

September 28, 1999

ROBERT DAVIS
VICE PRESIDENT, SOUTHEAST AREA OPERATIONS

SUBJECT: Allegation of a Physical Assault on an
Employee in a Southeast Area Carrier Unit
(Report Number LM-MA-99-010)

This is our advisory report on an allegation that a supervisor at the Jackson, Mississippi Downtown Carrier Unit (in a Southeast Area) physically assaulted an employee because of race. The report also discusses our review of Jackson, Mississippi management's compliance with United States Postal Service (USPS) policies and procedures for investigating and resolving the allegation.

United States Representative Bennie G. Thompson, Second District, Mississippi, requested the review (Project Number 99ER007LR000). We were asked to review several issues, including an allegation that an African American employee's civil rights were violated when his Caucasian supervisor physically assaulted him while on duty at a USPS facility. This report responds, in part, to that request.

Results in Brief

We determined that the supervisor physically touched the employee in an inappropriate manner, but we found no evidence that the employee was physically assaulted. However, the employee interpreted this inappropriate touching as an assault and filed an assault charge against the supervisor, who was arrested by the Jackson Police Department. The case, however, was dismissed on January 20, 1999.

Jackson management followed the USPS published zero tolerance policy regarding violence and inappropriate behavior in the workplace. The supervisor who witnessed the incident promptly reported it to the Inspection Service, and an investigative report was provided to the Station Manager.

We suggest that the supervisor be instructed to limit his physical contact with employees to that which is absolutely necessary in the conduct of postal business.

**Objectives, Scope,
and Methodology**

In a letter dated August 4, 1998, United States Representative Bennie Thompson requested that we conduct an investigation into allegations of physical violence, racism, and discrimination made by minority employees in Mississippi District post offices. The Office of Inspector General (OIG) normally does not review individual labor-management disputes, particularly when other formal avenues of resolution exist, such as contractual grievance-arbitration procedures and the Equal Employment Opportunity process. However, we will undertake such reviews when the allegations pertain to violence in the workplace.

Our objectives were to determine if the employee had been physically assaulted by his supervisor because of his race, and whether the USPS responded to the incident in accordance with established policies and procedures.

We interviewed the Mississippi District Human Resources Manager, a Jackson, Mississippi Human Resource Specialist, a Jackson Diversity Development Specialist, a Jackson Postal Inspector, the USPS Headquarters Manager of Affirmative Action, and a representative of the Jackson Police Department.

We reviewed various documents provided by Representative Thompson, the Mississippi District's Human Resources Manager, and the Diversity Development Specialist. The documents provided to us included the Inspection Service investigative report on the alleged physical assault against the employee.

We also reviewed the USPS Joint Statement on Violence and Behavior in the Workplace, Threat Assessment Team Guide (Publication 108), Equal Employment Opportunity, Affirmative Action, and Diversity Policy Statement (Postal Bulletin 21893), and training materials obtained at a National Symposium on Workplace Violence.

This review was conducted from December 1998 through August 1999 in accordance with the President's Council on Integrity and Efficiency, Quality Standards for Inspections.

Observations

We concluded that the supervisor physically touched the employee in an inappropriate manner, which the employee interpreted as a physical assault.

Allegation of Physical Assault Because of Race

Workplace violence awareness training provides that physical contact with individuals in the workplace setting is inappropriate. It specifically states that to minimize violence in the workplace, a person's conduct should not include any physical contact which can be perceived as threatening. It recommends that a distance of 2 to 4 feet be maintained when verbal communications take place.

According to the Inspection Service report, the employee was casing his mail on the workroom floor of the Jackson, Mississippi Downtown Carrier Unit when his supervisor approached him. The report states that the supervisor *began questioning the employee about why the employee had put in for several hours of unauthorized overtime to complete the delivery of his route.* The report indicates that the employee did not acknowledge the presence of the supervisor and continued to case the mail. The employee told the Inspector that he was listening to the supervisor, but did not turn to face him. The employee said that after two to three minutes of being questioned by the supervisor, the supervisor "grabbed" him by the left shoulder and attempted to "spin" him around. The employee said that he believed the supervisor had assaulted him.

According to the supervisor and a witness to the incident,¹ the supervisor "touched" the employee on the arm. The supervisor stated he touched the employee to get his attention because the employee did not respond to his questions, and did not turn to face him.

The Inspection Service report states that the employee suffered no injury but did file an assault charge with the Jackson Police Department, which resulted in the arrest of the supervisor. The District's Human Resources Manager told us that the trial had been scheduled for January 1999. According to a representative with the Records Section, Jackson Police Department, the case was dismissed on January 20, 1999.

¹ The witness is also a supervisor.

Suggestion	We suggest that the supervisor be instructed to limit his physical contact with employees, to that which is absolutely necessary in the conduct of postal business.
Summary of Management's Comments	The Southeast Area Vice President agreed with our conclusion and the intent of our suggested action. The supervisor involved in the incident is no longer employed by the USPS, but violence awareness training will be provided to supervisor staff in the Mississippi performance cluster during the current fiscal year.
Evaluation of Management's Comments	Management's actions are responsive to the intent of our suggestion.

**USPS Response to
Alleged Physical
Assault**

The USPS followed established policies and procedures regarding violence and inappropriate behavior in the workplace.

Specifically, the Joint Statement on Violence and Behavior in the Workplace states that the Postal Service will not tolerate violence or any threats of violence by anyone at any level of the Postal Service. In addition, the USPS Threat Assessment Team Guide (Publication 108), requires that when an incident occurs, notification be made to the Human Resources Manager, the Inspection Service, Senior Labor Relations Specialist, Employee and Workplace Intervention Analyst, Medical Director, District Manager, or Lead Plant Manager. The Guide further provides that the Human Resources Manager or designee will determine whether a meeting needs to be called or whether the situation may be addressed through other Threat Assessment Team members or ad hoc resources.

In this case, the witness reported the incident directly to the Inspection Service² within 15 minutes of its occurrence. The Inspection Service began its investigation within 24 hours of the incident, and provided a written report to the Station Manager 18 days later.

The District's Human Resources Manager told us that USPS management also conducted an investigation; however, a written report was not prepared. He said that based on the information obtained during the USPS and Inspection Service investigations, USPS management concluded that a physical assault against the employee did not occur.

We plan no further work on this allegation.

² An Inspector from the Inspection Service is a Situational Advisor to the Threat Assessment Team. Their responsibilities include conducting a formal investigation and preparing an investigative memorandum and submitting it to postal management.

We appreciated the cooperation and courtesies provided by your staff during the review. If you have any questions, please contact me at (703) 248-2300.

Billy Sauls
Assistant Inspector General
for Employee

cc: Clarence E. Lewis, Jr.
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Peter Captain
Alan B. Kiel
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BOB DAVIS
VICE PRESIDENT, AREA OPERATIONS
SOUTHEAST AREA



September 24, 1999

MEMORANDUM FOR: Mr. Billy Sauls
Assistant Inspector General for Employee
Office of Inspector General
1735 N. Lynn Street
Arlington, VA 22209-2020

SUBJECT: Draft Management Advisory Report, Allegation of Physical
Assault on Employee at the Jackson, Mississippi, Downtown Carrier Unit
(Report Number LM-MA-99-Draft)

This is the management response to the draft report regarding an allegation of physical assault on an employee at the Jackson, Mississippi, Downtown Carrier Unit.

There are no portions of the report, which we believe contain proprietary information or other business information that may be exempt from disclosure under the Freedom of Information Act.

Management agrees with the conclusion that no physical assault occurred in this instance and agrees with the suggestion that the supervisor be instructed regarding inappropriate physical contact with employees. As a matter of record, the supervisor involved in this incident is no longer employed by the United States Postal Service. However, the suggestion has merit and will be adopted within the Mississippi District. Specifically, the Mississippi Performance Cluster is scheduled to provide *Workplace Violence Awareness Training* to all supervisory staff during the current fiscal year. The suggestion will be implemented by including instruction on this issue with the established course content.

Thank you for your observations and suggestions.


Bob Davis

cc: Anthony Vegliante, VP, Labor Relations, HQs
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**Major Contributors to
This Report**



Report Synopsis

GENERAL INFORMATION

REPORT NUMBER: LM-MA-99-010 REPORT DATE: _____

REPORT TITLE: Allegation of a Physical Assault on an Employee in a Southeast
Area Carrier Unit

EVALUATOR-IN-CHARGE: Chris Nicoloff DIRECTOR: Chris Nicoloff

FINDINGS/OBSERVATION

NUMBER OF FINDING/OBSERVATIONS: 2

NONCURRENCES: Mgmt did not agree. NA
(Indicate finding/observation headings and numbers)

- 1.
- 2.
- 3.
- 4.

RECOMMENDATIONS/SUGGESTIONS

NUMBER OF RECOMMENDATION/SUGGESTIONS: 1

NONCURRENCES: Mgmt did not agree. NA
(Indicate recommendation/suggestion headings and numbers)

- 1.
- 2.
- 3.
- 4.

NUMBER OF CORRECTIVE ACTIONS TAKEN DURING AUDIT: NA

TOTAL FUNDS PUT TO BETTER USE: NA

TOTAL QUESTIONED COST: NA

UNSUPPORTED COST INCLUDED IN QUESTIONED COST:

NA

Report Summary:

**Allegation of a Physical Assault on an Employee at the Jackson, Mississippi
Downtown Carrier Unit, LR-MA-99-XXX, Date Issued**

**This allegation was received in correspondence provided to us by United States
Representative Bennie G. Thompson, Second District, Mississippi.**

We determined that the employee was not physically assaulted. We verified, however, that the supervisor did physically touch the employee in a manner that the employee interpreted as an assault.

Because we determined that the employee's civil rights had not been violated as a result of a physical assault, it was not necessary for us to determine if the USPS was an accomplice to a violation. However, we did determine that the USPS followed its zero tolerance policy regarding violence and inappropriate behavior in the workplace, when the supervisor who witnessed the incident, promptly reported it to the Inspection Service.

This report contains one suggestion that require a response from management.
(Project Number 99-ER-007-LR-000).