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Postal Service Discipline

Statement of
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House of Representatives



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POSTAL SERVICE DISCIPLINE
Summary of Statement By
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GAO reviewed Postal Service discipline policies and procedures at the request of the Subcommittee on Postal Personnel and Modernization.

The Service relies on the discretion of supervisors in deciding whether or not to formally discipline employees and in selecting appropriate disciplinary penalties. The Service believes, and GAO agrees, that supervisors need to have flexibility in selecting a penalty to take into account the circumstances in individual cases. However, the rules followed in making decisions to discipline employees and in selecting a penalty should be uniform. GAO found that Service guidance to supervisors is not sufficient to assure such uniformity.

GAO found that Service guidance does not say, and supervisors disagree on, when discussions should be held in lieu of discipline. Because of such disagreements, some employees may receive more opportunities to correct their behavior before being disciplined than others.

Service nationwide data on disciplinary actions show that penalties vary widely within and across divisions in cases involving the same infraction category and the same number of prior infractions. GAO could not determine from the data how much variation was justified by the circumstances in individual cases or how much was caused by supervisors following different procedures in assessing penalties. However, GAO found that supervisors have not been provided with clear guidance on how they should consider prior infractions in selecting a penalty for a current infraction. Additionally, there are no specific instructions requiring concurring officials who review proposed suspensions and removals to examine penalties for consistency.

In responding to GAO's recommendations for enhancing the consistency and predictability in the enforcement of the Service's work rules, the Postal Service said it is testing modified procedures for predisciplinary discussions, will remind supervisors how to consider prior infractions, and will require concurring officials to review proposed penalties for consistency.

Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss the results of our review, requested by this Subcommittee, of how the Postal Service disciplines its employees. We understand that you are releasing today our report (GAO/GGD-89-79; May 19, 1989) on Service discipline policies and procedures. We did our work at Postal Service headquarters and in the Van Nuys, Cleveland, and Dallas Divisions. These divisions represent three of the five Service regions. We also evaluated the consistency of disciplinary actions by analyzing data compiled by the Service's Discipline Tracking System for the period December 1985 through March 1988.

BACKGROUND

The Postal Service is the Nation's largest civilian employer, with a workforce of about 780,000 career employees as of October 1988. The majority of jobs are craft positions, such as carriers, clerks, and mail handlers. As in any large organization, the Service encounters disciplinary problems with its employees, and when this occurs, supervisors have the authority to discipline employees to correct the undesirable behavior.

The Service has defined 26 categories of unacceptable behavior ranging from specific infractions, such as tardiness and

misdelivery of mail to more general categories, such as failure to follow instructions and failure to properly perform duties.

The Service employs the traditional approach to discipline, which is based on the theory that standards of conduct and productivity can be achieved and maintained, in part, through a system of ever-increasing degrees of punishment. For fiscal year 1987, the Service issued approximately 69,000 disciplinary actions--about 60 percent of the actions were letters of warning, 30 percent were suspensions, and 10 percent were removals.

Because of indications that some postal employees may be penalized differently for similar infractions and in similar circumstances, the Subcommittee asked us to determine whether Postal Service disciplinary policies and procedures provide a Service-wide program of discipline with uniform disciplinary actions for similar infractions. Let me turn now to the results of our review.

DISCIPLINE GUIDANCE NEEDS

TO BE MORE DEFINITIVE

The Service's discipline system allows supervisors the flexibility they need to judge the relevant facts surrounding each incident and assess penalties based on these judgments. Although the generally accepted principle is that enforcement of

rules and assessment of discipline must be exercised in a consistent manner, it is unrealistic to expect that all employees engaged in similar types of misconduct will be penalized identically, because different disciplinary actions may be justified by the circumstances in individual cases. However, the procedures followed in using predisciplinary discussions and in selecting penalties should be clear and consistently followed.

We found that procedural requirements for taking disciplinary actions are not sufficiently definitive to promote consistency in allowing employees to correct their behavior before being disciplined and in using an employee's prior discipline record in selecting the penalty for current behavior. As a result, employees charged with the same infraction with the same number of prior infractions may or may not be disciplined or be disciplined differently.

Predisciplinary Discussions

For minor offenses, supervisors are to try to correct undesirable behavior through discussion with an employee, thereby providing the employee an opportunity to correct undesirable behavior and avoid discipline. Service guidance does not say, and supervisors disagree on, which infractions are considered minor or whether discussions should precede disciplinary action for subsequent, but different infractions. For example, one supervisor

considered AWOL to be minor enough to warrant a discussion. Another supervisor considered AWOL to be major enough to warrant formal discipline. Because discussions are handled differently, some employees may receive more opportunities than others to correct their behavior before being disciplined.

Selecting a Penalty

In selecting a penalty, supervisors are supposed to tailor disciplinary action to the particular circumstances and consider (1) the nature and seriousness of the offense, (2) the past record of the employee, (3) the circumstances surrounding the particular incident, and (4) the amount of discipline normally issued for similar offenses under similar circumstances in the same installation.

Personnel literature acknowledges that absolute consistency in the handling of rule violations is impossible. The generally accepted principle is that enforcement of rules and assessment of discipline must be exercised in a consistent manner.

Our analysis of the consistency of disciplinary actions from December 1985 through March 1988, showed that employees who committed the same infraction and who had the same number of prior infractions were frequently penalized differently. Service national data on penalty distributions for absenteeism and unsafe

act infraction categories, with one prior infraction of any kind, showed widespread variations in penalties, both within and among divisions.

For example, we found no predominant penalty in Los Angeles for the absenteeism and unsafe act categories, with one prior infraction of any kind. Letters of warning were issued about 45 to 46 percent of the time and either suspensions or removals about 46 to 47 percent of the time. This indicates that penalties varied within the division. These variances are evident within divisions in all of the regions for both infraction categories.

In each of the five Service regions, we found that the distribution of penalties also varied, in some instances widely, among divisions for the infraction categories we looked at. The variations in penalty distributions among divisions indicate a distinct difference in disciplinary practices. Some tend to follow strict progressive discipline, while others do not. For example, in the Central Region, for absenteeism with one prior infraction of any kind, the North Suburban, IL, Division issued letters of warning in about 59 percent of its cases and gave 7-day suspensions for about 39 percent of its cases. In contrast, in the Chicago Division, about 3 percent received letters of warning, and about 79 percent received 7-day suspensions. Similar cases can be found in other regions. The data also show

that divisions that are tough on absenteeism offenders also tend to be tough on unsafe act offenders.

Why do penalties vary?

Although we recognize that a reasonable basis (circumstances surrounding individual cases, such as severity of the misconduct and the employee's work and discipline record) could account for variations in assessed penalties within a division, we believe that the varied practices followed by supervisors could also result in different penalties for employees who engage in the same categories of misconduct. We could not determine from the data how much variation was justified by the circumstances in individual cases or how much was caused by supervisors following different procedures in assessing penalties.

We found that supervisors have not been provided with clear guidance on how they should consider a number of factors inherent to deciding on the selection of penalties, including (1) how to consider prior discipline, including whether to consider only similar past infractions or any past infractions; (2) how recent the past infractions should be in order to consider them; and (3) how to consider past infractions that have been protested through the grievance process and either reduced or not yet decided.

Our examination of 145 discipline cases that represented a broad

Cross-section of penalties by infraction and number of priors in three divisions illustrates the different handling of priors by supervisors. In the 119 cases we examined where priors were involved, 59 percent of the supervisors considered all prior disciplinary actions regardless of the infractions involved. Of the 119 cases, 80 involved priors that were still in the process of being grieved and 82 percent of the supervisors did not consider those unresolved prior infractions. In the 22 cases we examined involving grieved priors that were settled, 55 percent of the supervisors considered the original penalty and 45 percent considered the revised penalty.

In addition, Labor Relations officials at divisions we visited had different views regarding the consideration given to prior discipline in selecting a penalty.

Concurring officials review
proposed suspensions and removals

When discipline involves a suspension or removal, an installation head or other designated concurring official must review and approve the proposed action. The concurring officials we interviewed believe the reviews are primarily to insure that the actions are adequately documented. Service guidance does not require a review for consistency. Because these reviewers are involved in many cases, they have a basis for knowing what

penalties are normally assessed for various infractions and circumstances. If concurring officials were to review proposed suspensions and removals for consistency as well as for documentation, the reviews could serve as a control to minimize unwarranted disparities.

Recommendations

We recommended that the Postal Service provide better guidance to supervisors using predisciplinary discussions by (1) defining major and minor offenses to clarify when predisciplinary discussions should be given in lieu of discipline and (2) clarifying whether predisciplinary discussions should precede disciplinary action for subsequent, but different, infractions committed by the same employee.

We also recommended that the Service develop uniform rules for considering prior infractions, including guidance on whether to consider only like infractions or all past infractions, what time frame of past infractions should be considered, and whether to consider grieved past infractions that were reduced or are pending.

Finally, we recommended that the Service issue guidance to require concurring officials to expand their reviews of proposed suspensions and removals to include the consistency of the

penalties.

The Service has taken actions which we believe will fulfill the intent of our recommendations. Under modified discipline procedures being tested at various postal facilities, and consistent with our recommendations, guidelines have been established to clarify the use of predisciplinary discussions in lieu of discipline. The modified procedures require two predisciplinary discussions before taking disciplinary action for offenses not warranting immediate removal or placement on indefinite suspension or suspension for the first offense. These required discussions are to be initiated for subsequent, but different, infractions. We believe these modified procedures, if successfully implemented nationwide, will provide the needed guidance for distinguishing between major and minor offenses and dealing with subsequent infractions committed by the same employee.

In response to our recommendation to develop uniform rules for considering prior infractions, the Service said supervisors will be reminded that, in selecting a penalty, they should consider (1) all past infractions, whatever the nature of the offense, if less than 2 years have gone by since the last disciplinary action; (2) grieved actions that are pending; and (3) the lesser penalty if the prior discipline has been reduced on appeal.

In response to our recommendation to expand reviews by concurring officials, the Service said guidance will be provided requiring concurring officials to ensure the appropriateness of discipline in a given case and its consistency with penalties issued in comparable circumstances.

This concludes my statement, Mr. Chairman. My colleagues and I will be pleased to answer any questions you may have.