



STEP B DECISION

STEP B TEAM:
Tennessee

Monica Lucas, USPS
Paul F Glavin, NALC

District Grieving:
Tennessee

Decision:	RESOLVED
USPS Number:	C16N-4C-C 18439573
Grievant:	Sanders, Terry A.
Branch Grievance #:	B4-00408-18
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:	95.0005, 95.4440
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 Terry Sanders on the workroom floor during the performance of their normal office duties? If so, what is the appropriate remedy?
2. Did Management violate Section 141.2 of the M-39 Handbook via Article 19 of the National Agreement when they counted City Carrier Terry Sanders mail without giving him the required one day's notice? If so, what is the appropriate remedy?
3. Did Management violate Articles 15, 17 and 31 of the National Agreement via Step B Decision B4-00285-18 when they failed to provide the Union with information pursuant to the investigation and processing of a grievance? 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 without the required approval notated in Management Instruction AS-882-2011-6. Management will cease and desist in conducting counts of letter carrier route mail outside of the provisions of the applicable handbooks and manuals. 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 Op's employee Allyson Harman 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 are resorting 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 in violation of previous grievance resolutions in the Nashville Installation which have instructed them 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 being entered into the DOIS numbers. 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 in the have a guilty conscious regarding this and Ms. Hartman has already stated that she only had the pictures that were sent through her phone and the measurement of 124 inches of mail which was done. There are many photographs of carriers on social media that do not pertain to business and nobody has a 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, working 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 concerns over 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 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. Management will cease and desist these actions unless these actions are approved by an area or headquarters vice president or his or her designee.

Article 31.3 of the National Agreement reads in part 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 instructs Management of their obligation to remain in compliance with the provisions of Articles 17 and 31 of the National Agreement. The instructions and mandates in the above articles are obligatory and mandated responsibilities. Management is issued a cease in desist regarding failure of providing information regarding the investigation of a possible grievance in a timely manner.

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 141.2 of the M-39 handbook which reads in relevant part as follows:

141.2 Special Office Mail Counts

When management desires to determine the efficiency of a carrier in the office, a count of mail may be made. The carrier must be given one day's advance notification of this special count. Use Form 1838-C to record count and time items concerned. The carrier must be advised of the result of the office mail count.

Step 4 Decision (M-00111) dated November 13, 1978, NCC 12007, reads in relevant part as follows:

A one (1) day count of mail should be utilized for the purposes intended by the M-39 Handbook and local officials are to ensure that one (1) day counts are not used for the purpose of harassment.

The DRT notes the Step 4 decision provides instruction in the determination of how a one day mail count should be conducted as well as the obligation to utilize PS Form 1838-C and to advise the carrier of the results.

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 without the required approval notated in Management Instruction AS-882-2011-6. Management will cease and desist in conducting counts of letter carrier route mail outside of the provisions of the applicable handbooks and manuals. 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 (10 Pages)
- (3) Blank Page
- (4) Informal Step A Notes (2 Pages)
- (5) Letter Carrier Statement
- (6) Informal Step A Steward Statement
- (7) Carrier Statement (3 Pages)
- (8) Photographs (8 Pages)
- (9) Yahoo Folders Page

- (10) ASM Manual (2 Pages)
- (11) Management Instruction AS-882-2011-6 (5 Pages)
- (12) M-39 Handbook (2 Pages)
- (13) JCAM (2 Pages)
- (14) M-39 Handbook Page 60
- (15) (M-00385)
- (16) (M-01278) (2 Pages)
- (17) (M-01181)
- (18) (M-00111)
- (19) Email Transmission (3 Pages)
- (20) Request For Information
- (21) Time Limit Extension
- (22) Step B Decision C116-4C-C17385255 (5 Pages)
- (23) Step B Decision C11N-4C-C15002654 (4 Pages)
- (24) Step B Decision C16N-4C-C18336443 (4 Pages)
- (25) Step B Decision C11N-4C-C14300950 (6 Pages)
- (26) Step B Decision C11N-4C-C15002600 (4 Pages)
- (27) Step B Decision C11N-4C-C15356029 (9 Pages)
- (28) Step B Decision C11N-4C-C17423388 (4 Pages)
- (29) Step B Decision C16N-4C-C18105234 (7 Pages)
- (30) Arbitration Decision C11N-4C-C13383717 (12 Pages)
- (31) Formal Step A Resolution Form (11 Pages)
- (32) (M-01094)
- (33) (M-00316) (2 Pages)
- (34) (M01094)
- (35) (M-01517)
- (36) John Potter Collective Bargaining Letter
- (37) JCAM (6 Pages)
- (38) PS Form 8190
- (39) Management Contentions (2 Pages)
- (40) Email Transmission
- (41) Request For Information
- (42) Management Instruction AS-882-2011-6 (6 Pages)
- (43) 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 Number: C16N-4C-C 18439573

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