert carriers in the office of the rationale for the photographs and to confirm the photographs were not being taken due to suspected unsatisfactory performance.

The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The DRT determines Management will cease and desist photographing Letter Carriers in the performance of their duties and/or photographing mail pieces without the required approval notated in Management Instruction AS-882-2011-6. Management is issued an additional cease and desist regarding the failure to provide information requested which is relevant to the investigation and processing of a possible grievance. Failure to do so in the future may result in the Union's request for escalating remedies to ensure compliance.

This grievance file contained the following documents:

- (1) PS Form 8190
- (2) Union Contentions (8 Pages)
- (3) Blank Page
- (4) Informal Step A Notes (2 Pages)
- (5) Steward Statement
- (6) Letter Carrier Statement (3 Pages)
- (7) Photographs (8 Pages)
- (8) Yahoo Folders Page
- (9) AMS Manual (2 Pages)
- (10) Management Instruction AS-882-2011-6 (5 Pages)
- (11) M-39 Handbook (2 Pages)
- (12) JCAM (2 Pages)
- (13) M-39 Handbook Page 60
- (14) (M-00385)
- (15) (M-01278) (2 Pages)
- (16) (M-01181)
- (17) (M-00111)
- (18) Email Transmissions (3 Pages)
- (19) Request For Information

- (20) Time Limit Extension
- (21) Step B Decision C11N-4C-C17385255 (5 Pages)
- (22) Step B Decision C11N-4C-C15002654 (4 Pages)
- (23) Step B Decision C16N-4C-C18336443 (4 Pages)
- (24) Step B Decision C11N-4C-D14300950 (5 Pages)
- (25) Step B Decision C11N-4C-C15002600 (4 Pages)
- (26) Step B Decision C11N-4C-C15356029 (9 Pages)
- (27) Step B Decision C11N-4C-C17423388 (4 Pages)
- (28) Step B Decision C16N-4C-C18105234 (7 Pages)
- (29) Arbitration Decision C11N-4C-C13383717 (12 Pages)
- (30) Formal Step A Resolution Form (11 Pages)
- (31) (M-01094)
- (32) (M-00316) (2 Pages)
- (33) (M-01094)
- (34) (M01517)
- (35) John Potter Letter
- (36) JCAM (6 Pages)
- (37) PS Form 8190
- (38) Management Contentions (2 Pages)
- (39) Email Transmission
- (40) Request For Information
- (41) Management Instruction AS-882-2011-6 (6 Pages)
- (42) Photographs (8 Pages)

In reaching the above decision, the DRT carefully reviewed each of the documents and placed the appropriate value to each as it applied to the issue in this grievance


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 USPS Step B Representative


 Paul F Glavin
 NALC Step B Representative

USPS Number: C16N-4C-C 18439534

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