



American Postal Workers Union, AFL-CIO

STEP 2 GRIEVANCE APPEAL FORM

CLASS ACTION or GRIEVANT NAME (Last Name First)		ADDRESS		CITY		STATE		ZIP		PHONE NO.	
APWU, Area Local 960		PO BOX 492997		REDDING		CA		96049		(530) 223-7552	
EIN	CRAFT	LEVEL	STEP	DUTY HOURS	OFF DAYS	E-MAIL					
04647020	37 - Clerk	7		0950-1800	Sun/Mon	arealocal960@yahoo.com					
JOB NO./PAY LOCATION (UNIT/SEC/CR/STA/OFC)				WORK LOCATION CITY AND ZIP CODE				SENIORITY		PREF. ELIGIBLE	
Redding Main Post Office				Redding 96002						N	
STEP 2 AUTHORIZED UNION REP (NAME AND TITLE)				AREA CODE PHONE (OFFICE)				E-MAIL			
Sara Wilson, President				5303513396				arealocal960@yahoo.com			
LOCAL UNION PRESIDENT (NAME)						AREA CODE PHONE (OFFICE)			E-MAIL		
Sara Wilson						5302237552			arealocal960@yahoo.com		
STEP 1 MEETING AND DECISION											
UNIT/SEC/BR/STA/OFC		POSTAL INSTALLATION LEVEL		STEP 1 MEETING		USPS REP - SUPR			INITIALS		
Redding Main Post Office		22				Huff, Steven					
STEP 1 DECISION BY (NAME AND TITLE)						STEP 1 DECISION			STEWARD		
S. Huff, Customer Service Supervisor									Wilson, Sara		
NATURE OF ISSUE		CONTRACT		LOCAL GRIEVANCE NO.				NATIONAL GRIEVANCE NO.			
Article 14.1,17, & 19, Elm 665				C-4-24				EGS960-24-000003			
TO: USPS STEP 2 DESIGNEE (NAME AND TITLE)			INSTALLATION / SEC. CEN./ NDC			PHONE NO.			USPS GRIEVANCE NO.		
J. Clark, Manager Customer Service											
FROM: LOCAL UNION (NAME OF)		ADDRESS		CITY		STATE		ZIP			
Area Local 960		PO Box 492997		Redding		CA		96049			
Pursuant to Article 15 of the National Agreement we hereby appeal to Step 2 the following Grievance alleging a Violation of (but not limited to) the following: NATIONAL, (Art./Sec.)											
LOCAL MEMO (ART/SEC) OTHER MANUALS, POLICIES, L/M MINUTES, ETC.											

Facts:

ELM 665.24 Violent and/or Threatening Behavior, "The Postal Service is committed to the principle that all employees have a basic right to a safe and humane working environment. In order to ensure this right, it is the unequivocal policy of the Postal Service that there must be no tolerance of violence or threats of violence by anyone at any level of the Postal Service. Similarly, there must be no tolerance of harassment, intimidation, threats, or bullying by anyone at any level. Violation of this policy may result in disciplinary action, including removal from the Postal Service."

USPS Letter dated July 1, 2021, on Postal Service Policy on Workplace harassment via article 19 of the collective bargaining agreement specifically states, "The United States Postal Service is committed to providing a work environment free of harassment based upon race, color, religion, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, age (40 or over), mental or physical disability, genetic information, uniformed (military) service, or in reprisal for an employee's or applicant's complaint about, or opposition to, discrimination or participation in any process or proceeding designed to remedy discrimination. The Postal Service's workplace must be one in which all employees are treated with dignity and respect by supervisors, subordinates, and coworkers. Supervisors and managers will take prompt action to prevent, address, and remedy workplace conduct that is contrary to this policy.

Prohibited Activities

Harassment is unwelcome verbal or physical conduct, which is so severe or pervasive that it interferes with or changes the conditions of one's employment by creating a hostile, intimidating, or abusive working environment. Examples may include, but are not limited to, making offensive or derogatory comments or engaging in physically threatening, intimidating, or humiliating behavior based upon race, color, religion, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, age (40 or over), mental or physical disability, genetic information, past, present, or future uniformed (military) service, or in reprisal for an employee's or applicant's complaint about or opposition to discrimination or participation in any process or proceeding designed to remedy discrimination. These activities are prohibited by the Postal Service's policy and may amount to harassment in violation of federal antidiscrimination laws. Violation of this policy may result in disciplinary action up to and including termination. The Postal Service is committed to providing its employees a safe, productive, and inclusive workplace and will tolerate nothing less. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature such as, but not limited to, making or threatening to make employment decisions based on an employee's submission to, or rejection of, sexual advances or requests for sexual favors; deliberate or repeated unsolicited remarks with a sexual connotation or physical contact of a sexual nature that is unwelcome to the recipient; or behavior that creates a sustained hostile or abusive work environment so severe or pervasive that it unreasonably interferes with or changes the conditions of one's employment. Although not every instance of inappropriate behavior may fit the legal definition of harassment, such behavior in the workplace undermines morale and violates the Postal Service's standards of conduct. Disciplinary action may result even if the conduct does not constitute harassment under the law.

Management Responsibility

All managers and supervisors are responsible for preventing harassment and inappropriate behavior that could lead to illegal harassment and must respond promptly when they learn of any such conduct. Any manager or supervisor who receives a complaint must see that a prompt and thorough investigation is conducted. Investigations of all forms of harassment must be done in accordance with the "Initial Management Inquiry Process (IMIP)." Materials are available in Publication 552, Manager's Guide to Understanding, Investigating, and Preventing Harassment. When harassment or inappropriate conduct is found, managers must take prompt and effective corrective action.

Employees' Rights and Responsibilities

Postal Service employees who believe that they are the victims of harassment prohibited under this policy (i.e., harassment based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, age (40 or over), mental or physical disability, genetic information, uniformed (military) service, or in reprisal for an employee's or applicant's complaint about or opposition to discrimination or participation in any process or proceeding designed to remedy discrimination) or who have witnessed such harassment or inappropriate conduct, should bring the situation to the attention of a supervisor, a manager, or the manager of Human Resources. Refer to Publication 553, Employee's Guide to

Understanding, Preventing, and Reporting Harassment for further information. In accordance with this policy, supervisors, managers, managers of Human Resources, or the next higher-level manager (HQ and HQ-field units) are responsible for ensuring that direct and prompt action is taken to investigate and, where appropriate, remedy such misconduct when brought to their attention. The Postal Service will protect the confidentiality of harassment complainants to the fullest extent possible. Employment discrimination or reprisal for engaging in an Equal Employment Opportunity (EEO)-protected activity is prohibited. Employees may request pre-complaint counseling through the online Postal Service EEO efile application at <https://efile.usps.com> or in writing by providing their name, Social Security or employee identification number, address, and telephone number to: National EEO Investigative Services Office-EEO Contact Center, Post Office Box 21979, Tampa, FL 33622-1979. In addition, bargaining unit employees may seek relief through the relevant grievance-arbitration procedures, and if applicable, non-bargaining unit employees may use the grievance procedures described in Section 652.4, Employee and Labor Relations Manual. Allegations involving any possible criminal misconduct should, at a minimum, be reported to law enforcement authorities as follows: any physical misconduct relating to workplace harassment (i.e., any physical assault, threat of a physical assault, or stalking) should be reported to the United States Postal Inspection Service® (USPIS®); use of any electronic device, computer, or Internet to transmit threatening or harassing communications, obscene or indecent images and materials, should be reported to the Office of Inspector General (OIG). Reprisal against employees who raise a claim of harassment, report inappropriate conduct, or provide evidence in any investigation is illegal and can result in disciplinary action, and should be referred to the USPIS or OIG, as appropriate.

The Postal Service does not tolerate any type of harassment, inappropriate conduct, or reprisal in the workplace.

Louis DeJoy.

Article 14.2 of the collective bargaining agreement: The Employer and the Union insist on the observance of safe rules and safe procedures by employees and insist on correction of unsafe conditions. Mechanization, vehicles and vehicle equipment, and the workplace must be maintained in a safe and sanitary condition, including adequate occupational health and environmental conditions. The Employer shall make available at each installation the appropriate forms to be used by employees in reporting unsafe and unhealthful conditions. If an employee believes he/she is being required to work under unsafe conditions, such employees may:

- notify such employee's supervisor who will immediately investigate the condition and take corrective action if necessary;
- notify such employee's steward, if available, who may discuss the alleged unsafe condition with such employee's supervisor;
- file a grievance at Step 2 of the grievance procedure within fourteen (14) days of notifying such employee's supervisor if no corrective action is taken during the employee's tour; and/or
- make a written report to the Union representative from the Local Safety and Health Committee who may discuss the report with such employee's supervisor.

MOU Re: Work Environment Improvement: The parties are committed to achieving and maintaining a positive, safe and efficient workplace environment and improving relationships between management and APWU represented employees so that all employees are treated with dignity and respect. The parties acknowledge that such a work environment will put the Postal Service and its employees in the best position to accomplish our common mission of providing efficient, high-quality service to our customers. Accordingly, the parties agree to the following:

Workplace Environment Joint Assessment

Within sixty (60) calendar days of the signing of this MOU, the parties at the National Level will jointly assess the current workplace environment and identify mutually agreed upon methods to improve the work environment, including any training deemed appropriate. The assessment process will be overseen by the Vice President, Labor Relations and the APWU National President, or their designees. Within thirty (30) days of completing the assessment referenced above, the National parties will jointly select locations to assess and implement the identified methods to improve the work environment. Area Labor Relations Managers, APWU Regional Coordinators or National Business Agents may suggest locations to the National parties for consideration.

Once a location is selected, a team composed of a designee from each party will have thirty (30) calendar days to assess the work environment in the subject office. Factors the team will consider include, but are not limited to:

- the treatment of all employees;
- the relationship between the Local Union and Local Management;
- communication between employees and Local Management;
- policies and practices regarding the safety of all employees;
- staffing or recent and anticipated staffing changes.

Within thirty (30) days after the review is completed, the team will jointly develop recommendations and an implementation plan. This plan will be provided to the Vice President, Labor Relations and the APWU National President, or their designees. Within thirty (30) calendar days of submission of the plan, the National parties will oversee implementation of the joint recommendations and implementation plan, consistent with any modifications made by the National parties. The National parties are committed to monitoring plans and their effectiveness. This MOU, including any recommendations or implementation plans, does not waive or impact either parties' rights or obligations under the Collective Bargaining Agreement. However, any joint recommendations or implementation plans created as a result of this MOU shall not be cited in any appeal made through the grievance-arbitration procedure. After six (6) months from the date of the signing of the Agreement, either party may opt out of this MOU with thirty (30) days notice to the other party.

ELM 673 Complaint Processes, where it specifically states, "Depending on the nature of the complaint and the status of the employee, Postal Service employees may use several processes to pursue complaints against the Postal Service for alleged violations of the Postal Service's equal employment opportunity and anti-discrimination policies. For more information on these processes, see sections 666.2 and 666.3, which include a process to pursue complaints for discrimination that complies with the Equal Employment Opportunity Commission's regulations. The Postal Service is committed to fair treatment of all its employees. Harassment and disparate treatment based on sex (including pregnancy, sexual orientation, and gender identity, including transgender status) are not permitted or condoned."

ELM 673.61 Employees, where it specifically states, "All employees are expected to treat coworkers with dignity and respect. Employees must refrain from workplace harassment or other discrimination based on the following: Race, color, sex (including pregnancy, sexual orientation, and gender identity including transgender status), national origin, religion, age (40 or over), genetic information, disability, or retaliation for engaging in EEO-protected activity as provided by law. Other non-meritorious factors, such as political affiliation; marital status; status as a parent; and past, present, or future military service. For additional information, refer to Publication 553, Employee's Guide to Understanding, Preventing, and Reporting Harassment."

Contentions:

The Union will contend that ELM 665.24 Violent and/or Threatening Behavior has been violated where it specifically states, "there must be no tolerance of harassment, intimidation, threats, or bullying by anyone at any level." From the statements provided by S. Wilson, B. Brown, A. Varao, and A. Hulst it is clear that management would try to intimidate employees, bully employees, and threaten them to reach their own narratives.

The Union will contend the USPS letter dated July 1, 2023, has been violated where it specifically states, "Harassment is unwelcome verbal or physical conduct, which is so severe or pervasive that it interferes with or changes the conditions of one's employment by creating a hostile, intimidating, or abusive working environment." From the statements provided it is clear that the clerks are working in a hostile abusive working environment. In A. Hulst statement, she talks about management and the lead clerk getting into screaming matches in front of customers, not only is this unprofessional, but it left other window clerks on pins and needles if they would be yelled at next.

The Union will contend article 14.2 of the collective bargaining agreement where it specifically states, " If an employee believes he/she is being required to work under unsafe conditions, such employees may: (c) file a grievance at Step 2 of the grievance procedure within fourteen (14) days of notifying such employee's supervisor if no corrective action is taken during the employee's tour." The Union contends that local management is very aware of the hostile working environment since they were soliciting employees to write statements against the lead clerk to use against her. It is clear the issue was not settled at the end of the tour as multiple statements are claiming a hostile work environment and that local management encourages the hostility to continue.

The Union will contend MOU Re: Work Environment Improvement has been violated where it specifically states, "The parties are committed to achieving and maintaining a positive, safe and efficient workplace environment and improving relationships between management and APWU represented employees so that all employees are treated with dignity and respect." From the statements provided it is clear that clerks are not treated with dignity and respect. In S. Wilson's statement it was clear that she was not treated with dignity and respect but instead as someone that was told not to talk with any of her co-workers or assist them in any way. This goes against DeJoy's own work as a team statement, not to mention violates several laws.

The Union will contend that ELM 673, Complaint Process has been violated where it specifically states, "The Postal Service is committed to fair treatment of all its employees." The Union must question this ELM as it seems certain employees are singled out as other employees are appraised for acting the same way. Two wrongs do not make a right.

The Union will contend ELM 673.61 Employees has been violated, where it specifically states, "All employees are expected to treat coworkers with dignity and respect." How is it showing an employee dignity and respect if a supervisor is cornering/harassing other co-workers/employees to write statements about the lead clerk just so he can discipline her? This creates a divided atmosphere where management is pitting co-workers against each other instead of them working together as a team. Per A. Varao's statement as an example the window supervisor was soliciting her co-workers to write statements against her instead of conducting his own investigation, if her behavior was so bad, why wasn't something done before?

List of attached papers as identified

- Step1_APWU Area Local 960-1186_C-4-24.pdf
- Step2_APWU Area Local 960-1186_C-4-24.pdf
- July 1, 2021 letter DeJoy harassment.pdf
- Work Environment Improvement MOU.pdf
- USPS Elm 673.pdf
- ELM 665.pdf
- IMG_7169.jpg
- IMG_7168.jpg
- hostile.pdf
- Hostile Work Environment Sara Statement.pdf

CORRECTIVE ACTION REQUESTED

Cease and desist. Have a local task force investigate the hostile working environment with a member from the union and management working together to create a solution that treats all employees with dignity and respect or launch an IMIP with individuals from a different district to conduct the investigation.

S. Wilson	President	01/15/2024
SIGNATURE	TITLE OF AUTHORIZED LOCAL UNION REP.	DATE
SIGNATURE ON FILE		