

**CORE ISSUE: 7 DAY SUSPENSION - FAILURE TO FOLLOW INSTRUCTIONS
GRIEVANCE #180-OM-08**

DECISION:

The Central Plains District Dispute Resolution Step B Team has **RESOLVED** this grievance by determining that management did show just cause for the Grievant's Failure to Follow Instructions. As a compromise, the Grievant's current LOW will be extended for an additional 6 months.

EXPLANATION:

The Union contends that the discipline is too harsh for the alleged infraction. The Grievant does acknowledge he did not make the scan before 11:30 am; however, he states there are several mitigating circumstances that are not being considered.

- The Grievant states that the receipts of Express mail pieces are not a routine situation; therefore it is not common for him to work outside of his normal duties.
- The mail piece was handed to him by a clerk as he pushed his full mail tub out of the station. He did not sign for the article. The Express mail piece became blocked and/or mixed with other mail. When he remembered the Express mail piece, he immediately deviated from his established line of travel to have it delivered and/or scanned.
- The discipline issued in this case is not similar to the action hastening the issuance of the previous discipline listed in the suspension. The Grievant contends this fact is prejudicial to the issue in this case.
- The Grievant is a conscientious carrier and follows all orders; he took the Express mail piece, and delivered it.
- The Grievant is a 23-year employee and has established a sufficient "Bank of Good Will" and should not receive punitive action as a result of a minor infraction.

Management contends that the discipline issued to the Grievant for "Failure to Follow Instructions" was progressive in nature and not punitive. The 7-Day Suspension follows a LOW issued in December 2007 for unacceptable performance. Both disciplinary actions were taken as a result of the Grievant's failure to perform in an acceptable manner. The Grievant, as well as other employees at the Northwest Station have been made aware of the requirement to deliver Express mail by 11:30 a.m.

Management further contends that there is no question that the Express mail was delivered late. The Grievant admits that he didn't immediately deviate to deliver the mail piece and it appears that he forgot about it, stating that he did deviate when he became aware he still had the Express mail piece.

It was not disputed that the Grievant failed to deliver the Express mail piece before 11:30 a.m. as required by the Northwest Station SOP. This resulted in an Express mail failure. The facts in the file indicate that the Grievant had a second Express mail piece that was delivered on time. The Grievant did not make clear how he delivered one Express mail piece on time and did not deliver the second Express mail piece until 12:44

p.m. or 1 hour and 14 minutes after required deadline. As a compromise to the resolve this dispute, the Step B Team agrees that a six (6) month extension to the Grievant's current LOW will emphasize the importance of following the instructions of delivering all Express mail by the guaranteed time. The Local parties should take this opportunity to clarify questions or concerns regarding the proper handling of Express mail.