

WESTERN PA DISTRICT DISPUTE RESOLUTION TEAM
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STEP B DECISION

Step B Team:
Petros & Farrell

Deciding District:
Western PA

Grieving District:
Central PA

Decision: **RESOLVED**
USPS Number: **4B19N-4B-C24048030**
Grievant: **Class Action**
Branch Grievance #: **274-23-757**
Branch: **274**
Installation: **Allentown**
Delivery Unit & Fin #: **Allentown, 41-0128**
State & Zip Code: **Pennsylvania, 18109**
Incident Date: **11/14/2023**
Date Informal Step A Initiated: **11/30/2023**
Formal Step A Meeting Date: **12/07/2023**
Date Received at Initial Step B: **12/28/2023**
Date Received at Alternate Step B: **02/20/2024**
Step B Decision Date: **02/27/2024**
Issue Code: **19.2000**

ISSUE: Did management at the 1000 Post Road Post Office, violate Sections 324 and / or 325 of the Administrative Support Manual (ASM) via Article 19, and M-01325, M-00852 via Article 15 of the National Agreement by utilizing a locally developed and / or locally revised form? And if so, what shall the remedy be?

DECISION: RESOLVED

The Step B Team agrees that requesting any letter carriers to sign a locally developed form is inconsistent with M-01107 and M-01302. The Allentown Post Office will not use this form as the sole basis of discipline; however, management may use this form for personal notations for their own records.

EXPLANATION: Management at the Allentown Post Office is currently using a "Monthly Attendance Review" form, to review attendance with letter carriers in the office. The union alleges that by using these forms management is in violation of the ASM. Management contends that they are within their right to use the form to remain organized and keep management notes for themselves. The union objected and filed this subject grievance.

Union Formal A Representative's Contentions:

- Management utilized locally created forms during attendance reviews at the Allentown Post Office.
- A violation of ASM sections 324 and 325 is committed when management uses the attendance form.
- This locally developed form has not been approved in accordance with Chapter 3 of the ASM.
- National Arbitration settlements and precedent setting settlements and agreements from the national parties have previously resolved this issue.

Management Formal A Representative's Contentions:

- Attendance reviews are conducted every month with every employee at the Allentown Post Office.

- This review – form is in addition to using the key indicator report, PS Form 3972, the call off log from ERMS, and the attendance policy listed in the ELM.
- Management has not created, assigned a number, attempted to enlist any employee to use an unauthorized form, attempted to modify a form, change a handbook or creating a new form.
- Attendance has been noted the same way for the past year and this grievance is a waste of time.

Basis for Decision:

The Step B Team agreed that when a "Monthly Attendance Review" form is used by management, it must be used in accordance with the ASM. The evidence presented supports the conclusion that the "Monthly Attendance Review" form currently in use at the Allentown Post Office was not developed and cleared in accordance with the ASM and the National Agreement.

Management contends that a monthly attendance review is conducted with each employee at the Altoona Post Office. The review of an employee's attendance record is conducted by management by using the key indicator report, PS Form 3972, the ERMS call off log, the attendance policy, each in conjunction with the subject form. The form allows for completion of the date, date discussed with the employee, annual leave and sick leave balance, days / incidents in the past year, times tardy in the past year, emergency annual leave. Also, the form has spaces for signatures from the supervisor and the employee that has had the discussion.

The union argues that managements use of the form, violates the ASM, specifically sections 324 and 325. Evidence in the case file does not show this management created form as being authorized for use by the National Agreement. The issue has previously been resolved through the following settlements:

M-01107 Pre-arbitration Settlement, November 24, 1992, H7N-2D-C 42122

The issuance of local forms, and the local revision of existing forms is governed by Section 324.12 of the Administrative Support Manual (ASM). The locally developed form was not promulgated according to ASM, Section 324.12. Therefore, management will discontinue the use of the subject form. See also M-00808, M-00809, M-00821, M-00849, M-00852 and M-00887.

M-01302 Pre-arbitration Settlement, February 24, 1998, H90N-4H-C 95018608

The issue in this grievance is whether management violated the National Agreement when a local policy was issued and carriers were required to sign off that they were present when the information was read to them. After reviewing this matter, the parties mutually agreed to the following: There is no requirement that a carrier sign that the subject information was received.

The Step B Team agrees that management is allowed to use this form for personal notations and their own records. Management may not use this form as the sole determinant in the issuance of disciplinary action.

According to Article 15.2 (c) The Step B Team will attach a list of all documents included in the case file.

1. Step B Decision – 2 pages
2. PS Form 8190 – 1 pages
3. Union's contentions and attachments – 16 pages
4. Management's position and attachments – 1 page
5. Joint attachments – 0 pages

The total number of documents in case file is **20 pages**

Dean Petros

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USPS Step B Representative

Robert Farrell

Robert Farrell
NALC Step B Representative