



STEP B DECISION

STEP B TEAM:
Tennessee

Monica Lucas, USPS
Paul F Glavin, NALC

District Grieving:
Tennessee

Decision:	RESOLVED
USPS Number:	C16N-4C-C 19232313
Grievant:	Class Action
Branch Grievance #:	B4-00227-19
Branch:	4
Installation:	Nashville
Delivery Unit:	Glenview Station
State:	Tennessee
Incident Date:	03/04/2019
Informal Step A Initiated:	04/12/2019
Formal Step A Meeting Date:	05/03/2019
Date Received at Step B:	05/06/2019
Step B Decision Date:	06/20/2019
Issue Code:	19.2000
NALC Code:	505006, 100103

ISSUE:

1. Did Management violate Articles 2, 14, and 19 via Section 141.2 of the M-39 Handbook, as well as Management Instruction Manuals AS-882-2011-6 and ASM 273.172 when Supervisor Anna Whitlow instructed City Carrier Jeremy McCall to step out of his case while in the performance of his normal office duties to take a picture of his case with her personal cell phone? If so what is the appropriate remedy?
2. Did Management violate Articles 15.3.A and 19 of the National Agreement via Postal Service Policy Letter (M-01517) when they failed to comply with Step B Decisions C16N-4C-C18439534 and C16N-4C-C18439573 and numerous Step B Decisions for failing to comply with Information Requests? If so, what is the appropriate remedy?
3. Did Management violate Articles 15, 17, and 31 of the National Agreement when they failed to provide the requested photo in a reasonable amount of time? If so, what is the appropriate remedy?

DECISION:

The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The DRT determines Management will ensure the photographing of mail pieces is not conducted on the workroom floor without the required approval by an area or headquarters vice president or his or her designee for business purposes as notated in Management Instruction AS-882-2011-6. Management will provide information the Union has requested pursuant to the processing and investigation of a grievance in a timely manner in future requests.

EXPLANATION:

The Union contends Management violated the National Agreement when they instructed City Carrier Jeremy McCall to step outside of his case while in the performance of his office duties to take photographs of his mail with her personal cell phone. Steward Kinsey provided a statement

which explains how when Supervisor Whitlow was informed he would be not be leaving the office by 10AM she came back and took a picture of his case with her personal cell phone and stated she had to send it to someone. The grievance file contains the applicable manuals and handbooks regarding the responsibilities and obligations of Management when taking photographs from a hand held device on the workroom floor. The case file submitted by the Union also shows the Step B Team has previously instructed Management to cease and desist from photographing letter carriers and mail outside of the provisions of the handbooks and manuals governing the behavior and it still continues in the Glenview Post Office. The Union asks that all remedies requested be awarded in their entirety to ensure future compliance with the Step B Team decisions and grievance resolutions regarding the Block 15 issue statements in this subject grievance.

Management contends the Union has failed to evidence any violations of Articles 2 and 14 of the National Agreement when Supervisor Whitlow asked Jeremy McCall to step out of his case so she could take a photograph of his case. Nothing in the case file alleges the Supervisor caused a safety hazard or that she was conducting a special mail count on the grievant's route. Documentation in the case file fails to show a violation of Management Instruction (MI) AS-882-2011-6. The photograph taken was utilized for business purposes by Operations Programs Support (OPS) to monitor the station and to ensure Management submitted accurate mail volume. The photograph was not taken to evaluate the performance of employees but in order for OPS to monitor the volume entered into DOIS. Management did not violate the Step B decisions originating out of the Belle Meade Station as they did not take pictures of Letter Carriers in the performance of their duties, the images of the mail were not legible and Management did not count the mail. Management also did not violate Articles 17 or 31 as all information requested was provided to the Union. This grievance should have been resolved at the Informal Step A level.

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, workroom floors, 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 case file contains an email transmission of Supervisor Anna Whitlow which reads in relevant part as follows:

The first grievance was for taking a picture of a letter carriers case do [sic] to my instructions as does all the other stations received as follows:

***Attach your PET TOOL/PICTURES along with your 9, 930, and 10am Projections if you have CARRIERS in your office (7220) after 930am

The case file contains a statement submitted by Carrier McCall which reads as follows:

On March 4th, at about 9:30am while casing mail on my route, 1719, Glenview Supervisor Anna Whitlow was speaking to one of the carriers near my case. As I left my case to retrieve mail from the hot case Anna stopped in front of my case and photographed the case with the mail that was cased. She said she was going to have to send the photo in soon so she was just gonna go ahead and take it.

The case file contains a statement provided by Steward Genie Kinsey which reads in relevant part as follows:

On March 4, 2019, Letter Carrier Jeremy McCall informed Supervisor Anna Whitlow that he would not be out of the office by 10 am. Carrier McCall has a business route and the volume was heavy on this Monday. Once Jeremy informed her of his time she later came back and took a picture of his case with her personal cell phone. Anna stated she had to send the photo to someone. Anna stated that she must take a picture and explain why we would be in the office late.

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

Management at NAS-Glenview was simply following the instructions of Operations Program Support. Management could have been taking a photo to report a safety violation (s) or to order a better case to assist the carrier. There could have been a multitude of reasons for the photo, NOT, the individual

The DRT notes Supervisor Whitlow provided a statement that she had to send a photo in when a carrier was going to be leaving the office after 9:30am. Management reveals this photo was requested by Operations Programs Support. There is no evidence contained in the file to show the photograph(s) taken by Supervisor Whitlow with her personal cell phone on the Glenview Station workroom floor was authorized by the area or headquarters vice president, or his or her designee, as required by Management Instruction AS-882-2011-6.

Page 15-8 of the JCAM contains the following:

A Step B decision establishes precedent only in the installation from which the grievance arose. For this purpose, precedent means that the decision is relied upon in dealing with subsequent similar cases to avoid the repetition of disputes on similar issues that have been previously decided in that installation.

The Step B Decision for C16N-4C-C 18439534 reads as follows:

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.

The Step B Decision for C16N-4C-C 18439573 reads as follows:

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.

The DRT agrees the Step B Decisions referenced in the case file refer to the photographing of Letter Carriers in the performance of their duties and/or the photographing of actual mail pieces. Management was instructed to cease and desist this practice without the required approval notated in Management Instruction AS-882-2011-6. The facts and circumstances of each of the grievances slightly differ. However, in each of the cases the same authorization is required.

Page 17-6 of the JCAM instructs the parties as follows:

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.

The grievance file reveals the Step B Team has instructed Management numerous times regarding the requirement to provide the Union with information in a timely manner.


The Dispute Resolution Team (DRT) has **RESOLVED** this grievance. The DRT determines Management will ensure the photographing mail pieces on the workroom floor is not conducted without the required approval an area or headquarters vice president or his or her designee for business purpose as notated in Management Instruction AS-882-2011-6. Management will provide information the Union has requested pursuant to the processing and investigation of a grievance in a timely manner in future requests.

This grievance file contained the following documents:


- (1) PS Form 8190
- (2) Issue Statement and Requested Remedy
- (3) Union Contentions (12 Pages)
- (4) Carrier Statements (2 Pages)
- (5) Photograph
- (6) Step B Decision C16N-4C-C18439573 (5 Pages)
- (7) Step B Decision C16N-4C-C18439534 (5 Pages)
- (8) ASM 13 (2 Pages)
- (9) AS-882-2011-6 (5 Pages)
- (10) M-39 Handbook (3 Pages)
- (11) JCAM (2 Pages)
- (12) (M-00385)
- (13) Request For Information
- (14) Step B Decision C16N-4C-C19151707 (3 Pages)
- (15) Step B Decision C16N-4C-C19147844 (3 Pages)
- (16) Step B Decision C16N-4C-C19147738 (3 Pages)
- (17) Step B Decision C16N-4C-C19151747 (3 Pages)
- (18) Step B Decision C16N-4C-C19084423 (3 Pages)
- (19) Step B Decision H06N-4H-C09101756 (3 Pages)
- (20) Step B Decision H06N-4H-C10339120 (5 Pages)
- (21) Step B Decision C16N-4C-D18442360 (5 Pages)
- (22) Step B Decision C16N-4C-C18439573 (Front Page)
- (23) Step B Decision C11N-4C-C17423388 (Front Page)
- (24) Step B Decision C16N-4C-C18353541 (Front Page)
- (25) Step B Decision C16N-4C-C18353459 (Front Page)
- (26) Step B Decision C11N-4C-C17385255 (Front Page)
- (27) Step B Decision C11N-4C-C15002654 (Front Page)
- (28) Step B Decision C16N-4C-C18333643 (Front Page)
- (29) Step B Decision C16N-4C-D14300950 (Front Page)
- (30) Step B Decision C11N-4C-C14300950 (2 Pages)
- (31) Step B Decision C11N-4C-C15002600 (Front Page)
- (32) Step B Decision C11N-4C-C15356029 (2 Pages)
- (33) Step B Decision C16N-4C-C18105234 (2 Pages)
- (34) Formal Step A Resolution (11 Pages)
- (35) (M-01094)
- (36) (M-00316) (2 Pages)
- (37) (M-01517)
- (38) John Potter Compliance Letter
- (39) JCAM (6 Pages)

- (40) Management Contentions (6 Pages)
- (41) ASM 13 Page 74
- (42) M-39 Handbook Page 60
- (43) Email Transmission
- (44) Photographs (5 Pages)
- (45) (M-01517)
- (46) AS-882-2011-6 (5 Pages)
- (47) Step B Decision C16N-4C-C18439534 (5 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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NALC Step B Representative

USPS Number: C16N-4C-C 19232313

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