

September 27, 1999

GEORGE L. LOPEZ
ACTING VICE PRESIDENT, SOUTHWEST AREA
OPERATIONS

SUBJECT: Allegation of a Threat to Physically Assault an
Employee at a Southwest Area Post Office
(Report Number LM-LA-99-001)

This is our advisory report on an allegation that a Postmaster threatened to physically assault an employee at the Granbury, Texas Post Office in the Southwest Area. The report also discusses our review of the Fort Worth District management's compliance with United States Postal Service (USPS) policies and procedures for investigating and resolving the allegation.

Texas Senator Kay Bailey Hutchison requested the review (Project Number 99EF073LM000). We were asked to review several issues, including an allegation that the Granbury, Texas Postmaster threatened to physically harm an employee while on duty at a USPS facility.

Results in Brief

We found no evidence that the Postmaster threatened the employee. According to USPS and Inspection Service records, the employee was not truthful about this allegation when the employee reported it to the Inspection Service in May 1996. As a result, the USPS charged the employee with unacceptable conduct involving making a false report to Postal Inspectors, and removed him in September 1996.

The union filed a grievance on behalf of the employee, and the employee filed an Equal Employment Opportunity claim. An arbitrator denied the grievance because it was not filed timely, and the Equal Employment Opportunity claim was decided largely in the USPS favor.

Fort Worth District management followed the USPS published zero tolerance policy regarding violence and inappropriate behavior in the workplace. The employee

reported the incident to the Inspection Service, and an investigative report was provided to the Acting Manager for the Fort Worth District. The Acting Manager then took the appropriate action to resolve the issue.

We discussed the contents of this report with management, and they elected not to provide written comments.

**Objectives, Scope,
and Methodology**

In a letter dated March 27, 1998, Texas Senator Kay Bailey Hutchison requested that we conduct an inquiry into allegations made by a former employee that management had violated Office of Workers' Compensation Programs policies and procedures and Employee Assistance Program procedures with respect to him. The former employee also said that he had been threatened with physical harm by the Granbury, Texas Postmaster.

The Office of Inspector General (OIG) normally does not review individual labor-management disputes, particularly when other formal avenues of resolution exist, including 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 whether: (1) the Postmaster threatened to physically assault the employee, and (2) Fort Worth District management responded to the incident in accordance with established policies and procedures.

We interviewed the Fort Worth District Employee and Workplace Intervention Analyst and the Fort Worth District Senior Labor-Relations Specialist.

We reviewed various documents provided by Senator Hutchison, the District's Employee and Workplace Intervention Analyst, and Senior Labor Relations Specialist. We also obtained documents from the District's Equal Employment Opportunity Office and the Fort Worth District Inspection Service case file on the employee. The documents provided to us included the Inspection Service's investigative report on the alleged verbal threat against the employee.

We also reviewed the USPS Joint Statement on Violence and Behavior in the Workplace and the Threat Assessment Team Guide, Publication 108.

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

Observations

We determined that the Postmaster did not threaten the employee and that the USPS followed its zero tolerance policy regarding violence and inappropriate behavior in the workplace.

Allegation that Postmaster Threatened to do "Bodily Harm"

In a May 1996 letter to the Inspection Service, the employee alleged that the Postmaster threatened him with "bodily harm" when the Postmaster found the employee copying a customer's mail on the office copier.¹

An Inspection Service report states that the Postmaster denied threatening the employee. The Postmaster agreed to submit to a polygraph examination to prove his innocence. The report states that "no deception [concerning the Postmaster's answers] was noted" by the polygraph.

The Inspection Service's report also states that various employees and USPS customers who were interviewed during the course of the investigation provided information that indicated the employee was vindictive and retaliatory in nature. Based on this information, and the Postmaster's polygraph results, the Inspection Service concluded that the employee had not been truthful when he claimed the Postmaster had threatened him. The report further concluded that the employee had gone to "extreme measures" to retaliate against the Postmaster.

As a result of the Inspection Service investigation, the USPS charged the employee with unacceptable conduct involving making a false report to Postal Inspectors, and removed him from employment in September 1996.

The National Rural Letter Carriers' Association filed a grievance on behalf of the employee, stating that the employee did not give false statements to the Postal

¹ The employee's letter, which was sent to Senator Hutchison and later provided to us, made no mention that the verbal exchange between the employee and the Postmaster occurred when the Postmaster found the employee using the office copier.

Inspectors and that he should be returned to duty with full back pay and benefits. The grievance was arbitrated and dismissed because it was not filed in a timely manner.

The employee filed an Equal Employment Opportunity claim against the USPS stating that he had been discriminated against due to his medical disability and that he had been retaliated against when the Postmaster threatened him with bodily harm. The Administrative Judge ruled that the employee was not a qualified individual with a disability, and further ruled there was no retaliation against the employee because the Postmaster had not threatened him.²

**USPS Response to
Alleged Physical
Threat**

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 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 employee reported the incident directly to the Inspection Service³ in a letter received May 13, 1996—almost 9 months after the incident occurred. The Inspection Service began its investigation about 23 days after receipt of the letter, and provided a written report to the Acting Manager of the Fort Worth District about 39 days later.

Based on the information contained in the Inspection Service report, District management removed the employee for providing false information in an attempt to harm the career of the Postmaster.

² The Administrative Judge held that USPS refusal to allow the employee administrative leave to confer with an Equal Employment Opportunity representative was discriminatory.

³ An Inspector from the Inspection Service is a Situational Advisor to the Threat Assessment Team. His other responsibilities include conducting a formal investigation, preparing an investigative memorandum and submitting it to Postal management.

**Management's
Comments**

We discussed the contents of this report with management, and they elected not to provide written comments.

We plan no further work on this allegation.

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
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for Employee

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Report Synopsis

GENERAL INFORMATION

REPORT NUMBER: LM-LA-001 REPORT DATE: _____

REPORT TITLE: Allegation of a Threat to Physical Assault an Employee at the
Granbury, Texas Post Office

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: 0

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 Threat to Physical Assault an Employee at the Granbury, Texas Post Office, LM-LA-99-001, Date Issued

This allegation was received in correspondence provided to us by Texas Senator Kay Bailey Hutchison.

We determined that the Postmaster did not threaten the employee. According to USPS and Inspection Service records, the employee was not truthful about this allegation when the employee reported it to the Inspection Service in May 1996. As a result, the USPS charged the employee with unacceptable conduct involving making a false report to Postal Inspectors, and removed him in September 1996.

The union filed a grievance on behalf of the employee, and the employee filed an Equal Employment Opportunity claim. An arbitrator denied the grievance because it was not timely filed, and the Equal Employment Opportunity claim was decided largely in the USPS favor.

Fort Worth District management followed the USPS published zero tolerance policy regarding violence and inappropriate behavior in the workplace. The employee reported the incident to the Inspection Service, and an investigative report was provided to the Acting Manager for the Fort Worth District. The Acting Manager then took the appropriate action to resolve the issue.

This report contains no suggestions and requires no response from management. (Project Number 99-EF-073-LM-000).