

MANAGEMENT ADVISORY REPORT

Grievance Payout Costs in the South Florida District

June 11, 2014







June 11, 2014 **Grievance Payout Costs in the South Florida District**Report Number HR-MA-14-008

BACKGROUND:

The U.S. Postal Service has about 490,000 career employees, most of whom are covered by collective bargaining agreements with the four major postal unions. The National Labor Relations Act gives employees and unions the right to file grievances, which are disputes between an employer and employee or unions over interpretation or application of, or compliance with, the agreements.

The grievance-arbitration process provides a mechanism for resolving disagreements between management and employees or unions over wages, hours, and employment conditions. A grievance payout cost is payment to an employee as part of a grievance settlement.

Nationwide, Postal Service grievance payout costs decreased from \$179 million in fiscal year (FY) 2009 to \$87 million in FY 2012 but increased to \$106 million in FY 2013. The South Florida District had more than \$7.6 million in grievance payout costs in FY 2013, which was the highest payout of 67 districts. The U.S. Postal Service Office of Inspector General Human Resources risk model revealed the South Florida District ranked among districts with the highest grievance costs.

Our objective was to determine the cause of high grievance payout costs in the South Florida District.

WHAT THE OIG FOUND:

We reviewed 30 randomly selected FY 2013 grievance payout costs from the South Florida District totaling \$22,771 and found supervisors violated Postal Service agreements primarily to address overtime and staffing issues. Fifteen of 30 grievance payouts were related to overtime. We found supervisors did not appropriately assign overtime, required employees to work outside their skill sets, moved carriers from their regular routes, performed employees' duties, denied access to union representatives, and took other violative actions to address overtime and staffing issues.

In the South Florida District, overall grievance payout costs increased 95 percent from FYs 2012 to 2013 primarily due to a backlog of claims and a significant one-time settlement from FY 2008. Grievance payout costs related to overtime issues increased 82 percent. We identified accountability measures in the Central Plains District that could benefit the South Florida District. Accountability measures will help ensure management corrects ongoing issues so fewer grievances exist.

WHAT THE OIG RECOMMENDED:

We recommended management implement accountability measures from the Central Plains District regarding grievances and grievance payout costs. Link to review the entire report



June 11, 2014

MEMORANDUM FOR: JEFFERY A. TAYLOR

DISTRICT MANAGER, SOUTH FLORIDA DISTRICT

E-Signed by Janet Sorensen ? ERIFY authenticity with eSign Deskto

FROM: Janet M. Sorensen

Deputy Assistant Inspector General

for Revenue and Resources

SUBJECT: Management Advisory Report – Grievance Payout Costs in

the South Florida District

(Report Number HR-MA-14-008)

This report presents the results of our review of the U.S. Postal Service's Grievance Payout Costs in the South Florida District (Project Number 13YG036HR000).

We appreciate the cooperation and courtesies provided by your staff. If you have any questions or need additional information, please contact Monique P. Colter, director, Human Resources and Support, or me at 703-248-2100.

Attachment

cc: Corporate Audit and Response Management

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Introduction

This report presents the results of our self-initiated review of grievance payout costs in the South Florida District (Project Number 13YG036HR000). Our objective was to determine the cause of high grievance payout costs in this district. See Appendix A for additional information about this review.

The U.S. Postal Service has about 490,000 career employees, most of whom are covered by collective bargaining agreements with the four major postal unions. The National Labor Relations Act gives employees and the unions the right to file grievances, which are disputes between the Postal Service and employees or unions over interpretation or application of, or compliance with, union agreements. The grievance-arbitration process provides a mechanism for resolving disagreements between management and employees or unions over wages, hours, and employment conditions. A grievance payout cost is payment to an employee that is part of a grievance settlement.

Postal Service grievance payout costs decreased from \$179 million in fiscal year (FY) 2009 to \$87 million in FY 2012 but increased to almost \$106 million in FY 2013. The South Florida District had the highest grievance payout costs of all 67 districts in FY 2013. Total costs were more than \$7.6 million. Our Human Resources risk model revealed the South Florida District consistently ranked among the 10 districts with the highest grievance costs.

Conclusion

We reviewed 30 randomly selected FY 2013 grievance payout costs² totaling \$22,771 from the South Florida District and found that supervisors violated Postal Service collective bargaining agreement provisions primarily to address overtime and staffing issues. We found 15 of 30 grievance payouts reviewed related to overtime issues, and overtime-related grievances represented 54 percent of all grievances in FY 2013. Specifically, supervisors did not appropriately assign overtime, required employees to work outside their skill sets, moved carriers from their regular routes, performed employees' duties, denied access to union representatives, and took other violative actions to address overtime and staffing issues.

The South Florida District monitors overtime grievances as part of the Delivering Results, Innovation, Value and Efficiency (DRIVE) Initiative 7, Resolve Disputes

¹ The U.S. Postal Service Office of Inspector General's (OIG) Human Resources risk model examines selected human resource indicators for each Postal Service district to detect potential risk areas that could affect employee morale, productivity, efficiency, and cost. It ranks Postal Service districts in order of risk in different areas including grievance payout costs per 100 bargaining unit employees.

² Grievance payout data for sampling was obtained from the Grievance and Arbitration Tracking System (GATS), Grievance Payouts Processed by GATS Detailed Report.

Effectively.³ As part of this initiative, management established a nationwide goal of reducing overtime grievance payout costs by 10 percent for FY 2013. In the South Florida District, overall grievance payout costs increased 95 percent in FY 2013 compared to FY 2012, and grievance payout costs related to overtime issues increased 82 percent. District management stated that this occurred primarily because the district had a backlog of claims that contributed to high grievance payout costs, including a \$900,000 grievance payout from FY 2008.

For FY 2014, management set a goal of reducing all types of grievance payout costs by 10 percent from the FY 2013 level by focusing on problematic grievance issues. In the South Florida District, payout costs for overtime-related grievances decreased 5 percent through Quarter (Q) 2 of FY 2014 compared to the same period last year and overall grievance costs decreased 33 percent for that same period.

The South Florida District could benefit from adopting the accountability measures used in the Central Plains District.⁴ Accountability measures will help ensure management corrects issues so fewer grievances are lodged.

Grievance Nature and Number of Instances

We reviewed 30 randomly selected FY 2013 grievance payouts from the South Florida District and found that supervisors violated Postal Service collective bargaining agreement provisions primarily to address overtime and staffing issues. Table 1 shows the nature of grievances and the associated instances of them for the 30 cases we reviewed.

³ DRIVE is a data-driven management process to improve the Postal Service's business strategy development and execution through 24 active key initiatives. These initiatives focus on cutting costs, generating revenue, improving

customer experience, and engaging employees and other key stakeholders in organizational change.

⁴ We selected the Central Plains District, because it significantly reduced its grievance payout costs from Q3, FY 2012 to Q3, FY 2013.

Table 1: Grievance Nature and Number of Instances

Nature of Grievance	Number of Instances	Payout Cost
Assignment of Overtime	15	\$12,856
Require Employee to Work Outside Skill	4	4,018
Set		
Move Carriers From Regular Routes	2	3,755
Supervisor Performed Employees' Duties	2	1,411
Supervisor Denied Employee Access to	2	310
Union Representative		
Other ⁵	5	421
Total	30	\$22,771

Source: OIG analysis.

<u>Assignment of Overtime</u>

We found that supervisors did not grant overtime to employees who wanted it,⁶ required employees to work overtime when they did not want to,⁷ did not distribute overtime equitably among those who desired it,⁸ or did not assign overtime in accordance with contract provisions. These actions were due to:

Shortage of carriers or clerks. In one instance, a supervisor assigned carriers to overtime over 12 hours daily or 60 hours weekly because carriers were absent due to leave or unscheduled absences. Supervisors stated that hiring city carrier assistants has helped with staffing shortages.

⁵ These include not timely providing information to the union, making no effort to find work for limited duty employees, an employee voluntarily using a private vehicle, denying a union representative work time to process grievances, and denying a temporary employee work time to take test.

⁶ Article 8.5.C.2.a of the 2011-2016 agreement between the Postal Service and the National Association of Letter Carriers (NALC) states that during the quarter, when the need for overtime arises, employees with the necessary skills are selected from the "Overtime Desired" list. The list includes the names of employees who want overtime work.

⁷Article 8.5 G, of the 2011-2016 agreement between the Postal Service and NALC states that full-time employees not on the "Overtime Desired" list may be required to work overtime only if all available employees on the "Overtime Desired" list have worked up to 12 hours in a day or 60 hours in a service week.

⁸ Article 8.5 C.2.b of the 2011-2016 agreement between the Postal Service and NALC states that during the quarter every effort will be made to distribute equitably the opportunities for overtime among those on the "Overtime Desired" list.

- Lack of oversight. In one instance, a supervisor was not aware of an employee's preference to work no more than 10 hours. Therefore, the supervisor assigned more than 10 hours to that employee instead of selecting an employee who requested more than 10 hours. In three instances, supervisors did not track overtime assigned to carriers to ensure it was equitably distributed. In response, management at these locations either trained supervisors or tracked overtime weekly, including reviewing the tracking list with the union representative. The district office also provided instructions for tracking overtime.
- Lack of awareness/training. In one instance, a supervisor continually bypassed a carrier technician who was on the overtime list and instead assigned overtime to regular carriers. The manager, Customer Services, stated she believes that current contract training does not address the specific issue of assigning overtime to carrier technicians and regular carriers, and each city handles the situation differently. Subsequent to that grievance payout cost, supervisors at that facility began highlighting carrier technicians on the route schedule as a reminder to select carrier technicians for overtime assignments.
- Avoid overtime. In one instance, a supervisor assigned overtime to an employee who did not request it because another employee who was on the "Overtime Desired" list was already working on his day off. The manager stated that the supervisor, who moved to another facility, might not have wanted to assign additional overtime. In a second instance, a supervisor did not assign overtime to a carrier because the supervisor did not want the carrier to work 10 hours. Since these incidents occurred, the location implemented a plan to use city carrier assistants for additional and unexpected work.

⁹ The *USPS-NALC Joint Contract Administration Manual,* dated April 2009, states that, normally, employees on the "Overtime Desired" list who do not want to work more than 10 hours a day shall not be required to do so as long as employees who do want to work more than 10 hours a day are available to do the needed work without exceeding the 12-hour [a day] and 60-hour [a week] limitation.

¹⁰ The 2011-2016 agreement between the Postal Service and NALC, Memorandum of Understanding, Work Assignment Overtime, states that T6 (carrier technicians) or utility carriers would be considered available for overtime on any of their assigned routes.

Require Employees to Work Outside Skill Set

Supervisors required employees to work outside their skill sets due to a shortage of clerks. ¹¹ In one instance during the Christmas holiday, several clerks were off duty, so temporary employees scanned parcels. In another instance, the supervisor stated it was necessary for carriers to perform clerk duties because three clerks were on sick leave. A Postal Service review of time and attendance records showed that clerks were available for work. As a result, the clerks available for work received a grievance payment. In a third instance, a previous supervisor had employees work outside their skill sets. The labor relations specialist who settled the grievance stated that there may have been staffing shortages and the supervisor did what was necessary to move the mail and keep operations running. The current supervisor stated that she discontinued the practice of having employees work outside their skill sets, including having other employees perform clerk duties.

Move Carriers From Regular Routes

We found two instances in which supervisors moved carriers from their regular routes. In one instance, a supervisor moved the most productive carriers off their routes to avoid overtime and maintain efficient operations. In a second instance, the supervisor moved carriers off their scheduled routes to meet operational needs and to get carriers back to the station by 6:30 p.m. He also stated that four carriers were absent due to illness and injury, which contributed to his decision.

Supervisor Performed Employees' Duties

We found two instances in which supervisors performed work normally done by union employees. ¹³ In one instance, an acting supervisor performed carrier duties. ¹⁴ The supervisor's manager stated that the supervisor should not have performed those duties and, in the future, the supervisor will assign overtime instead of doing a carrier's work. In another instance, a supervisor had only one employee working. Rather than remove

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¹⁴ Although the supervisor performed an employee's duties, the grievance was classified as an overtime grievance.

¹¹ Article 7.2.A of the 2011-2016 agreement between the Postal Service and NALC, and the 2010-2015 agreement between the Postal Service and the American Postal Workers Union both state that, normally, work in different crafts, occupational groups, or levels will not be combined into one job. However, to provide maximum full-time employment and necessary flexibility, management may establish full-time schedule assignments by including work within different crafts or occupational groups after the following sequential actions have been taken: all available work within each separate craft by tour has been combined, and work of different crafts in the same wage level by tour has been combined. The appropriate representatives of the affected unions will be informed in advance of the reasons for establishing the combination full-time assignments within different crafts in accordance with this article.

¹² Article 41.2.A.3 of the 2011-2016 agreement between the Postal Service and NALC states that "no employee solely because of this article will be displaced from an assignment the employee gained in accordance with former rules."

¹³ Article 1.6 of the agreement between the Postal Service and the National Postal Mail Handlers Association and the 2011-2016 agreement between the Postal Service and NALC state that supervisors are prohibited from performing bargaining unit work at post offices with 100 or more bargaining unit employees, except 1) in an emergency, 2) for the purpose of training or instruction of employees, 3) to assure the proper operation of equipment, 4) to protect the safety of employees, or 5) to protect the property of the Postal Service.

the employee from his work to assign him to another task, the supervisor performed the second task.

<u>Supervisor Denied Employee Access to Union Representative</u>

We found two instances at the same facility in which supervisors did not grant employees access to union representatives within 72 hours of the request as required by the local memorandum. 15 The supervisor, Customer Services, stated that management at the facility had a contentious relationship with union representatives. Headquarters personnel visited the facility to address issues between the NALC and local management. The supervisor stated that the issue no longer exists at the facility.

We could not always establish reasons for actions that led to grievances; however, of the reasons we identified, most were to avoid overtime or address staffing shortages. Overtime-related grievances represented 54 percent of all grievances in FY 2013.

Monitoring Actions

In response to the FY 2013 DRIVE Initiative 7 and increased district overtime grievance payout costs, South Florida District officials initiated the following monitoring actions:

- Facility managers submit a weekly overtime grievance-tracking log to their plant managers or postmasters, who review it, identify problems and trends, and follow up with individual locations.
- The district labor relations office gives the district a report comparing the previous year's monthly overtime grievance payout costs to those of the current year by mail processing facility and manager of Post Office Operations. 16
- Each month district labor relations officials report to area labor relations officials the five facilities with the highest grievance payout costs or number of grievances. For the major grievances, they identify the grievance cause, implement corrective action, and then monitor the facility. Currently, the South Florida District primarily reports overtime issues because overtime grievances were 72 percent of all grievance costs in the Q1, FY 2014.
- District labor relations staff performs unannounced audits¹⁷ of overtime equitability tracking and supporting documentation for overtime grievance payouts.
- District officials conduct quarterly meetings with the unions to discuss grievance issues.

¹⁵ A local memorandum of understanding between the South Florida District and the NALC.
¹⁶ A manager at the district who has oversight of many Post Office facilities.

¹⁷ The district audited six locations in January 2014.

- Managers at the Miami Post Office created a method to track the time it takes to process a grievance through settlement. Management plans to implement the method district-wide.
- The district manager follows up individually with managers and postmasters on grievance issues.

Other ongoing monitoring that may have a grievance component includes daily teleconferences with the district manager, other labor relations meetings, and meetings between the district and area offices.

According to a union official, the district manager was responsive at the quarterly meetings, but information and directives may not always be communicated to individual offices because the same violations continue to occur. Also, some managers instruct union officials to file grievances on various issues so it does not appear managers are held accountable for grievance numbers or costs. Finally, while labor relations officials are helpful in resolving grievances, field managers and supervisors do not always respect that position.

Best Practices

The Central Plains District significantly reduced its grievance payout costs from \$270,430 in Q3, FY 2012 to \$110,621 in Q3, FY 2013. In the last 3 years, to reduce grievance payout costs, the district implemented consistent and direct oversight of grievances and payout costs because supervisors violating the union contract accounted for 80 percent of those costs. The district manager informed managers of their contribution toward the district's total grievance payout costs and reviewed grievances at manager meetings. He also held managers accountable for grievances unless extraordinary circumstances existed. South Florida District officials implemented monitoring actions. However, accountability measures, like those implemented in the Central Plains District, could also help reduce grievance payout costs in the South Florida District.

Recommendations

We recommend the manager, South Florida District:

- 1. Continue to perform monitoring activities related to the Delivering Results, Innovation, Value, and Efficiency Initiative 7, Resolve Disputes Effectively.
- 2. Implement accountability measures from the Central Plains District regarding grievances and grievance payout costs.

Management's Comments

Management agreed with the findings and recommendations in the report.

Regarding recommendation 1, the South Florida District plans to continue monitoring activities related to DRIVE Initiative 7 and resolve disputes effectively.

Regarding recommendation 2, management stated the report did not specify the type of accountability measures the Central Plains District used or when and how it applied those measures. Consequently, they have contacted the district to request a copy of their accountability standard operating procedures. Management will share this information and discuss implementation with the South Florida leadership team when they receive it.

Management further stated they completed training on proper procedures for overtime assignments as of March 13, 2014, and will continue internal weekly overtime grievance tracking that allows for real-time snapshots of any grievance payments related to Article 8. In addition, the district will provide training the week of June 23, 2014, on a program designed to have all timekeeping programs integrated with the Article 8 tracking sheet. Finally, the district will continue monthly reporting on the five facilities with the highest grievance pay out costs directly related to overtime violations. District management stated that these efforts have resulted in positive overtime grievance payout reduction trends and they will implement the recommendations by July 31, 2014. See Appendix B for management's comments, in their entirety.

Evaluation of Management's Comments

The OIG considers management's comments responsive to the recommendations in the report and planned corrective actions should resolve the issues identified in the report.

The OIG considers recommendation 2 significant, and therefore requires OIG concurrence before closure. Consequently, the OIG requests written confirmation when corrective actions are implemented. This recommendation should not be closed in the Postal Service's follow-up tracking system until the OIG provides written confirmation that the recommendation can be closed.

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¹⁸ Article 8 is a section of the 2011-2016 agreement between the Postal Service and the NALC.

Appendix A: Additional Information

Background

The Postal Service has about 490,000 career employees, most of whom are covered by collective bargaining agreements with the four major postal unions. The National Labor Relations Act provides employees and the unions with the right to file grievances, which are disputes between the Postal Service and employees or unions over interpretation or application of, or compliance with, the provisions of the respective negotiated contracts.

The grievance-arbitration process, established through collective bargaining, provides a mechanism for resolving disagreements between management and employees or unions over wages, hours, and employment conditions. A grievance settled with a monetary amount is a grievance payout cost.

Nationwide, Postal Service grievance payout costs decreased from \$179 million in FY 2009 to \$87 million in FY 2012 but increased to about \$106 million in FY 2013. The South Florida District had the nation's highest district grievance payout costs of more than \$7.6 million in FY 2013. As part of the Postal Service's DRIVE Initiative 7, management established a goal of reducing overtime grievance payout costs by 10 percent. For FY 2014, management began tracking total grievance payout costs monthly with a goal of reducing grievance payout costs by 10 percent from FY 2013. To accomplish this, districts identify the five facilities with the highest grievance payout costs or number of grievances. They identify the causes, implement corrective action, and then monitor the facilities until the actions that led to the grievances are resolved for each facility.

Objective, Scope, and Methodology

Our objective was to determine the cause of high grievance payout costs in the South Florida District. The scope included grievance payouts processed through the GATS¹⁹ for FY 2013.

To accomplish our objective, we:

Selected the South Florida District for review because it had the nation's highest grievance payout costs of \$7.6 million for FY 2013, and the OIG Human Resources risk model²⁰ consistently ranked²¹ it among the 10 districts with the highest grievance payout costs per 100 bargaining unit employees.

¹⁹ GATS is a web-based tool used to monitor and track grievances and pending arbitration.

²⁰ The OIG Human Resources risk model examines selected human resource indicators for each Postal Service district to detect potential risk that may affect employee morale, productivity, efficiency, and cost. Grievances costs are one of the risk categories in the model. ²¹ The rankings were from Q3, FY 2012 until Q3, FY 2013.

- Randomly selected 30 of the 6,016 grievance payouts processed through GATS in FY 2013.
- Reviewed grievance documentation and contacted supervisors and other officials to determine the cause of the grievances reviewed.
- Interviewed district officials and postmasters to understand their grievance monitoring efforts.
- Determined why the Central Plains District succeeded in monitoring and controlling grievance payout costs and documented best practices.

We conducted this review from September 2013 through May 2014, in accordance with the Council of the Inspectors General on Integrity and Efficiency, *Quality Standards for Inspection and Evaluation*. We discussed our observations and conclusions with management on April 29, 2014, and included their comments where appropriate.

We assessed the reliability of sampled grievance data from the GATS system by comparing sampled data with grievance file information. We determined that the data were sufficiently reliable for the purposes of this report.

Prior Audit Coverage

The OIG issued *Grievances Settlements and Payments Follow Up* (Report Number HR-AR-13-008 dated September 27, 2013). Our report disclosed that management strengthened internal controls and documentation supporting grievance settlements and payments has significantly improved. However, case files we reviewed did not always contain documentation and support did not always exist for settlements and payments that resulted in \$3.4 million in unsupported questioned costs. We recommended management issue a reminder in writing re-emphasizing the importance of adhering to the existing internal control guidelines for grievances. Management agreed to reissue its GATS Internal Controls memorandum. Management disagreed with the unsupported questioned costs stating that missing settlement documentation in a case file does not correlate to unsupported and questionable costs.

Appendix B: Management's Comments



May 30, 2014

TO: JUDITH LEONHARDT

DIRECTOR, AUDIT OPERATIONS

SUBJECT: Grievance Payout Costs in the South Florida District - Report

Number HR-MA-14-DRAFT

After a complete review of the Draft Management Advisory Report regarding Grievance Payout Costs provided by the Office of Inspector General (OIG), the District hereby provides notice that we agree with the findings contained in the report.

Recommendation:

Implement accountability measures from the Central Plains district regarding grievances and grievance payout costs.

Management Response/Action Plan:

- We unconditionally agree with recommendation number 1 to continue to perform our ongoing monitoring activities related to the Delivering Results, Innovation, Value, and Efficiency Initiative 7, and Resolve Disputes Effectively.
- 2. The South Florida District conditionally agrees with the recommendation number 2 provided in the audit report. Because the audit report provided no specificity regarding the type of accountability measures utilized by the Central Plains District or when and how those measures were applied, I contacted Central Plains and requested a copy of their accountability SOP. Once that information is received, it will be shared with the South Florida leadership team to discuss and plan the implementation.

Additionally, in an effort to ensure that EAS employees were familiar with the proper procedures regarding overtime assignments, the District provided training specifically dedicated to the administration of overtime. This training was provided on November 19 through November 21, 2013 to all supervisors and managers in the Miami Installation; and on March 11 through March 13, 2014 to all supervisors and managers in the Ft Lauderdale, Hollywood and Pompano installations.

We also plan to continue our internal weekly overtime grievance-tracking process that allows for a "real time" snapshot of any grievance payments related to article 8. This

process identifies potential problems and trends that give facility managers and support personnel the opportunity for immediate follow-up to resolve potential article 8 issues.

The District will be rolling out a Headquarters program called OTADMIN. The training for this program is scheduled for the week of June 23rd. The program is designed to have all timekeeping programs integrated with the Article 8 tracking sheet. It pulls in leave and inputs it in the spreadsheet, along with keeping running totals, and actually will tell you what employee should be utilized next for overtime, based on those totals.

Our monthly reporting of the five (5) facilities with the highest grievance pay out cost directly related to overtime violations will continue. This report is accompanied with the root causes of the contract violations that contributed to the payouts as well as, an abatement plan.

These efforts have already resulted in positive overtime grievance payout reduction trends. Specifically, the reduced monthly amount of grievance payouts for FY 2013 vs. FY 2014 to date are as follows;

	December	January	February	March	April	May
FY13	\$149,315	\$141,878	\$219,225	\$339,155	\$162,883	\$332,142
FY14	\$138,765	\$68,766	\$203,241	\$156,145	\$128,511	\$188,366
%+/-	-7%	-52%	-7%	-54%	-21%	-43%

Target Implementation Date:

We anticipate implementing recommended corrective action by July 31, 2014.

Responsible Official:

Jann Miller, Manager, Human Resources

This report and management's response do not contain information that may be exempt from disclosure under the FOIA.

Jann M. Miller

Manager Human Resources

South Florida District