

Contract Administration Unit

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Street supervision, GPS data and disciplinary action

In some areas of the country, NALC has received reports of management using data from the Mobile Delivery Device (MDD) as a basis for disciplinary action against city carriers. The current scanning device uses global positioning system (GPS) data to track the movement of letter carriers while on the route. The MDD tracks movement of the device by recording what is called “breadcrumb” data. In addition to tracking the movement of the MDD, the device also records the amount of time the scanner is stationary. In the discipline letters, management is alleging that city carriers are failing to perform conscientiously and effectively based on reported stationary events or cumulative stationary time recorded by the MDD. Management in these locations is attempting to substitute GPS data for actual street management and observations. This month’s Contract Talk will help explain management’s responsibilities when performing street supervision and when deciding if a carrier is not satisfactorily performing their street duties.

Handbook M-41, City Delivery Carriers Duties and Responsibilities reminds city carriers that they may be supervised anytime while they are working. Section 16 of the *M-41* states: “Carriers may expect to be supervised at all times while in performance of their daily duties.”

While carriers should expect to be supervised at any time, management has certain responsibilities when performing this street supervision. These requirements are found in Section 134 of *Handbook M-39, Management of Delivery Services*, which states in pertinent part:

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.

Section 134.3 of the *M-39* also identifies specific circumstances that may require additional street supervision:

Certain criteria may call attention for individual street supervision. When overtime or auxiliary assistance is used frequently on a route (foot, motorized, parcel post, collection, relay), when a manager receives substantial evidence of loitering or other actions or lack of action by one or more employees, or when it is considered to be in the interest of the service, the manager may accompany the carrier on the street to determine the cause, or meet the carrier on the route and continue until such a time as the

manager is satisfied. No advance notice to the carrier is required.

While there is no requirement for management to notify carriers in advance, Sections 134.21 and 134.22 of the *M-39* provide the proper approach management must use for conducting street supervision:

134.21 The manager must maintain an objective attitude in conducting street supervision and discharge this duty in an open and above board manner.

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.

This section of the *M-39* requires management to use a straightforward, upfront manner and not to spy on carriers when supervising them on the street.

As reported, in some places management is attempting to use GPS data as an alternative to physical street supervision. GPS data is not always accurate and does not tell the whole story.

When discussing the value of MDD GPS data, city carriers should be aware the computer systems involved record stationary time when the MDD appears to not be moving from one GPS location to another. Stationary events are recorded in USPS’s Delivery Management System (DMS) or Regional Intelligent Mail Server (RIMS).

There are a variety of reasons why a letter carrier and their MDD may be recorded as stationary. For example, the MDD might not register as moving if the carrier is servicing a centralized mail location or cluster box unit (CBU). Perhaps the MDD isn’t moving because the carrier is picking up parcels or fueling the delivery vehicle. Electronic stationary time could be recorded while the carrier is on their break or lunch, or is replenishing mail. The MDD may be inactive when the carrier is using a comfort stop to recover and hydrate from the heat. Stationary time, in and of



itself, is not a violation of any handbook or manual. The absence of movement of the MDD does not mean the carrier is not working.

MDD connectivity also can affect the reliability of the GPS and breadcrumb data obtained. Like a cell phone, the MDD sends and receives information, including GPS data, when connected to a cellular network. Also, like cell phones, walls, vehicle roofs, tall buildings, mountains and other obstructions can interfere with the scanner's connection to the network. This could affect how accurately the scanner records the movement and positioning of the device. Additionally, extreme weather, inaccurate mapping and insufficient cellular service can have an impact on the accuracy of GPS and breadcrumb data. A malfunctioning or dead battery also can negatively affect how accurately the MDD communicates over the cellular network. GPS data and any associated reports must always be reviewed for errors. Any perceived time-wasting practices alleged against city carriers should be documented with actual street observation.

In order for management to sustain any disciplinary action against letter carriers, it must satisfy all of the requirements related to the just cause principle contained in Article 16 of the National Agreement. Simply put, the just cause provision requires a fair and provable justification for discipline.

The *Joint Contract Administration Manual (JCAM)* defines just cause into six sub-questions that arbitrators use when deciding whether to uphold disciplinary action. These questions are summarized here, and the complete explanation of just cause can be found beginning on *JCAM* page 16-1.

- **Is there a rule?** If so, was the employee aware of the rule? Was the employee forewarned of the disciplinary consequences for failure to follow the rule?
- **Is the rule a reasonable rule?** Management must make sure that rules are reasonable, based on the overall objective of safe and efficient work performance. Management's rules should be reasonably related to business efficiency, safe operation of our business, and the performance we might expect of the employee.
- **Is the rule consistently and equitably enforced?** A rule must be applied fairly and without discrimination.

- **Was a thorough investigation completed?** Before administering the discipline, management must make an investigation to determine whether the employee committed the offense. Management must ensure that its investigation is thorough and objective.

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- **Was the severity of the discipline reasonably related to the infraction itself and in line with that usually administered, as well as to the seriousness of the employee's past record?**
- **Was the disciplinary action taken in a timely manner?** Disciplinary actions should be taken as promptly as possible after the offense has been committed.

The fourth sub-question of just cause requires that before the decision to impose discipline is made, management must conduct a full, fair and impartial investigation, including giving the letter carrier an opportunity to respond to the charges. It is evident that there may be many reasons why city carriers' GPS data may be unreliable or show the MDD as stationary. These stationary events may or may not be accurate; it is management's burden to prove the charges in the disciplinary action are substantiated.

As communicated in this article and the *JCAM*, management has specific contractual and handbook responsibilities it must fulfill when assessing city carrier performance, effectiveness and efficiency. As always, if a carrier has been issued a disciplinary action letter, the carrier should provide a copy of it to their steward immediately. The steward can then investigate to determine if management has satisfied its obligations when issuing the discipline.